



# **CHILD DOMESTIC LABOUR IN PAKISTAN: OVERVIEW, ISSUES AND TESTABLE HYPOTHESIS**

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## **Abstract**

There is a dearth of in-depth empirical and qualitative research about the children in domestic work in Pakistan. The children in domestic work are not recognized as 'child labour' by society and by a number of governments, but rather as a normal feature of society. The objective of this paper is to present various dimensions of this neglected segment within the child labour phenomena. The purpose is not only to highlight the similarities and differences in dimensions such as labour market characteristics and its arrangements, working conditions, violence, exploitation from the all inclusive and parent "child labour" category, but also to spell out testable hypothesis that can be the basis for future data collection and empirical analysis on the subject. Our premise is that the labour arrangements of child domestic worker in Pakistan are segmented along non-resident and resident. Thus working conditions, violence, exploitation and dynamics of demand and supply vary with this widely observed segmentation. Although legislations and action plans on child labour in Pakistan, do not include any clause specifically on child domestic labour but the reality is that the vast majority of children in domestic labour would find a place in one or more of these categories, either because of the nature of the work they are required to perform, the treatment they receive or the means by which they entered into the situation in which they find themselves. Paper also suggests some policy measures to reduce the incidence of child domestic labour and for their rehabilitation.

# CHILD DOMESTIC LABOUR IN PAKISTAN: OVERVIEW, ISSUES AND TESTABLE HYPOTHESIS

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## 1. Introduction

There is a dearth of in-depth empirical and qualitative research about the children in domestic work in Pakistan. Following are some of the reasons for the skeleton research: - First, almost every child domestic worker is employed in an individual and/or dependent capacity in different households. As a group, child domestic labourers are invisible and difficult to reach and to count. Academically, they are also implicitly subsumed in many child labour studies. Secondly, job arrangements are informal and are made between the child's parents, or an intermediary, and the employer. Thirdly, most of these jobs are neither registered nor do they form part of any system of official job registers, leading to underestimation in labour force statistics. Fourthly, the variation of domestic work adds to the information gap. Conditions of work and rates of payment vary not only from city to city but even within a city and even the same neighbourhood. Fifthly, the children in domestic work are not recognized as 'child labour' by society and by a number of governments, but rather as a normal feature of society<sup>1</sup>. Thus, motivation to investigate into their situation is likely to be limited and, at times, there is reluctance even among child activists to take special notice of child domestic labourers<sup>2</sup>.

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<sup>1</sup> There is no universally accepted definition of "child labour". United Nations and the International Labour Organization define "child" as anyone below the age of 18, and "child labour" as some types of work performed by children below age 18 (countries do not always use 18 as the benchmark for defining a "child"). On the other hand, ILO conventions variously define the appropriate minimum age of work as age 15 or under 14 in developing nations. In Convention 182, the definition of the "worst" forms of work applies to all children under age 18 whereas Minimum Age Convention 138 sets a basic minimum age for employment of 15 years while allowing light work at 13 and prohibiting hazardous work until 18

<sup>2</sup> Over the last 10-15 years several NGOs, academic research organizations and social workers in Asia have begun to enquire into and to work with child domestic labourers. In some cases, the interest is aroused by cases of abuse of child domestic labourers.

The objective of this paper is to present various dimensions of this neglected segment within the child labour phenomena. The purpose is not only to highlight the similarities and differences in dimensions such as labour market characteristics and its arrangements, working conditions, violence, exploitation from the all inclusive and parent “child labour” category, but also to spell out testable hypothesis that can be the basis for future data collection and empirical analysis on the subject. The next section will size the child domestic worker in the country from various data sources and also provide a cross-country comparative view. Our premise is that the labour arrangements of child domestic worker in Pakistan are segmented along what we term as non-resident and resident<sup>3</sup>. We define non-resident domestic worker who does not reside in the house of the employer on a full time 24-hour basis. His/her hours of work theoretically may vary from half an hour to 8-12 hours a day. Thus working conditions, violence, exploitation and dynamics of demand and supply vary with this widely observed segmentation. The discussion in section three and four will underpin the non-resident versus resident status of the child domestic labour. Section five will document and discuss the effectiveness of legal and policy framework to reduce the demand and supply of child labour. The last section summarizes the paper and emphasizes policy actions to meet the pre-requisites for further research.

## 2. Size and Characteristics of the Child Domestic Worker

According to an ILO (2004a) report, more than 2 million children are found in domestic labour in South Africa, 559,000 in Brazil, 250,000 in Haiti, 200,000 in Kenya, 264,000 in Pakistan, 100,000 in Sri Lanka, 300,000 in Bangladesh, 62,000 under the age of 14 in Nepal, and 20% of all children under the age of 14 in India.<sup>4</sup>

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<sup>3</sup> The study will concentrate on children who work for remuneration and/or non-pecuniary benefits outside their own homes and not those who by working in their own homes facilitate the entry of adult members into the labor market.

