



USAID Trade Project

Potential Impact of Non-implementation of Labor Safety & Work Environment Standards on Pakistan's Exports

Focus: Implementing International Labor Organization's (ILO) Better Work Program

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Table of Contents

Background	3
Better Work Program	5
Potential Impact of Non-Implementation of Labour Safety & Work Environment Standards on Pakistan's Exports	6
Pakistan's Labor Legislation and Compliance with International Conventions on Labor Rights 8	
Labor Rights in Pakistan's Constitution	8
Ratification of ILO Conventions and Enactment of Labor Rights.....	8
Ratification and Implementation of Core ILO Conventions in Pakistan	12
Background	
Child labor in the Football Industry in Pakistan	
Monitoring for Elimination Child Labor in the Football Industry in Sialkot.....	
Successful Rehabilitation of Child Workers and Assistance to their families	
ILO Convention Compliance of Pakistan as per the European GSP Criteria	14
Current and Potential Challenges in the Implementation of the Labor Conventions	15
Conclusion.....	15
Appendix 1: Notification from the Walt Disney Company	17
Appendix 2: Ethical Sourcing Policy and Requirements of Key BWP Sponsors.....	18
Walt Disney	18
Wal-Mart Stores Inc.....	19
Levi Strauss & Co.....	20
Jones Apparel Group Inc.	21
Gap Inc.....	22
Nike Inc.	23
Appendix 3: List of Disney's Permitted Sourcing Countries with WGI > 31 percentile & ILS audit.....	24
Appendix 4: List of Permitted Sourcing Countries with WGI above 65 percentile	25
Appendix 5: List of ILO Conventions/Standards Ratified by Pakistan.....	26
Appendix 6: Compliance Report on Forced Labor Convention (C 29).....	29
Appendix 7: Compliance Report on Freedom of Association and Protection Of The Right To Organize Convention (C 87).....	42
Appendix 8: Compliance Report on Right to Organize and Collective Bargaining Convention (C 98)	57
Appendix 9: Compliance Report on Abolition of Forced Labor Convention (C105).....	65
Appendix 10: Compliance Report on Minimum Age Convention (C 138)	77
Appendix 11: Compliance Report on Worst Forms of Child Labor Convention (C 182).....	91
Appendix 12: Compliance Report on Equal Remuneration Convention (C 100).....	108
Appendix 13: Compliance Report on Discrimination (Employment and Occupation) Convention (C. 111)	115
Appendix 14 Worldwide Governance Indicators for Pakistan (1996-2011).....	125

List of Tables and Figures

Table 1: Comparison of Worldwide governance indicators for Pakistan, Bangladesh, India and Sri Lanka (2011) 4

Table 2: Estimated Annual (2012) Export Revenue and Contribution to Direct Employment by Four Key International Buying Houses in Pakistan 7

Table 3: Status of Implementation of the Core ILO Conventions in Pakistan, 2012..... 10

Figure 1: Status of Ratification of Core ILO Conventions by Pakistan 12

Figure 2: Comparison of ILO Conventions Ratified by Pakistan and Bangladesh 12

Box 1: Case Study: Elimination of Child Labor in Pakistan’s Football Industry 12

Table 4: Raid conducted on complaints with police & district & sessions judges..... 60

Background

On March 13th 2013, the Walt Disney Company revised its policy¹ to source merchandise only from countries which have a high Worldwide Governance Indicators (WGI) ranking or implement International Labour Organization's (ILO) Better Work Program. The revised sourcing criteria are as follows:

1. WGI ranking is above 65 percentile or
2. WGI ranking is 31 percentile with an International Labor Standards (ILS) audit or
3. WGI is below 31 percentile, but the country has implements the Better Work Program of International Finance Corporation (IFC) and International Labor Organization (ILO)

The Worldwide Governance Indicators (WGI) is a research dataset produced by Daniel Kaufmann and associates as part of the World Bank's Governance Matters project. The indicators summarize the views on the quality of governance provided by a large number of enterprise, citizen and expert survey respondents in industrial and developing countries. The data is gathered from a number of survey institutes, think tanks, non-governmental organizations, international organizations, and private sector firms. The WGI do not reflect the official views of the World Bank, its Executive Directors, or the countries they represent. The WGI are not used by the World Bank Group to allocate resources.

The WGI are composite governance indicators based on 30 underlying data sources. These data sources are rescaled and combined to create the six aggregate indicators using a statistical methodology known as an unobserved components model. A key feature of the methodology is that it generates margins of error for each governance estimate. These margins of error need to be taken into account when making comparisons across countries and over time².

