

Research Article

The Impact of Pakistan's Child Labour Laws on the Country

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Abstract: Child labour is any job that takes away from a child's childhood, makes it hard for them to go to school regularly, or is harmful to them mentally, physically, socially, or morally. Many international organisations think this method is unfair and takes advantage of people. Laws all over the world make it illegal for children to work. These rules don't think that all work done by children is work done by children. The study we are working on is about the new changes to the Child Labour Act and how they will affect children in Pakistan. This article talks about how UNICEF and other foreign groups work to improve the lives of children around the world. The ILO and UNICEF have made a distinction between child labour and child work. They say child labour will not be counted if the child works to help with housework or family business and doesn't hurt his health or schoolwork. But if it hurts a child's physical or mental health or schooling, then it will be considered child labour.

Keywords: Child Labour, Mental health, Labour Law, Pakistan, International Organizations

Introduction

International organisations report that 33% of children in Pakistan are subjected to child labour. Without a doubt, these child labourers are a distressing facet of our society. They are compelled to do so while simultaneously being subjected to physical exploitation. The majority of child labour victims fall within the age range of 5 to 15 years (Shah, 2021). It is distressing that one out of every ten children worldwide is engaged in labour to earn a living or support their families. Conversely, in Pakistan, around 22 million children who are below the legal working age have been compelled to labour for money, which is a tragic sacrifice (Chaudhry, 2012). When considering the worldwide situation, Africa and Asia have the highest numbers of impacted children. The prevalence of poverty, unemployment, and inflation in Pakistan has resulted in a significant decline in school attendance among impoverished children, rendering their access to education an unattainable aspiration. These children are from impoverished families that lack access to school and sufficient food resources. Primarily, as a result of destitution, these children are compelled to exert significant effort. Child labour that is coerced is not only in violation of the law but also a significant act of injustice. The primary cause of this rampant lawlessness and overt persecution is the prevalence of poverty, hunger, destitution, and a significant surge in population. The exponential population growth is directly responsible for the surge in poverty rates and the inadequate provision of essential amenities. One explanation is that certain youngsters lack interest in reading, prompting parents to encourage them to acquire a skill or engage in activities that will be advantageous to their parents and their own future. During childhood days filled with activities such as reading, playing, jumping, and writing, children, as innocent as flowers, are provided with tools instead of books (Chawla, 2020). In our country, child labour is not regarded as a flaw, which indicates a decline. They can be observed diligently working in various locations, ranging from gentle and intricate tasks of polishing children's boots to more demanding environments such as hotels, tea houses, markets, factories, auto workshops, kilns, and farms. Additionally, they can also be found engaged in tasks such as cleaning car windows at private residences, as well as at CNG and petrol pumps. The International Labour Organisation initiated the observance of International Day against Child Labour on June 12, 2002, with the aim of increasing awareness about the issue. This day is celebrated globally, including in Pakistan. The objective of this day is to rescue children from the exploitation of child work.

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Significance of the Research

The article is highly important as it reveals the intricate connections between child employment in Pakistan and its socio-economic and human rights consequences. The article evaluates the nation's dedication to safeguarding its young by examining the efficacy of current legislation. The statement focuses on essential human rights issues, emphasising the need to adhere to global norms, and underscores the significant influence on fairness and equitable treatment in society. The article provides economic insights into the intricate trade-off between immediate benefits and future repercussions linked to child work, offering guidance to policymakers in developing sustainable solutions. Furthermore, it emphasises the crucial importance of education and skills enhancement, promoting a setting in which children can flourish. In addition to transcending geographical boundaries, the piece contributes a worldwide outlook to the discussion, promoting cooperation and the exchange of successful methods. The relevance of eradicating child labour extends to promoting accountability, encouraging responsible governance, and acting as a catalyst for public awareness and activism. This effort ignites a collective resolve to construct a fairer future for Pakistan's youth.