<sup>4</sup> The number for Pakistan is also corroborated by the UNICEF. The numbers for Bangladesh, Nepal, Sri Lanka are taken from UNICEF (1999).

According to a study conducted by NCCWD (2003a) in 6 major cities in Pakistan<sup>5</sup>, eight percent of total working children are engaged as domestic servants. Thus this number is consistent with the ILO and UNICEF studies as FBS (1996) study estimated 3 million child workers in Pakistan. Survey findings shows that fifty percent of the child domestic labourers can read and write. To a question whether they want to continue the profession, only 11% of male and 28% of female agreed to do so and rest have higher aspirations. Most of the children stated that poverty is the main reason for their entrance in domestic work. About ninety-three percent stated poverty as reason for work (boys 90%, girls 96%). Sixty-five percent get salaries ranging from Rs. 500 to Rs. 1500 per month. According to the survey, in fifty-one percent of the cases, parents' collect child's salary, and this ratio is higher for girls. About sixty percent boys and forty percent girls get a holiday once or twice a month and sixty-three percent of children get holiday on events such as Eid etc. Among the sample only six percent of the children attend any formal or informal school / madrassa. However about eighty percent of the children showed their willingness to go to school. Thirty percent of children use public transport to reach work place, forty-seven percent walk to work place and about sixty percent of girls walk to their employer's home. About sixty-three percent of the children do their work alone (without the help of any other servant etc) and nearly fort-six percent complain about the strict behavior of employer.

According to a survey report by Pervez (1994a) on child domestic labour in Islamabad<sup>6</sup>, the children engaged as domestic servants were pushed into this activity by poverty. Most of them had rural background. Their family size comprised of 8 -12 members. Most of them were uneducated. Parents of all the children were illiterate. Strong gender discrimination was evident, as mostly boys in the family were attending school, and girls were working as domestic servants. Child domestic servants also complained about job insecurity and harsh behavior of the employers. About 20% of the children were below average in health and

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<sup>5</sup> Information on a sample of 200 child domestic servants was collected from the following 6 cities. Numbers in brackets are the sample from each city:- Karachi (35), Lahore (34), Islamabad (35), Multan (35), Quetta (32) and Peshawar (36). Thirty parents and employers each were also interviewed.

<sup>6</sup> Sample consisted of 121 boys and 79 girls.

their appearance reflected the neglect and lack of love. The employers abused verbally and physically many child workers, the former more frequently. They also suffered abuse at the hands of employers' children and their own parents.

Another survey report by Pervez<sup>7</sup> (1994b) on psycho-socio environment of the child domestic labourers age 8-15 show that most of the children were beaten up and blamed of theft by their employers. Some times child domestic labourer is injured and received cuts or burns during work. Most of the children were living in suppressed and controlled environment. Among those children, 2 out of 5 revealed psychologically deficient personalities.

Rapid Assessment on child domestic labourers carried out in Nepal (Sharma, 2001), have reinforced that there is a preference for hiring younger children for domestic work. This is mostly due to the fact that salaries increase with age and that teenagers and adults are perceived to be more difficult to manage for employers. In India, for example, it is estimated that 20% of all domestic labourers are below the age of 14 years. A Rapid Assessment in Bangladesh found the ages of children in domestic work ranging from 7 to 17 years. In Dhaka, more than 20% of child domestic labourers were between the ages of 5 and 10 (UNICEF, 1999).

Some other studies have also confirmed that in countries, such as Pakistan, Bangladesh and India, many children start working at the age of 5. These are often the children of adult domestic labourers or children given in bonded labour. Many countries show a much higher enrollment rate for boys than for girls and hence much higher incidence of child domestic labour among girls. In other countries, as in the Philippines, (UNICEF, 1999) they tend not to be younger than 10 or 11 years of age. This is because children are inclined to complete primary school before going into domestic work. Since there are few secondary school opportunities in the rural areas, many children go to towns to enter domestic work in the hope that this will give them a chance to go to secondary school.

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<sup>7</sup>

Sample size was 200, 121 boys and 79 girls.

In general child domestic labourers are most likely to come from poor rural and poor urban families. Children from families where the mother is a domestic labour can be found to regularly accompany and help their mothers at work and so get pulled into domestic work.