Below are the six broad WGI indicators of dimensions of governance, please see Annex 2 for the underlying indicators and data sources for each of the six indicators:

1. *Voice and Accountability*: Reflects perceptions of the extent to which a country's citizens are able to participate in selecting their government, as well as freedom of expression, freedom of association, and a free media.
2. *Political Stability and Absence of Violence*: Reflects perceptions of the likelihood that the government will be destabilized or overthrown by unconstitutional or violent means, including politically-motivated violence and terrorism.
3. *Government Effectiveness*: Reflects perceptions of the quality of public services, the quality of the civil service and the degree of its independence from political pressures, the quality of policy formulation and implementation, and the credibility of the government's commitment to such policies.
4. *Regulatory Quality*: Reflects perceptions of the ability of the government to formulate and implement sound policies and regulations that permit and promote private sector development.
5. *Rule of Law*: Reflects perceptions of the extent to which agents have confidence in and abide by the rules of society, and in particular the quality of contract enforcement, property rights, the police, and the courts, as well as the likelihood of crime and violence.
6. *Control of Corruption*: Reflects perceptions of the extent to which public power is exercised for private gain, including both petty and grand forms of corruption, as well as "capture" of the state by elites and private interests.

The WGI reports on the indicators of governance for around 200 countries over a period of 1996 - 2011. The indicators were last reviewed on 24/11/2011³. As per the Worldwide Governance Indicator, Pakistan's average percentile rank is 21. **Error! Reference source not found.** Table 1 compares the

¹<http://thewaltdisneycompany.com/citizenship/policies/permitted-sourcing-countries-policy>

²<http://info.worldbank.org/governance/wgi/resources.htm>

³<http://www.nsd.uib.no/macrodatabguide/set.html?id=50&sub=1>

percentile ranking (0 being the lowest and 100 being the highest) of Pakistan with three regional competitors in apparel exports: Bangladesh, India, and Sri-Lanka.

Table 1: Comparison of Worldwide governance indicators for Pakistan, Bangladesh, India and Sri Lanka (2011)

Governance Indicator	Country	Percentile Rank (0-100)	Governance Score (-2.5 to +2.5)	Standard Error
Voice and Accountability	Pakistan	26.3	-0.83	0.11
	Bangladesh	37.1	-0.31	0.11
	India	59.2	0.41	0.13
	Sri Lanka	31.0	-0.53	0.12
Political Stability/Absence of Violence	Pakistan	0.5	-2.70	0.24
	Bangladesh	7.1	-1.50	0.24
	India	12.7	-1.20	0.24
	Sri Lanka	28.3	-0.54	0.24
Government Effectiveness	Pakistan	22.3	-0.82	0.19
	Bangladesh	19.9	-0.85	0.19
	India	54.5	-0.03	0.19
	Sri Lanka	52.6	-0.08	0.19
Regulatory Quality	Pakistan	29.9	-0.61	0.16
	Bangladesh	22.3	-0.81	0.16
	India	40.3	-0.34	0.17
	Sri Lanka	50.7	-0.09	0.16
Rule of Law	Pakistan	20.7	-0.9	0.13
	Bangladesh	28.6	-0.72	0.13
	India	52.6	-0.08	0.13
	Sri Lanka	53.1	-0.07	0.14
Control of Corruption	Pakistan	15.6	-1.00	0.17
	Bangladesh	16.1	-1.00	0.17
	India	35.1	-0.56	0.15
	Sri Lanka	40.8	-0.42	0.17



*Source: World Bank, 2011. Calculations based on Kaufmann D., A. Kraay, and M. Mastruzzi (2010), The Worldwide Governance Indicators: Methodology and Analytical Issues.

As per the worldwide governance indicators (WGI) (Table 1), Pakistan does not fare well on governance indicators compared to its regional competitors India and Sri-Lanka; and is almost at par with Bangladesh. At the same time, Pakistan is at historic crossroad where it appears the country may be genuinely transitioning to a continuous democratic system. For the first time in its history, a democratically elected government (in 2008), completed its constitutional term of five years and transitioned power to another government elected through democratically held election on May 11th, 2013. There is general optimism in Pakistan that governance may improve as performance based

competition among various political parties has taken centre stage. It is however too early to assess the state of governance in Pakistan or to expect clear and measurable changes in the short term.