Literature Review

UNICEF and ILO

According to the International Labour Organisation (ILO), it is a violation of international law to engage children in employment that robs them of their childhood, hampers their talents, or poses risks to their physical and mental growth. Since 2000, the United Nations Development Programme (UNDP) has initiated a programme called the Millennium Development Goals 2001-2010 (WHO, [2018](#)). This programme aims to promote human and social development in underdeveloped countries, with a particular focus on health and education, especially for children. It was determined that these objectives would be accomplished within a 10-year timeframe. If this does not occur, the programme will be extended to ensure the aims are met by 2030. There is a marginal rise in the inclination towards employing labour in Pakistan. In our country, particularly in the Punjab province, the majority of regulations are established. Regrettably, both the general population and law enforcement organisations lack awareness and strict enforcement of these laws. The Punjab Restriction on Employment of Children Act 2016 was enacted with the aim of prohibiting the utilisation of child labour in Punjab. Most individuals are likely unaware that according to this law if an employer hires a child under the age of 15, they can be charged under section 3/11 and face a 6-month sentence if found guilty. Punishment in the form of incarceration and a monetary penalty of Rs 50,000 may be enforced. Likewise, a child who is between 15 and 18 years old, even if they are working, cannot be employed in a dangerous manner. The employer may face liability for the aforementioned penalties, as well as for engaging in immoral conduct, subjecting a child to forced employment while on duty, and using children in kilns and domestic labour. The Punjab Prohibition of Child Employment Act 2016 and the Punjab Domestic Workers Act 2019 are now being implemented in Punjab with the aim of preventing coerced employment (Sobia et al., [2018](#)).

Pakistani Laws, Child Labour, and Inflation

Even though we have legislation regarding anti-child labour, the situation is pretty clear to everyone to see how the law works. Clearly, real steps need to be taken right away in this direction. "Anti-Child Labour Day" is held every year in our country on June 12, like the rest of the world. Every year on this day, people hold seminars, walks, and talks against child labour to show the world what they're all about. Work for kids will never go away or get better. Which person is to blame for this, and how will it be stopped? There are three groups in society that are to blame for child work in this case. People who work with kids, and third, the machinery and management of the government. A lot of kids in Sindh province work as slaves, which is against the law and should be stopped. Kids from 5 to 14 years old have to work with their parents to help support their families because they are poor or for some other reason (Mansuri, [2006](#)). 11 million kids are the beast that their families have to carry. Most of them are busy with farming and housework. Others were forced to work in the brick business. Even though the Abolition Act 1992 Bonded Labour System was passed by the government, children are still forced to work. Since 2018, law enforcement has been working hard to

fill the gap so that kids don't have to do this hard job (Nafees et al., [2012](#)). This rule says that any Pakistani citizen who does these things will be jailed for at least two years and no more than five years and have to pay a fine of fifty thousand Pakistani rupees. When parents of working kids are asked why they make their kids work, most of them blame poverty and inflation, saying that they have to work to make money, which leads to more kids working. On the other hand, the oppressors are the people who work with children in their farms, factories, kilns, workshops, hotels, shops, and houses. These people pay kids less and make them do more work. A lot of kids are ready to work for less money to learn, which is why most of the kids who work are hired children. Doctors, lawyers, judges, businessmen, and our big politicians all benefit, even though their little workers are dying and serving time for being poor in their homes, workplaces, and fields. Now let's talk about the third and final group: the government machinery and management. They are really to blame for the rise in child labour. There is no government in Pakistan that has taken this seriously, which is a shame. There has been a steady rise in child work, which is really the fault of our leaders, both past and present. It looks like they're doing it. On Child Labour Day, the government agency that is in charge of child labour runs ads against it in the media. The agency also holds workshops and awareness walks, but these actions don't show how serious the government is about ending child labour. People, especially the government, need to realise that ads, seminars, protests, and a few raids won't get rid of child labour unless the government also deals with poverty, unemployment, and inflation. Child work is a terrible problem that can only be fixed by making things better for poor people. It is also important for every country to make sure that its kids go to school and move on. If we get better, our country will get better, too.