The authors are not aware of any study on Pakistan that document the various labour arrangements of the child domestic worker by urban/rural, employer's characteristics, gender, nature and type of work, working hours and residential status, i.e., non resident or resident. The discussion in terms of casual observations, and testable hypothesis in the next two sections is based on the crucial premises that labour arrangements in terms of non resident and resident carry separate implications for supply and demand behaviour, working environment, exploitation and framework for legal and other economic interventions.

### 3. Non-resident child domestic worker.

Given that many of the 'push' or supply factors faced by the child domestic workers, i.e., poverty, risk mitigating behavior, caste and community background are commonly shared by its parent group, i.e., child labour, a tentative hypothesis of supply correlates that may set it apart from its parent group is presented here. The supply-side flexible working arrangements of child domestic worker accompanying his/her parent can be characterized as follows:- a) Effective working hours are only synchronized with that of the parent. They can be less in case if adult worker especially females contract 4 or 5 houses, the child may work in fewer houses and within each house may only do specific piece work (e.g., just look after employers' infant) in ones where he/she is contracted. It is also probable that the child (most likely less young) may accompany his/her parent to a same neighborhood but may work in a different house than the adult member, b) As a coping mechanism for temporary income shocks, the child domestic worker may be allowed by her parent to work, ranging from few months to only few years. In case of female workers, once the female reaches around 14-15, she may discontinue as a domestic help and may re-enter the domestic help market as adult after her marriage and first child. Thus one is likely to witness a high

turnover as well rapid entry and exit in this segmented market, specially in cities, c) the 'push' environment within the supplying household, i.e., drop-out from school, anti-social behavior of the child in absence of the parent from the house, desire of parents to safeguard their ward from crime and drug prone neighborhoods, or even an earnest desire of the child to finance his/her education at an early age (again a function of poverty) may compel him/her to accompany parents on a part time basis, d) poverty and poor health may motivate a physically weak child to accompany parent in the expectation that at least the quality and quantity of left-over food available at the employers household will improve the child's health in return for light domestic work. Thus it reduces the cost of raising the unhealthy child and, e) poor health of the parent thereby affecting its productivity as domestic help and/or exploitative nature of the employer may compel the adult domestic to supplement and share the work load through its accompanying child worker.

What are the factors that lead to a continuous demand for non-resident child domestic labour? Is the demand likely to rise over time? Are these correlates different from the factors faced by the parent category? Are the 'push' forces stronger than the 'pull' forces in sustaining the phenomena of child domestic labour? Low wages, shortage of labour and child characteristics such as submissiveness, obedience, impressionistic, succumbing to employers' threats, and lack of union power are some of the factors shared by this group with its parent category in sustaining demand. A priori technological advancement and affordability of household electronic gadgets should reduce demand of such workers in doing light household chores even in large extended families in both rural and urban areas. However young professional females entering the labour force and facing the pressure to raise a family in early years of married life may increase demand for such workers. Here the pressure to have young attendants (at low wages) to infants/young children till the female employer returns from work can counteract the demand reducing tendencies over time. The pent-up demand for expatriate maids in posh localities of major cities in Pakistan is an indication of growing demand from the professional women for child care.



Exploitation of child domestic worker can take various forms. The question is, in what respects it is different from those experienced by its parent category and even from a resident child domestic worker? Does the absence of a written contract increase the level of exploitation? To the extent that a larger proportion of child domestic workers do not have written contracts or an implicit one among the employer and the parents, the risks of exploitation are balanced as in this case the parent enforces the implicit understanding. Yet casual empiricism suggests that the lack of a written contract does put the child domestic labour completely at the mercy of the employer and young and vulnerable children depend on the honesty and goodwill of their employers regarding the promises of pay and conditions of work. Children are not even informed about the terms on which they are recruited. Child domestic labourers are also economically exploited through no pay to low pay and overwork. Many child domestic labourers are unpaid, the wages of those who are paid are often given to their parents or others who take on the role of a guardian<sup>8</sup>. In other instances, if there is nobody to be adamant about the child's wages, they may never be paid. Employers can decide to withhold the payment of wages on any number of reasons for example, for having broken something or for bad behaviour, be it real or imagined. However, any kind of postponement of wages not only denies the child access to her own money but also ties the child even further to the employer. The possibility that older children in the age range of 10-14 years exchange compensation and wage information among themselves and therefore may prevail upon their parents not to accept exceptionally low wages from the one prevailing in the market, is another testable hypothesis.