As shown in Table 1, Pakistan's performance is the lowest in Political Stability/Absence of violence. As recently as 2001, Pakistan's ranking for Political Stability/Absence of Violence was above 10 percentile, but is now down to 0.5. With the recent democratic election and peaceful transition to a newly elected government, a case can be made that Pakistan's performance for this indicator will improve over time. Please see Appendix 14 for detailed time series graphs Worldwide Governance Indicators (WGI) for Pakistan from 1996-2011.

Because changes in WGI are likely to be reflected overtime and are based on overall improvements in governance across various sectors, the Ministry of Commerce or any other single Ministry of the Government of Pakistan is unlikely to impact the change in the overall WGI.

Short to medium term strategy, therefore, for the Government of Pakistan to stem or alleviate risk of Disney's pull out is to focus on the implementation of ILO labor conventions; and ensuring decent work environment, especially via the implementation of Better Work program.

Launched in 2006, the Better Work Program is a partnership between the International Labor Organization (ILO) and the International Finance Corporation (IFC). The aim is to improve labor safety and work environment.

As per its notification dated March 4, 2013 (Annex 1), Disney's pull out from Pakistan will come into effect from March 2014. Currently, there are over 30 factories in Pakistan that supply products to the Walt Disney Company. A pull-out of Disney as a buyer from Pakistan will lead to estimated direct loss export orders from Disney to Pakistan of USD 150 million per year. Data from 15 factories indicates that there will be a job loss of 20,000-25,000 in the event of Disney's discontinues sourcing from Pakistan. The industry and Government of Pakistan perceive that after Disney's pull out from Pakistan other major buying houses may also follow suit, causing further losses in export earnings and employment.

This paper is developed at the request of the Ministry of Commerce of the Government of Pakistan to brief it on the following key questions:

1. What is the Better Work Program?
2. What is the potential magnitude of risk to Pakistan in terms of export revenue and job loss if key international buyers pull out from Pakistan due to non-implementation of international labor safety and work environment standards?
3. What is the state of Pakistan's compliance with International labor standards?
4. What are challenges in implementing the ILO Labor conventions?

Better Work Program

The Better Work Program is a partnership between the International Labor Organization (ILO) and the International Finance Corporation (IFC). It was launched in August 2006 in order to improve labor standards and competitiveness in global supply chains after the success of the ILO Better Factories Cambodia Project. Implementation of Better Work Program includes:

- Compliance Assessment Activities in factories: auditors evaluate if the factories are adhering to ILO Core Labor Standards and National Labor Laws.
- Continuous Improvement: Better Work staff facilitates dialogue between the managers and workers to address their report's findings and submits regular progress reports.
- Stakeholder engagement: buy-in for the program and activities occurs at all levels, including government, employers, unions and workers, and international buyers.

Better Work is improving the lives of thousands of working people worldwide. For example, over 90% of garment factories in Cambodia now pay their workers acceptable minimum wages, including overtime, and allow for maternity and annual leave. Also, Better Work's goal is to improve the lives of 700,000 people in five years in Vietnam alone.⁴ The program's sustainable design also sets it apart. While donor countries (including the US) contribute funds to develop and implement these programs, international garment buyers pay for factory audits and related activities. These buyers include big names like GAP, Levi Strauss, and Adidas. Better Work's goal is to make each program financially sustainable in five to seven years.⁵

Potential Impact of Non-Implementation of Labour Safety & Work Environment Standards on Pakistan's Exports

This section underlines the potential magnitude of direct and immediate impact on Pakistan's exports and employment if key international buyers pull out of Pakistan due to the perception created by pull out of Disney that Pakistani factories may not be adequately compliant with labour safety and work environment standards.

Ethical consumerism is a rising phenomenon that corporate brands can no longer ignore. Ethical consumerism refers to concept of consumer activism that is practiced through 'positive buying' in that ethical products are favored, or through 'moral boycott', that is negative product and / or brand purchasing. Consequently, large corporations are increasingly conscious of positioning themselves as moral, principled or ethical organisations. Particular areas of interest for large businesses are environmental impact and the treatment of workers at the bottom of the organisational hierarchy. This change reflects an increasing awareness of ethical issues and corporate identity amongst mainstream consumers. This also reflects the fact that businesses are becoming highly sensitive to potential reputational risk that can impact long term business margins due consumers' moral boycott.

Hence, majority of international brands with supply chains spread across the world apply "ethical sourcing" principles as part of their supply chain management. **Annex 2** summarises the ethical sourcing requirements of the key international consumer good brands sourcing from Pakistan. Of these brands, only the Walt Disney Company requires implementation of ILO's Better Work Program, and that too if the country for sourcing does not meet the WGI threshold. Other brands like Levi Strauss, Nike, Wal-Mart, Gap Inc., and Jones Apparel Group Inc are partner buyers or sponsors for the Better Work Program yet do not require implementation of the Better Work Program as a condition for placing orders.