The Global Context of Child Labour

Throughout history, child labour has been present to varying degrees. Throughout the 19th and early 20th centuries, a significant number of children, aged 5 to 14, from impoverished households were employed in various colonies under the control of European, American, and European powers. The youth primarily engaged in agricultural, domestic-based assembly work, factory employment, mining, and occupations such as newsboys. Several paintings endured for a duration of 12 hours during night shifts (Jahan et al., [2020](#)). Due to the increase in household wealth, the expansion of educational institutions, and the implementation of child labour legislation, the incidence of child labour has decreased. The practice of child labour, or the use of children as servants and apprentices, has been observed throughout much of human history but reached its peak during the Industrial Revolution. Appalling working conditions encompassing overcrowded and unsanitary factories, disregard for safety regulations, and excessively long working hours. Children can receive far lower wages and are less likely to be part of labour unions. Additionally, their smaller size allows them to efficiently perform tasks in factories or mines that would be challenging for adults. Children who worked but couldn't go to college kept their families in poverty, making it hard to break out of the loop (Naeem et al., [2011](#)). In the 1800s, activists and labour regulators tried to protect people's health and safety by limiting child labour and making workplaces better. But their work was hard because they were trying to do it during a time when unemployment was very high in the US. The leaders of the 13 colonies put a lot of value on hard work and taught their communities, including the Puritans, how to do the same. This working attitude was taught to children as well, stressing how important work was and discouraging idleness. In the United States in the early 1800s, child labour became an important part of the farming and handicraft economies. They worked as farmhands on their own farms and sometimes on farms owned by other people. The boys started their jobs at different times, usually within a large range, from early adolescence to fourteen years old, so they could learn on the job and adapt to changing conditions. The Industrial Revolution witnessed a surge in the establishment of factories to cater to the demands of the labour force. Children were considered desirable employees because of their ability to be paid lower wages, their potential for increased productivity due to their diminutive stature, and their exploitative working circumstances. During the period before the Civil War, women and children had a significant impact on American preparations, but their contribution to the economy was largely limited. Progress in industrial methods following the war led to a rise in employment opportunities, thus resulting in an increase in child labour. In 1900, 18% of the American workforce consisted of individuals younger than 16 years old (Schuman, [2017](#)).

In the mid-nineteenth century, educational reformists aimed to persuade the public that primary school education was important for the progress of the nation. Several states implement minimum wage rules for employed workers and school attendance requirements. However, many of these laws contained loopholes that were readily abused by companies seeking to take advantage of low-cost labour. Approximately 25% of children in the world's most impoverished nations are involved in child labour, with the highest proportion (29%) residing in sub-Saharan Africa (Reliefweb, [2021](#)). In 2017, Mali, Benin, Chad, and Guinea-Bissau had more than 50% of their kid population aged 5-14 years engaged in employment. Agriculture is the predominant industry that employs the most number of child labourers globally. Most instances of child labour are prevalent in rural areas and the informal urban sector. Children are predominantly engaged in work by their parents rather than being employed in industries. The primary factors contributing to child labour are poverty and inadequate access to education.

International Organizations

The migration to the United States has introduced a fresh supply of labour, including child labour (Van De Glind, 2010). During the 1840s, the Irish potato famine occurred, prompting Irish emigrants to seek employment in lower-level manufacturing industries. In the 1980s, companies from southern and eastern Europe emerged, presenting a fresh source of young workers. The endeavour to maintain or eliminate the labour of young children has become crucial for societal change. The Nationwide Child Labour Committee was established in 1904, and the regional Child Labour Committees assumed this task. These organisations eventually adopted flexible methodologies as they advanced. He employed methodologies, such as collaborating with experts and utilising photography, to evoke indignation at the bad working conditions experienced by young individuals and to advocate for substantial policy changes. He employed printed pamphlets, pamphlets, and mass mailing as means of communication with the broader population. Between 1902 and 1915, bodies advocating for the rights of child workers urged lawmakers at the national level to implement changes (History, [2009](#)). As a component of the contemporary reform movement during this era, numerous legislations were enacted to prohibit the employment of infants. Nevertheless, other southern states opposed the idea, prompting the decision to advocate for federal child labour legislation. Although Congress enacted these statutes in 1916 and 1918, the Supreme Court ruled them to be unconstitutional. The proponents of child labour regulation sought a constitutional amendment to authorise federal regulation of child labour. This amendment was enacted in 1924, although states were hesitant to ratify it due to the conservative political climate of the 1920s.