In terms of level of remuneration the child domestic worker is most likely to receive lower wages/salaries, and in many cases may only receive in kind, as compared to its counterpart in informal productive/service sectors. The perception that domestic help is a low productivity job combined with the fact that no monetary returns accrue to the employer by domestic help will tend to keep its remuneration low relative to prevailing in other types of child labour. Moreover the

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<sup>8</sup> Whether payment of wages of child domestic labourers directly to parents/guardians constitute exploitation or violation of child rights and if it does at what age the children have full claim on their own earnings need to be explored further in order to classify this behaviour unambiguously as exploitative and/or violation of child rights.

bargaining power of female parent negotiating for her female child may be low as compared to a male parent negotiating for male child due to specific marital situation, e.g., widowhood, separation, absence of adult male member from the job market. However a realistic comparison in terms of wages per hour between the two categories can only be meaningful once the non-pecuniary benefits received by the domestic help are taken into account.

What about working conditions? Are they more hazardous<sup>9</sup> than those faced by the child labour in informal productive and service sectors? In one respect they can be more hazardous for the domestic worker. Overtime the job in productive/service sector is repetitive, and the child becomes aware of apparent on-the-job hazards (still may be totally unaware of long-term health hazards). Domestic help at least in household chores involves variety of tasks and switching among tasks at a short notice reduces the capacity of the child to adapt dexterously<sup>10</sup>. To the extent that the child accompanies his/her parent to the

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<sup>9</sup> ILO Convention No.182 defines the worst forms of child labour (Art.3) which include the following two points along with other points:

- 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;
- 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.

For the last category countries themselves must determine what types of work are to be tackled as hazardous work. As they do this, national bodies are guided by Recommendation 190, which accompanies Convention No.182. This defines hazardous work as:

- Work which exposes children to physical, psychological or sexual abuse;
- Work underground, under water, at dangerous heights or in confined spaces;
- Work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads;
- Work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health;
- Work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer.

If a child under the age of 18 is engaged in domestic labour and works under conditions that are hazardous, then this constitutes a "worst form of child domestic labour". This would also be true of situations where the child has been trafficked into domestic labour, or where debt bondage or other practices similar to slavery exist. The term worst form of child domestic labour is used for such exploitation, to reflect the extreme risk to the child and calling upon the immediate elimination called for in the Worst Forms of Child Labour Convention

<sup>10</sup> Household chores include cooking and serving food (chopping vegetables using sharp knives, boiling water, lighting fires, carrying charcoal or wood, dealing with gas and electricity), fetching and carrying heavy water pots, handling disinfectants and other chemicals. Washing and ironing clothes, often taking clothes and linen out of boiling water and operating hot irons. Visiting market and carrying heavy bags while often being exposed to sexual suggestions in the street. Frequently these tasks are undertaken while looking after the employer's children and making sure that they are safe and well looked after. Several of these tasks are not hazardous under normal circumstances; however, when they are undertaken in a state of fatigue due to long hours of work and interrupted sleep, even simple tasks can become hazardous.

same household the degree of exposure to hazardous work may be less because of sharing of work and/or parental sympathies and care, unless the child parent due to low literacy level also is totally unaware of the hazardous nature of the work.

Child domestic labourers are also subject to various kinds of abuses, i.e., verbal, physical and sexual abuse or harassment. Being shouted at or being beaten is a common form of punishment for working slowly or for doing a task badly or to be kept compliant for making mistakes. Girl domestic labourers are at risk of sexual harassment and rape not only by the male members of employer's household but also by male visitors. Studies have shown that many child domestic labourers are victims of physical and sexual abuse. Children may be abused or tortured, and not only by the adult members<sup>11</sup> of the family but by children in the family who see cruelty as a valid relationship with 'inferior' members of the household, or by other domestic helpers trying to impose a hierarchy even among those being exploited<sup>12</sup>

However it is a testable premise that compared to resident child worker, the degree of exploitation, psychological costs and abuse to the child is expected to be less as the child returns to his/her own home after 8-10 hours at the workplace. If she/he accompanies her/his parent to the workplace, an implicit monitoring by the parent may reduce the degree of all the above kinds of abuses. The degree of abuse is also a function of the literacy level of the employer and as the literacy levels specially in urban areas increase, it may come down towards the non-resident child domestic worker.

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<sup>11</sup> Many children who have suffered physical punishment from an employer report that it is the woman of the household who punishes them. This is because the child is generally seen as performing the tasks of the wife of the house and so answers to her. Of particular importance is the fact that children also report that they did not look upon as such punishment as equivalent to the punishment the children of the household received from their parents, but rather that they found physical punishment particularly degrading.

<sup>12</sup> According to National Child's Rights Survey by NCCWD (2003b), based on 20 case studies of abused children, 60% of the reported cases are of sexual abuse. Out of total 35% are of physical abuse and 5% are other forms of abuse. Incidence is highest among 10 -15 years of age group. And reporting of the cases is very low due to social taboos attached with it.