However, if Disney pulls out of Pakistan, key other brands may follow suit depending on:

- i. The share of total global supply sourced from Pakistan. The larger the share, the more difficult it is for the brand to completely and immediately pull out of Pakistan.
- ii. The public visibility of the pull out and the extent to which the pull out of Disney conveys reputational risk for international brands.

The following assessment of potential impact of Disney's pull out from Pakistan assumes that some of the key international brands may also initiate a transition towards reducing their exposure to reputational risk projected by Disney's pull out due to non-compliance with its ethical sourcing requirement.

Disney's sourcing orders from Pakistan are estimated to be close to USD 150 million per year. There are over 30 factories in Pakistan that supply products to the Walt Disney Company. Data from 15 factories (listed below) indicates towards a potential direct loss of 20,000-25,000 jobs in the event of

⁴<http://www.ilo.org/washington/areas/better-work/lang--en/index.htm>

⁵<http://www.ilo.org/washington/areas/better-work/lang--en/index.htm>

Disney's pull out from Pakistan. Disney's procurement or sourcing from Pakistan represents 1% of its global sourcing.

Ref #	Name	Location (City, Province)
1	Younas Textile Mills Limited	Karachi, Sindh
2	Kam International	Karachi, Sindh
3	Afroze Textile Mills Limited	Karachi, Sindh
4	Liberty Textile Mills Limited	Karachi, Sindh
5	Lucky Textile Mills Limited	Karachi, Sindh
6	Sadaqat Limited	Faisalabad, Punjab
7	Arzoo Textile Mills Limited	Faisalabad, Punjab
8	Kamal Limited	Faisalabad, Punjab
9	Kamal Textile Mills	Faisalabad, Punjab
10	M.K Sons (PVT) Limited	Faisalabad, Punjab
11	Gohar Textile Mills (PVT) Limited	Faisalabad, Punjab
12	Nimra Textile Mills (PVT) Limited	Faisalabad, Punjab
13	Riaz Enterprises	Faisalabad, Punjab
14	Sitara Textile Mills Limited	Faisalabad, Punjab
15	Crescent Textile Mills Limited	Faisalabad, Punjab

In order to assess the potential impact of the pull out of key BWP's sponsors on Pakistan's exports and employment, the USAID Trade Project reached out to the sourcing houses, suppliers and representatives that procure products from textile manufacturers in Pakistan for Levi Strauss & Co; Nike; Wal-Mart; and The Walt Disney Company. **Table 1** below shows estimates for each of the above brands; the estimated annual value (in 2012) of the products sources; the number of suppliers and total direct employment related to the production of the orders. Annual exports by only four (4) of the key international brands accounted for USD 1.1 billion in export revenue and contributed to approximately 460,000 direct jobs in Pakistan in 2012⁶.

Table 2: Estimated Annual (2012) Export Revenue and Contribution to Direct Employment by Four Key International Buying Houses in Pakistan

Buying House Name	Name of Products Sourced from Pakistan	Value (USD) of total products sourced from Pakistan – 2012	Number of suppliers (per buying house and per product)	Estimated number of people employed by the suppliers / in the value chain
Levi Strauss & Co	Denim and Non Denim Apparels, Knitted T-shirts, Denim and Non Denim fabric	180 Million US \$ Apparels & 210 Million US \$ Fabric	9 Fabric suppliers + 6 Apparel manufacturers	24,500
Nike	Cotton Fleece sweat shirts, Footballs	70 Million US \$	1 Apparel manufacturer + 1 football manufacturer	10,000
Wal-Mart	Home textiles, Apparel, others	0.5 Billion	20-25 vendors in of home textiles	400,000-500,000
The Walt Disney Company	Home textiles, others	150 Million US \$	34 factories are Disney producers, mostly in Sindh with some in Punjab	25,000 for 15 suppliers. Estimates with respect to the remaining 19 factories are not available.

*Source: Industry estimates, 2013

⁶ Please note that the data are only estimates and based on feedback from various sources including the buying houses representing and sourcing on behalf of these brands, sourcing companies and local manufacturers.