The presence of agricultural and church organisations, along with concerns about the growing influence of the federal government over children, served as obstacles. Unemployed and subjected to significant changes, the workforce experienced extensive restructuring during Franklin Delano Roosevelt's New Deal, which entailed heightened federal oversight of employment and emphasised the promotion of employment opportunities for adults beyond traditional workplaces (Tribune, [2021](#)). Discover an effective method to remove youngsters from the labour force. The majority of the laws established under the National Industrial Recovery Act have effectively diminished the prevalence of child labour. The Fair Labour Standards Act of 1938 established a national minimum pay and maximum working hours for workers, marking the first instance of such regulations in international trade. Additionally, the act imposed limitations on child labour. Employing children under the age of sixteen in manufacturing and mining was explicitly forbidden. The decrease in the development of equipment to enhance child labour was not just due to changing attitudes towards work and social change. Another contributing aspect was the scarcity of children in the workforce, as many monotonous activities previously assigned to children had already been mechanised. Adults with intermediate complexity assumed their positions for more intricate assignments. The education system underwent a transformation as well. Several states have expanded the mandatory duration of schooling, extended the academic calendar, and implemented stricter enforcement of labour regulations. In 1949, Congress modified the Child Labour Act to exempt industries that were previously covered under the 1938 legislation, such as commercial agriculture, transportation, communications, and public services. While child labour has been greatly reduced in the United States, it still persists in certain areas of the economy, particularly agriculture, where it is challenging to economically regulate impoverished migrant workers.

Employers in the garment sector are recruiting the offspring of undocumented immigrants as a strategy to combat competition from nations with lower wages. Although there are restrictions on the number of hours children and adolescents attending school can work, the increasing expense of education compels many to work extended hours in order to attain their Educational objectives. Currently, the enforcement of child labour regulations varies between states. Child work is a detrimental issue in our society that is eroding its ethical principles. Although child labour is not shocking, it is worth noting that it affects 20% of the juvenile population.

The most Severe manifestation of Child Labour

The most egregious manifestation of child employment is the act of trafficking, which involves the exploitation of children for reasons such as prostitution, forced labour, sexual exploitation, and other illicit activities. Debt bondage is a coercive form of employment in which impoverished families, unable to repay their debts, are compelled to surrender their children into slavery as a means of repayment. Serfdom is a form of labour in which children are compelled to reside on and work the land without receiving fair compensation or just receiving a minimal amount. Forced labour occurs when children are compelled to engage in menial tasks or activities of their volition, such as cooking, serving as porters, or working as messengers. Engaging youngsters in illegal activities such as drug trafficking for personal gain is a criminal offence. Certain individuals abduct minors and thereafter engage them in the illicit trade of narcotics, theft, and several other unlawful endeavours. Approximately 160 million children globally are compelled to engage in laborious activities outside of educational institutions, such as writing and copying, as a result of impoverished circumstances (UNICEF, [2021](#)). In Pakistan, there are around 20 million children who do not have access to education and an additional 10 million children who are subjected to the harmful practice of child labour. What are the reasons behind the denial of children's fundamental right to education and their coercion into labour? Who is accountable for this, and what measures will be taken to prevent it? Three societal parties bear responsibility for child labour. The initial topic of discussion pertains to the reasons why parents feel compelled to make significant efforts in order to provide for their children. Under the influence of impoverished parents, they compel their children to engage in labour in order to provide for them. He will consistently avoid subjecting his children to demanding and laborious tasks.