#### 4. Resident Child Domestic Worker.

What are the key supply factors that differentiate the resident child domestic workers from its non-resident counterpart?<sup>13</sup> Some of the push factors for involving child workers in non resident work identified in the above section are equally relevant for resident work, e.g., desire to lower the cost of raising the child (sick or otherwise) and/or sharing the work load of the parent, they may differ in the following respects:- A) In this case it may be more a function of chronic poverty rather than temporary income fluctuations of the supplier household. In feudal structures of rural areas if chronic poverty is due to outstanding debts, a child is pulled into domestic service or goes into “debt bondage” in exchange for money for a third party, or in repayment of an outstanding debt. B) In some extreme cases, parents may sell the value of the future work of the child as a substitute for credit. C) Many child domestic labourers have been given by parents or guardians to another person to be looked after. This may also be called fostering but in reality the child becomes an unpaid servant for the host family, a practice also known as false adoption. Direct access to such children is the most difficult because they are regarded as part of the employer’s family while being hideously exploited and ill-treated at the same time. Since they are declared to be part of the family they are not recorded as child domestic labourers and hence have no access to organizations or programs working with child domestic labourers. In giving away a female for false adoption the parents hope that her education and/or eventual marriage expenses will be borne by the employers in recognition of her long years of service.

Are the demand side factors for resident domestic child worker different than those of non-resident or can one identify few additional factors? In case of urban areas, the demand for resident permanent child worker mainly emanates from rich, traditional and extended families, while in rural areas it is mainly arising from

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<sup>13</sup> For the purpose of this study resident child domestic workers are those that are effectively available for 24 hours of the day to the employer for domestic work and reside at employers’ place of residence. They may meet their parents/families infrequently as implicit or explicit terms of conditions of employment.

large feudal households. With trend towards nuclear families in urban areas, the demand may shift towards non-resident workers.

In terms of monetary remuneration and non-pecuniary benefits, are the resident workers worse off than their non-resident counter part? If they are engaged due to debt bondage or in lieu of expected credit requirements of the poor household the monetary compensation directly to the parents or even to the child may be non-existent or very low. However due to traditional set-up the non-pecuniary benefits in terms of old/new clothing or lump-sum help at the time of female workers marriage may be higher than what a non-resident child worker accumulates during his/her service.

Are the working conditions facing the resident child worker more stringent, and hazardous than those facing non-resident workers? One of the key aspects of resident worker is the 24-hour nature of the job. A child domestic labour is likely to be called on at any time of day or night, seven days a week. In addition, the terms of employment, such as fixed working hours, are not clearly defined. Holidays are very rare, if at all, and may only consist of one visit home per year or every two years. Children in such situations are mostly confined to the house. They may even be confined to certain parts of the premises, for example the kitchen. In extreme cases confinement may include being locked in when the family is not there, or even shackled. This situation constitute the practices similar to slavery, although physical restraint is not the only criterion defining slavery or practices similar to slavery<sup>14</sup>, it is an indication of the relationship between employer and child in which the employer has clearly defined the child's situation as one of total servitude.

Does the resident nature of job have significant implications on physical and psychological health? In cases of physical confinement or being shackled, children not only suffer potential injury to their physical health but also to their psychological health as they suffer the multiple effects of isolation,

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<sup>14</sup> Children in debt bondage similarly are vulnerable because of the power relationship that the employer enjoys arising from the debt that the child is traded against. Forced labour is a similarly terrible form of control over children, taking away their right. Being in such a situation can result in psychological trauma.

marginalization, subservience and ill treatment<sup>15</sup>. Whether health risks faced by the resident child worker are higher as compared to the non-resident worker is more of an empirical issue. It is in the interest of the resident employer to have healthy worker and therefore he/she may be concerned with treatment of sickness. Absence of preventive health measures and/or delay in providing medical treatment may be widespread, if a visiting adult non-resident domestic worker does not monitor the child. However psychological health of the non-resident domestic child worker may be better than that of the resident worker, as he/she interacts with his/her family on a daily basis. However the alienation and isolation of the children belonging to rural areas tend to be greater in the urban areas than in the rural. In urban areas the chances are that they are completely cut off from their known surroundings and are frequently deprived of access to even environmental resources such as space and open air. Similarly whether nutritional status for the two categories is similar or very different from each other is a testable hypothesis.<sup>16</sup>

Does residing permanently at employers place increases the risk of all kinds of abuse especially violence and sexual abuse? In case of resident workers, the family members or visitors to the household may not only inflict sexual violence, they are also vulnerable to abuse by other domestic labourers. This is particularly true because the workers in a household may have no separate quarters. Research on children in domestic service in Islamabad (Pervez 1994a), revealed that almost one in five of the girls and about half of the boys in domestic service were provided with a small place to sleep but that in many cases this was shared by the adult domestic servant. These sleeping arrangements greatly increase the child's vulnerability to sexual abuse<sup>17</sup>.