While the non-implementation of Better Work Programme may not be part of sourcing criteria for brands other than Walt Disney, events such as factory accidents or a visible pull out of a reputed international brand from Pakistan may also give rise to perceptions of Pakistan as a high risk country with respect to labor conditions and motivate these brands to terminate procurement from Pakistan. To mitigate such risks, Pakistan needs to protect its reputation as a country that promotes and implements ILO's labor and other international human rights conventions that have already been ratified. Critical to managing the risk of losing key export orders due to perceived non-compliance with international ethical sourcing requirements is strengthening of safety assurance and decent work conditions in Pakistan's work places. If implemented successfully, the Better Work Program can increase Pakistan's work place image and strengthen its competitive position in the supply chain for key international brands.

The subsequent sections provide a brief overview on the state of Pakistan's compliance with ILO labor conventions; and on the challenges in implementing ILO labor conventions in Pakistan.

Pakistan's Labor Legislation and Compliance with International Conventions on Labor Rights

Initial discussions with ILO mission in Pakistan suggest that the Mission appreciates the potential risk to Pakistan in terms of loss of export revenue and consequent unemployment in the event of international brands pulling out of Pakistan in the medium term on the basis of perceived reputational risk related to their ethical sourcing practices. The ILO Mission in Pakistan, however indicated that the Government of Pakistan would need to demonstrate an earnest will to implement its Better Work Program for the sake of improving working conditions rather than to simply stall the decision of the Walt Disney Company to withdraw sourcing from Pakistan by initiating the application process BWP with the ILO.

The subsequent sections highlight Pakistan's state of compliance with international labor standards. While Pakistan has demonstrated success ratifying many conventions, it faces compliance challenges with respect to their implementation.

Labor Rights in Pakistan's Constitution⁷

The Constitution of Pakistan contains a range of provisions with respect to labor rights found in Part II: Fundamental Rights and Principles of Policy.

- Article 11 of the Constitution prohibits all forms of slavery, forced labor and child labor;
- Article 17 provides for a fundamental right to exercise the freedom of association and the right to form unions⁸;
- Article 18 proscribes the right of its citizens to enter upon any lawful profession or occupation and to conduct any lawful trade or business;
- Article 25 lays down the right to equality before the law and prohibition of discrimination on the grounds of sex alone;
- Article 37(e) makes provision for securing just and humane conditions of work, ensuring that children and women are not employed in vocations unsuited to their age or sex, and for maternity benefits for women in employment.

Ratification of ILO Conventions and Enactment of Labor Rights

As regards international commitments relating to labor standards, Pakistan has ratified 36 ILO Conventions of which 33 are in force. All fundamental conventions have been ratified as show in Table

⁷ See <http://www.ilo.org/public/english/dialogue/ifpdial/info/national/pak.htm>

⁸ According to NGOs and the Economic Survey of Pakistan, the total workforce was approximately 51.8 million. Labor groups and International Labor Organization (ILO) figures indicated that approximately 3 percent of the total estimated workforce was unionized. *US State Department Pakistan Country Report on Human Rights 2009, Section 7, Para 1.*

3. Please see Annex 2 for details with regards to the status of ratification and implementation of ILO Conventions.

Pakistan has also ratified the Convention on the Rights of the Child (CRC), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Anti-Slavery Convention of the UN. The national laws controlling for the incidence of child labor and bonded labor include the Employment of Children Act (1991) and the Bonded Labor System Abolition Act (1992).⁹