Child work is typically associated with impoverished youngsters. In the current era of rising prices, education is crucial for individuals with limited financial resources. The distance is significant, as when there is a single earner in a household of 5 to 7 individuals with a monthly salary ranging from ten to twelve thousand, or four to five hundred daily wages, the sustenance of this household is barely sufficient. The impoverished are unaware of how individuals who struggle to provide sufficient nourishment for their children may also afford to give them an education. He will be compelled to make a misguided decision in order to prevent starvation, either by resorting to illegal activities such as looting or by subjecting his own children to strenuous effort, jeopardising their future. Conversely, let us discuss the individuals who are employed in professions involving children, such as industries, factories, kilns, farms, hotels, and houses. These individuals exploit the vulnerability of impoverished individuals to the maximum extent. They fully exploit the labour of youngsters and provide them with meagre compensation. These individuals are remunerating minors and resorting to acts of violence in response to even minor errors. The frequency of such instances is steadily rising. The worker is obliged, sir, to continue working even after enduring physical abuse and torment from these children (Öncü, [2013](#)). The beneficiaries of child labour encompass professionals such as doctors, lawyers, judges, and politicians of high stature. Within the confines of their residences, automobiles, factories, and agricultural areas, these diminutive workers are expending their vital fluids and exerting great physical effort. The third and final party government has the greatest responsibility for the escalation of child labour.

Regrettably, it must be acknowledged that neither totalitarian nor democratic administrations in Pakistan have given due attention to this matter. Floods and inadequate government actions have deprived the average man's right to survive. Enhance them with knowledge and learning. The primary factor contributing to child labour is the rise in poverty resulting from the ineffective economic strategies

implemented by our governments. Conversely, the official level commemorates Child Labour Day annually on June 12. The government engages in media campaigns to discourage child labour and arranges seminars. On this official day, the government anticipates the incoming administration's commitment and dedication to carry out its responsibilities effectively. These rallies and seminars are organised with the purpose of creating awareness among the people about the issue of child labour and its potential reduction. The stoves will be ignited twice daily, and comprehensive teaching and training will be offered to the children. Regardless of whether we persist in commemorating such occasions for centuries or enact stringent legislation, the menace of child labour will persist. This problem will only be eliminated when the country successfully reduces its inflation and poverty rates and when the workforce achieves economic strength.

World Bank, ILO, and UNICEF

According to the World Bank, the prevalence of child labour decreased from 25 per cent to 10 per cent worldwide between 1960 and 2003 (Edmonds et al., [2005](#)). However, the overall count of child labourers remains significant, as UNICEF and the ILO have recognised that around 168 million children aged 5 to 17 were engaged in child labour globally in 2013. During the Industrial Revolution, girls who did not reach a particular age faced significant problems, including exploitation and labour. However, legislation was quickly implemented to provide protection for them. According to Japan's labour standards law, child labour is strictly forbidden for anyone under the age of 15 (Basu, [1999](#)). For those between the ages of 15 and 18, their age serves as evidence for determining eligibility for overtime work and leave. Limitations include the ban on working during unstable hours, conducting business activities after midnight, and restrictions on some types of employment. During the Industrial Revolution, both children and female workers in factories were subjected to significant exploitation. However, with the implementation of the Factory Act, they have increasingly been protected by regulation. The Labour Standards Act in Japan explicitly forbids the employment of individuals under 15 as workers. Nevertheless, there is one circumstance where the minimum wage does not have a negative impact on the health and welfare of children in non-industrial enterprises. This exception applies only if the youngsters are over 12 years old and have obtained approval from the authorised Labour Standards Inspection Office. Children below the age of 12 will be permitted to engage in overtime labour. I concur with the assertion made by Fasih (2012) that children below the age of 12 are permitted to participate in the usage of electronic devices in films and dramas.

Results of Child Labour and its Impact

As the cool morning breeze blows through, children are like the flowers on a plant twig. They smell great. The way their scent smells makes the whole room feel charming. Because it's the right thing to do, society exists with all of us. The flowers' safety is our shared duty, and we must take it seriously. The International Labour Organisation first observed Child Labour Day on June 12, 2002. June 12 is a day against child work that is observed worldwide every year (Wasif, [2010](#)). Child labour rules should be made stricter to stop kids from doing it. This day, June 12, is marked all over the world to show support for the International Labour Organisation. Pakistan is one of them. On this day every year, seminars and protests are held to stop child labour, but they are just for show and don't actually do anything. Having days of celebration, seminars, and parades in this way won't get rid of or curse the evil of child labour. The fact that more and more children are working around the world shows this to be true.