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<sup>15</sup> According to "Child Domestic Servants in Islamabad, (Pervez, 1994b)", the general appearance of these children reflects neglect and lack of love. A feeling of alienation was noticed in them. Although they are living in rich and lovely houses, they are not a part of it. The ages of the children range from 8 to 15. This is a period when their mind is developing, different concepts are formulated and some important physical changes occur in both girls and boys. To develop their intellectual capabilities to their full span, education, play and a free environment is needed.

<sup>16</sup> In many instances, there are reports that children in domestic service are obliged to produce meals for the family only to be given a bowl of low quality food for their own meal.

<sup>17</sup> For CDL sleeping arrangements are likely to be basic, quite often a mat spread out on the kitchen or even on the bathroom floor. Likewise, toilet and washing facilities of the child domestic labour tend to be apart from those of the family.

## 5. A menu of legal laws, policies and interventions.

In a manner similar to theoretical discussion, wherein the child domestic labour is subsumed in child labour category, the legal framework in many countries including Pakistan, do not contain separate specific laws for discouraging and regulating child domestic labour in the economy.

Although below mentioned legislations and action plans on child labour, do not include any clause specifically on child domestic labour and they have often been excluded from the national minimum age for work legislation, usually because of the difficulties in implementing, but the reality is that the vast majority of children in domestic labour would find a place in one or more of these categories, either because of the nature of the work they are required to perform, the treatment they receive or the means by which they entered into the situation in which they find themselves. It is important to understand the individual contexts in which domestic service occurs.

The Constitution of Pakistan 1973 prohibits employment of children of 14 years and younger in factories, mines and other hazardous occupations. This provides a protection of children of younger age to enter domestic service as well.

The Employment of Children Act of 1991 and the Bonded Labour System (Abolition) Act of 1992 aim to protect children from all forms of exploitation including bondage. Implementation of such laws can also be effective in reducing the debt bondage in domestic service.

National Action Plan to Combat Child Labour emphasizes the elimination of child labor in all sectors, eradication of worst form of child labor and ensuring primary education<sup>18</sup>. This is a very useful strategy if its implementation can be strictly monitored on a continuous basis.

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<sup>18</sup> National Action Plan to combat child labour follows the following strategies and policy guidelines:

- Progressive elimination of child labour from all sectors of employment
- Immediate eradication of the worst forms of child labour
- Regular monitoring and inspection system to supervise the implementation of National Action Plan
- Prevention of entry into labour market of underage children by offering alternative of education

In the framework of the Minimum Age Convention 138 and the Worst Forms of Child Labour Convention 182<sup>19</sup> the ILO recognizes three categories of child labour that must be abolished:

- All work done by children under the minimum legal age for that type of work, as defined by national legislation in accordance with international standards
- Work that endangers the health, safety and morals of a child, either because of the nature of the work or because of the conditions under which it is performed
- Unconditional worst forms of child labour, defined as slavery, trafficking, bonded labour, forced recruitment into armed conflict, prostitution, pornography or illegal activities such as the sale and trafficking of drugs

Three conventions, Convention 138, the UN Convention on the Rights of the Child, and Convention 182, form the basis for the protection of child domestic labour. The conditions set forth in the three conventions are based on the effect of the work or activity on the child and the child's development. The work should not be hazardous or harmful to the child's health or physical, mental, moral, or social development. In addition, for children of primary-school age, the work or activity should not interfere with the child's education.

Development planning for the girl child is lagging behind due to ambiguity on the age definition of the girl child. The CRC defines a child as one below 18 years, the Majority Act in Pakistan defines those below 18 as minors but in laws dealing with child labour, anyone below the age of 15 is defined as a child. Finally in some criminal matters (specifically sex-related crimes), females are defined as being adult at puberty. The contradiction in definitions of adulthood under different laws denies the girl child the rights available to a boy of the same age.

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- Ensuring at least primary education and skill training to the children at the target of the Plan

<sup>19</sup> Pakistan has ratified Convention that relates to worst forms of labour the Convention 182 and the Convention 29 concerning forced labour, but yet has not ratified the minimum age convention 138.