⁹ Page 2 of Joint Statement on Pakistan Decent Work Country Program, ILO, 2005

Table 3: Status of Implementation of the Core ILO Conventions in Pakistan, 2012

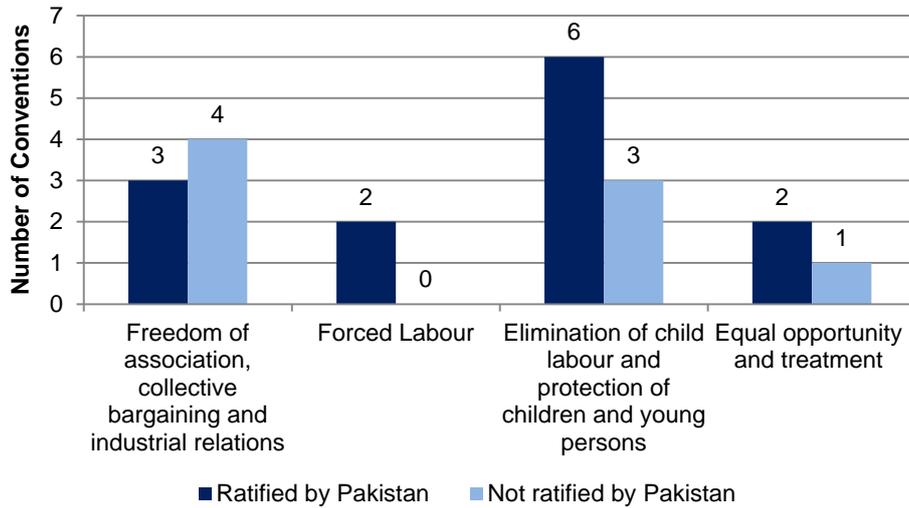
Core ILO Convention	Ratification	Reservation	Legislation	Gaps in Implementation	Remedy	Reporting Status
C. 29: Forced Labor Convention, 1930	Member since 23 Dec 1957	No reservation on record	Bonded Labor System (Abolition) Act, 1992	No gaps have been identified in the existing legislation.	Remedial action is not required as no gaps have been identified.	Report for the period till August, 2012 has been submitted by the Ministry of HRD, Pakistan
C. 87: Freedom of Association and Protection of the Right to Organize Convention, 1948	Ratified 26 May, 1952	No reservation on record	Punjab Industrial Relations Act, 2010	Under Section 3(i) of "The Punjab Industrial Relation Act, 2010", workers of an establishment, employing not less than fifty workers, may establish a Trade Union. Different workers organizations showed their reservations on the restriction of fifty workers in an establishment for the formation of a Trade Union. The Federal Government also conveyed its reservations in this regard to make the law in conformity with the articles of relevant convention.	The Labor & Human Resource Department has proposed to review this law to strike out the restriction of fifty workers for the formation of Trade Union in an establishment. An amendment in section 3(i) of the PIRA, 2010 has been proposed and a summary for Chief Minister has been initiated by the department to obtain approval for legislation.	-do-
C. 98: Right to Organise and Collective Bargaining Convention, 1949	Ratified 26 May, 1952	No reservation on record	Punjab Industrial Relations Act, 2010	-do-	-do-	-do-
C. 105: Abolition of Forced Labor Convention, 1957	Ratified 15 Feb 1960	No reservation on record	Bonded Labor System (Abolition) Act, 1992	No gaps have been identified in the existing legislation.	Remedial action is not required as no gaps have been identified.	-do-
C-138: MINIMUM AGE CONVENTION, 1973	Ratified 06 Jul 2006	No reservation on record	Shops and Establishments Ordinance, 1969 Factories Act, 1934 Employment of Children Act,	The existing legislation namely "Employment of Children Act, 1991" has been found non-conforming to the objectives of the relevant convention. Certain gaps were identified with the assistance of ILO (Monitoring Agency).	The Labor & Human Resource Department, Punjab has proposed to substitute this law by new legislation. In this respect, "Punjab Prohibition of Employment of Children Act, 2012" has been drafted with the assistance of ILO, Islamabad Office after	-do-

			1991		tripartite consultation. A summary for Chief Minister has been initiated by the department to obtain approval for legislation.	
C. 182: Worst Forms of Child Labor Convention, 1999	Ratified 11 Oct 2001	No reservation on record	Employment of Children Act, 1991	-do-	-do-	-do-
C. 100: Equal Remuneration Convention, 1951	Ratified 11 Oct 2001	No reservation on record	Minimum Wages Ordinance, 1961 Pakistan Minimum Wages For Unskilled Workers Ordinance, 1969 Minimum Wages Rules, 1962	No gaps have been identified in the existing legislation.	Remedial action is not required as no gaps have been identified.	Not required for the same period
C. 111: Discrimination (Employment And Occupation) Convention, 1958	Ratified 24 Jan 1961	No reservation on record	Industrial And Commercial Employment (Standing Orders) Ordinance, 1968	-do-	-do-	Reply to the observations of the Committee of Experts has been prepared for Punjab and shall be submitted to ILO when required

Ratification and Implementation of Core ILO Conventions in Pakistan

Four broad areas of fundamental labor rights, as enshrined in the ILO Declaration on Fundamental Principles and Rights at Work, 1998, are freedom of association, right to organize and bargain collectively; elimination of all forms of forced and compulsory labor; the effective abolition of child labor; and, elimination of discrimination of employment and occupation. These are included in the core conventions of ILO.