Laws in Pakistan regarding Child Labour

Various non-governmental organisations (NGOs) and numerous organisations are actively engaged in addressing the issue of child labour in Pakistan. One primary consideration is the extent to which the quality of life for numerous young workers has been enhanced. Consequently, despite these endeavours, no progress has been achieved. The sole beneficiaries are the administrative bodies and non-profit organisations, who temporarily satisfy their own interests in order to document their accomplishments. Clad in worn garments, these individuals responsible for apprehending minors exhibited an unusual level of solemnity in their task, even on a joyous occasion. A palpable sense of deprivation and destitution was evident in their countenances. In Pakistan, children are being subjected to forced employment, which is a clear violation of the Babang Dahl

of the Child Employment Act. However, not all political parties and social organisations are actively combating this significant issue.

These children are compelled to work by landowners, usurers, and businessmen. A significant majority, exceeding 50%, of our country's population is subject to unfavourable circumstances, and there is now no effort being made to enhance their situation. Most of the workforce employed in agricultural factories, workshops, hotels, brick kilns, carpet weaving, fishing, mining, and households lack access to education and are permanently limited in their ability to pursue alternative employment. They are deprived of both life and chances for societal advancement. Consequently, their optimal growth, instruction, and preparation are impeded. The perpetuation of child oppression will persist until collective efforts are made to combat coerced labour. On August 6, 2020, an addition was made to the Children Act of 1991, which introduced a prohibition on domestic child labour. This change was enacted due to the recognition that children engaged in labour were experiencing trauma and child abuse. The new legislation was enacted and enforced in response to the tragic death of Zohra Shah, an 8-year-old kid who was subjected to a savage beating. Subsequently, the performance of home labour was prohibited. During that period, Zohra Shah's case not only involved child abuse but also received significant attention. Uzma Bibi, a 14-year-old kid, was subjected to severe physical abuse. Similarly, Tayyaba Quein, a 10-year-old, was also viciously battered and subsequently transferred to the Child Protection Centre.

Child employment is explicitly forbidden in Pakistan under Article 11 of the Child Employment Act of 1991, as stated in the constitution. Furthermore, Article# 3 mandates that the state will guarantee the establishment and enforcement of safe working conditions, considering the child's capabilities. According to Article 25 (A), it is mandatory for the State to ensure that children between the ages of 5 and 16 receive the required education. Article 37 (e) states that the government is responsible for ensuring that workers are provided with a comfortable atmosphere that is suitable for their age, gender, and specific needs. The 18th Amendment to the constitution, enacted in April 2010, devolved the responsibility of labour and 46 other matters to the provincial level. This marked a significant shift in the state of labour policies in Pakistan. The primary objective of the 18th Amendment was to diminish the central authority and bestow more independence upon the provinces, which would then extend to the districts, resulting in a more fair and balanced progress.

Conclusion

Children worldwide, who should be attending schools appropriate to their age, are being compelled to engage in manual labour such as bricklaying for construction projects, working in tyre repair shops and serving in hotels. The researcher has observed numerous individuals in every region engaging in menial tasks such as dishwashing and floor-sweeping. The underlying causes of this situation include poverty and economic adversity within the family, as well as physical separation from the family. Currently, the children are working diligently with the intention of giving their earnings to their mother and providing support for her when they return home in the evening. Attain self-sufficiency by meeting your own daily requirements. During such instances, labour department officials, due to the limited number of laws in place, fulfil their responsibilities and initiate legal proceedings against employers by urging the youngster to go back home. This further exacerbates the gravity of the matter. As per the researcher, the recent amendment to the Child Act 1991 by the Federal Minister of HR has brought about a noticeable change in the lives of minors. However, in certain remote areas of Sindh and Punjab provinces, minors are still engaged in labour due to debts and other factors. Nonetheless, this amendment is a significant advancement in protecting children's rights and can serve as a model for other nations. As to the International Labour Organisation (ILO) and the United Nations Children's Fund (UNICEF), employment that does not harm the health and education of children is not classified as child labour. However, work that is not of a suitable standard and exposes children to traumatic conditions is considered a criminal offence.

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