An essential pre-requisite for meaningful policy making is the availability of quality database and research on child domestic labour. Only solid evidence and recognition of the problem can lead to appropriate policies, legal frameworks and financial support<sup>20</sup>. It then provides sufficient understanding of the issues surrounding children in domestic service including where the line is drawn between legitimate domestic work and child domestic labour. The need to understand why and in what ways domestic service constitutes child labour, and can be a worst form of child labour requires a detailed analysis of child domestic sector. Research and data collection to fully understand the nature of domestic service within country and communities provide a springboard for action. This is a difficult challenge given the hidden nature of child domestic labour and the fact that children trapped in the worst forms are often locked away in private homes and inaccessible to outsiders. Empirical analysis of survey data can be the basis for advocacy with governments and other decision makers, and for raising awareness among the supplying and employers' families and children.

There is also need for coordinated research involving both, governmental and non- governmental organizations. Child domestic labour needs to be looked at as a specific form of employment by the Federal Bureau of Statistics, and statistics need to be disaggregated by many dimensions including gender, age, and residential status etc. This would involve collecting quantitative and qualitative information from child domestic labourers (unless they are too young), their families and the employers, in line with the Recommendation 190 to Convention 182. It is also vital for further planning and targeting of interventions. Without greater knowledge and a reliable database, governments cannot be persuaded to bring child domestic labour fully into the legal framework, nor will they be inclined to take firm action on the issue of child domestic labour<sup>21</sup>. Research should also focus on child domestic labour trends within countries and between countries.

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<sup>20</sup> Child domestic labour has common causes worldwide but that the efficacy of the same policy can differ substantially across countries and between rural and urban areas of the same country. Therefore, interventions should be based on a detailed knowledge of the characteristics of the target area.

<sup>21</sup> In addition to collecting data and doing research the other important actions are reporting on child domestic labour (Philippines is most successful country with increasing recognition of domestic labourers as professionals, and support for their unionization), learning from experiences and knowledge sharing, and dissemination. Once the problem itself has been clarified and the specific nature of the challenges is known, it is important to map out the resources and addressing demand for children in domestic service. These

a) Universal and Compulsory Education for Children and legislation against child labour

A policy combination of Universal Primary Education (UPE) (discouraging its supply) and legislation against child labour (restricting its demand) is now universally accepted and has proven over the last century as the first best policy to combat child labour<sup>22</sup>. How effectively this combination has been implemented in the case of Pakistan? Moreover is it the first best policy also in case of child domestic labour? While UPE has been the stated goal of the government since independence, it remains unattainable due to financial and administrative constraints. The enforcement of the above laws to child domestic labour is even more difficult than in the case of child labour in productive and service sectors, as the latter are visible in the sense of working in groups and/or working in specific localities/cities/regions while the former are invisible and thinly spread out in homes. Moreover extending the jurisdiction for enforcement of many of these laws to the child domestic labour to regulate hiring practices in private homes (as it may infringe on individual freedoms), would remain a challenge to the legal and regulatory authorities of the country. Therefore, in case of child domestic labour the laws unintentionally remain without teeth and their implementation suffers from benign neglect. An effective UPE in the rural areas can reduce the phenomena of resident child domestic worker, but the practice of non-resident child domestic worker may continue even with its effective implementation in urban areas. It is then a issue of reducing poverty, slowing population growth and/or reducing demand by the households. If regulations have the effect of increasing remuneration of those children who are employed clandestinely by the employers, the domestic sub-category may not benefit from this externality generated by the regulations. In fact this category may be worse off as the supply of child labour is

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challenging actions will require not only dedication and determination but also specific skills so capacity building is an important element of programming.

<sup>22</sup> The connection between compulsory education and child labour legislation is evident in many countries. In Norway, the first labour code of 1892 included a ban in factories and shops on hiring children who were under 14 years of age and had not completed compulsory education. This was linked to education by making the local school authorities responsible for overseeing that the ban on child labour was observed. A similar strategy was used by Hong Kong, where the schools were the key element and arena for control in their fight against child labour in the 1970s. All present day industrialized countries have introduced compulsory education and regulations against child labour, at an early stage of their development.

diverted from regulated to the unregulated domestic sector<sup>23</sup>. Whether the wages and household incomes of adult domestic workers increase by a successful implementation of UPE and legislation policies remains a testable premise? In spite of the above caveats, there is little doubt that implementing, enforcing and monitoring a compulsory education for all primary age going children and legislation still is a necessary, not a sufficient condition for reducing child labour in general, with positive spillovers for reducing the phenomena of child domestic labour. However its' complete elimination require a sustained reduction in poverty, and population growth.

b) Monetary and in-kind incentives schemes for families to reduce supply.