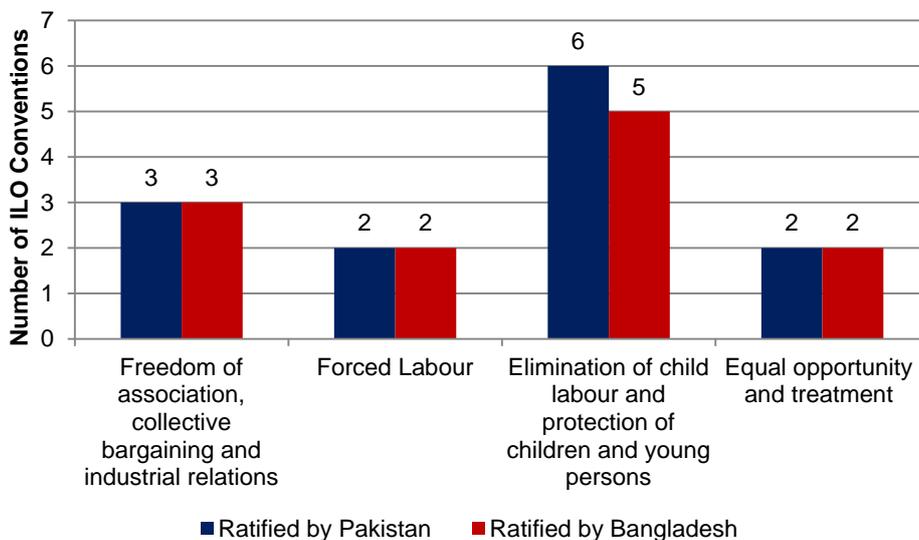
Figure 1: Status of Ratification of Core ILO Conventions by Pakistan



*Source: ILO

Pakistan's record of ratification of ILO conventions is comparable and in certain cases, better than that of Bangladesh as indicated in Figure 2. Furthermore, Pakistan is one of the few developing countries that have ratified all 8 core labor conventions. Although this demonstrates the intention of Pakistan to protect fundamental rights, Pakistan faces challenges in terms of the capacity in implementation, monitoring and reporting especially after the transfer of these responsibilities to the provinces under the 18th constitutional amendment.

Figure 2: Comparison of ILO Conventions Ratified by Pakistan and Bangladesh



*Source: ILO

The subsections below describe below the framework of implementing standards with respect to freedom of association; bonded labor; child labor; and equal opportunity.

Box 1: Case Study: Elimination of Child Labor in Pakistan's Football Industry**Background**

Pakistan successfully combated child labor in the football industry following Nike's decision to end sourcing footballs from Sialkot unless child labor issues were addressed. More than 6,000 children were removed from the workplace and provided with access to educational facilities. Over 10,500 children received education. Health care was provided to 5,400 children. The program reached 1582 villages, two small towns and the city of Sialkot.

Pakistan achieved this goal in partnership with the ILO, UNICEF, and World Federation of the Sporting Goods Industry, Sialkot Chamber of Commerce, Soccer Industry Council of America and International Federation of Football Associations (FIFA). Total 66 manufacturers, representing 95% of the overall production of footballs in Sialkot participated in the correction program.

Child labor in the Football Industry in Pakistan

During the 1970 and 80s, there was a significant restructuring of the production of footballs in Sialkot, Pakistan. Changes in raw materials from leather to synthetics and improved machinery for cutting ushered in the possibility of stitching footballs in the home. As a result, middlemen began outsource stitching to families working from home, leading to increasing rates of child labor. It was estimated that more than 7,000 children between the ages of 7-14 years old were working full time stitching footballs. The media began to report on this issue, which led to negative publicity for the industry around the 1994 Soccer World Cup. Media focus on child labor in the football sector in Pakistan was damaging to major brands and retailers.

Monitoring for Elimination Child Labor in the Football Industry in Sialkot

In February 1997, the World Federation of the Sporting Goods Industry, the ILO, UNICEF, and the Sialkot Chamber of Commerce signed the Atlanta Agreement, with the goal of eliminating child labor in football production in Sialkot. Funding was provided by UNICEF, the US Department of Labor, the International Federation of Football Associations (FIFA) and the Soccer Industry Council of America.

In 1997, the ILO and the Sialkot Chamber of Commerce and Industry (SCCI) launched an independent monitoring facility. Footballs made in child-free work environments received an identification number on the inside of each ball to identify the factory in which it was made.

Successful Rehabilitation of Child Workers and Assistance to their families

Through this initiative, more than 6,000 children were removed from the workplace and provided with access to educational facilities. Over 10,500 children received an education. Health care was provided to 5,400 children. The program reached 1582 villages, two small towns and the city of Sialkot.

According to an ILO review of the results, the Sialkot case provides a strong example of an effective multi-stakeholder initiative. The Sialkot case study is an example of a breakthrough in addressing child labor, as opposed to fire the child workers. Efforts were made to rehabilitate children and address some of the systemic problems in Sialkot including education.