Given that widespread poverty in developing countries generates the supply of child domestic worker, another strand of policy makers would regard a system of incentives to the families to send their wards to schools as raising the opportunity cost of supplying child labour. Such incentives partially enhance poor household's ability to cope with temporary and permanent shock and thereby weaken its transmission to children's short and long-term welfare. Many variants of such programs exist in different parts of the world. One such popular variant is conditional cash transfer (CCT). Evidence from Brazil and Mexico indicate that CCTs targeted at the most vulnerable families have played an important role in increasing the school attendance and reducing the child labor. But again their role in reducing specifically child domestic labour is not well documented. Moreover their effectiveness is contingent on the design of the program, targeting mechanism, identifying the means of transfer, ensuring regular payments and monitoring.

In Pakistan most of the programs under implementation by the government or that have been implemented at a pilot stage by the international agencies i.e., UNICEF fall in the category of unconditional transfers in cash and/or in kind. The on going programs e.g., Tawana Pakistan are specifically aimed at increasing the literacy

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<sup>23</sup> If there is a regulated and unregulated sub-sectors within the productive and services sectors, children will move from the regulated sector to the unregulated, thus creating downward pressure on children's wages and working conditions in this sector. Some interventions, such as education opportunities at the workplace, free meals for working children, may even increase the supply of child labour.

and/or nutritional levels of females in rural areas. As a by-product they must have reduced the rate of growth of child domestic labour in rural areas although one presumes that due to poverty and population growth absolute numbers of child domestic labour may still be growing.

A program specifically aimed at mitigating the exploitation and abuse of the child labour is being managed by the Pakistan Baitul- Mal. It has established 33 centers for the protection and rehabilitation of Child Labourers. The Pakistan Baitul- Mal in collaboration with ILO, IPEC and UNICEF will extend this program to other areas of the country as well. Punjab Education Sector Reforms initiated by the provincial Punjab government in 2004 gives free textbooks and Rs. 200 scholarship to girls for attending school regularly. In addition to that another important aspect is skill development and training programs that can be launched to enhance the capacity building of child domestic labor. If child domestic labor would learn skills along with education they would be in better position to earn their living, bargain with their employers and it will also minimize the risk of all kinds of exploitations. How far the child domestic worker is benefiting from these centers needs to be furthered explored.

#### c) A network of Day care centers in urban areas

As mentioned above, with increasing participation of educated and professional females into the labour force, the demand for part and resident child domestic worker may increase over time in urban areas. Thus establishment of day care centres at the workplace may dampen demand for child domestic labour. However, it has cost and financing implications for the organizations (public and private) and the female employees. A three-party cost sharing (government, employer and employee) formula and/or scheme can be devised to make such arrangements feasible and affordable for the three stakeholders. Gradually it may also reduce the growth in demand for child domestic worker in urban areas.

## 6. Summary and Policy Actions

The labour market characteristics and socio-economic dimensions of children involved in domestic work in Pakistan remain unexplored mainly due to their ‘physical invisibility’ as a group and “academic inclusion” in the overarching child labour category. At a government level information on child domestic labour is not tracked on a regular basis as labour force surveys do not classify the child labour category and even data and other information is not available within National Survey on Child Labour. Only three dated surveys, NCCWD (2003a, 2003b), UNICEF 1994, sponsored by the government/international agencies give snapshot information on limited aspects of child domestic labour phenomena. Explicitly focusing on child domestic worker, the objective of this paper is to:- a) present existing evidence on the size of child domestic worker in Pakistan vis-à-vis other countries in the region, b) structurally characterize the child domestic worker as a non resident and resident worker, c) elaborate on observations, differentiate and distil from the main child category, and present testable hypothesis on various aspects of child domestic worker market such as demand, supply, compensation levels and arrangements, working conditions, exploitation and abuse as per the non resident and resident characterization, and d) identify impediments to effective enforcement of existing child labour laws and policies on UPE, and document social protection interventions in the country to reduce child domestic labour.

To develop a data base suitable for research and policy advice on issues pertaining to child domestic labour, following measures are needed at the policy level to improve the quality and regularity of information gathering in this area: a) Adapting official household questionnaires<sup>24</sup> and surveys methodologies to assess the socio-economic and labour market conditions of child domestic labourers, b) To incorporate in household surveys explicit questions on child domestic worker, their compensation levels, working arrangements and socio-economic background both from the demand and supply side. This information is

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<sup>24</sup> Pakistan Integrated Household Survey (PIHS) documents information on resident servants and their age structure, as a part of roster of all persons residing under a single roof and sharing a common kitchen. The information on non-resident servants is completely lacking. An attempt to assess the quality of information on child domestic labour from LFS was not very encouraging. Out of 139000 individuals covered in LFS, 110 individuals were identified as resident servants. It is impossible to ascertain how many of them belonged to the category of child domestic workers.

vital to understand the processes operating in the child domestic labour market and devise a suitable policy for its reduction at the national level.

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