Part of what made the initiative so successful is that 95% of the total production of footballs for export participated in the program. All the major brands also participated in the initiative. Another factor in the success of the initiative is the division of labor between key funders, with brands contributing towards monitoring, organizations such as the Department for International Development working towards poverty alleviation, and Save the Children and UNICEF working to improve the educational system. IPEC also provided technical support and monitoring.

Freedom of Association:

The constitution of Pakistan guarantees the fundamental right of association and collective bargaining. Article VII of the constitution assures and guarantees all citizens to form unions and associations. After the eighteenth constitutional amendment the Industrial Relations Act has been promulgated by the Federal Government. The law is administered through national industrial relations commission. The provinces have their own Industrial Relations legislation. Under these enactments, workers and employees have the right to establish or join trade unions of their choice and to join federation at national and international levels.

Bonded Labor:

Pakistan's constitution article XI prohibits forced labor, slavery, servitude, and trafficking in persons. Pakistan's penal code, under section 359 to 374, establishes fines and imprisonments on violation of provisions of forced labor and trafficking. Pakistan has enacted the law, namely, Bonded Labor System (Abolition) Act 1992 and Bonded Labor System (Abolition) Rules 1995. Under the law, extraction of bonded labor is punishable with imprisonment for a term of 2-5 years with a fine of minimum Rs. 50,000. District vigilance committees (DVCs) are established to advise the district administration on the implementation of the law. The new Sindh Industrial Relations Bill 2013 passed by the Sindh Assembly has also extended the law to workers in the agricultural and fishing sectors.¹⁰

Child Labor:

The constitution of Pakistan, under article XI (3) and 37 (e) specifically prohibits child labor. Apart from ILO Conventions No. 138 on Minimum Age and No. 182 on Worst Forms of Child Labor, Pakistan has also ratified UN convention on Rights of the Child. An exclusive law on the subject of child labor, the Employment of Children Act, was enacted in 1991. The act prohibits employment of children 14 years in 38 occupations and processes considered as hazardous for child labor. The law regulates the working conditions of children engaged in non-hazardous work and caters to their health and safety concerns. Labor laws like Factories Act, Mines Act, Shops and Establishments Ordinance and Road Transport Workers Ordinance prohibit the employment of children in factories, mines, shops/establishments and road transport, respectively.

Equal Opportunity:

Equal opportunities for women and men in employment and equal remuneration are covered under ILO conventional No. 100 and 111 Article 18 of the Constitution of Pakistan that provides for the freedom to enter any lawful trade, profession or business to all the citizens without discrimination. Article 25 of the Constitution of Pakistan provides equal justice and equality of legal status among the citizens. Article 27 of the Constitution of Pakistan is qualified for appointment in the service of Pakistan; he/she cannot be refused appointment merely on the ground of race, religion, caste, sex, residence or place of birth. Pakistan has ratified UN Conventional on elimination of all forms of racial discrimination, 1996 and Conventional on Elimination of Discrimination against Women, 1979.

ILO Convention Compliance of Pakistan as per the European GSP Criteria

Pakistan has completed the ratification of all labor related conventions as required by the European Generalized System of Preferences (GSP). As per article 9 of Chapter III of the revised regulations¹¹ for the European GSP, a beneficiary country may benefit from the tariff preferences provided under the special incentive arrangement for sustainable development and good governance referred to in point (b) of Article 1(2) if it has ratified all the Human Rights and ILO conventions listed in Annex VIII of GSP regulations (which include the 8 core ILO conventions) and the most recent available conclusions of the monitoring bodies under those conventions (the 'relevant monitoring bodies') do not identify a serious failure to effectively implement any of those conventions.

¹⁰<http://www.unic.org.pk/pdf/PR-ILO-20130329.pdf>

¹¹Regulation (Eu) No 978/2012 Of The European Parliament And Of The Council of 25 October 2012

As indicated in the summary of status of ratification and implementation of 8 core ILO conventions in Table 3, Pakistan has ratified all 8 conventions without reservations. Gaps have been identified in 3 out of 8 conventions namely, Conventions for Freedom of Association and Protection of the Right to Organize, Worst Form of Child Labor and Minimum Age. Changes have been proposed in the legislation as indicated in **Table 3**. Please see Appendices 6-13 for a detailed report on the compliance of the core conventions.

Current and Potential Challenges in the Implementation of the Labor Conventions

With the passage of the 18th Amendment, the labor legislation and its implementation has been devolved to the provinces. According to a report¹² by the Pakistan Institute of Legislative Development and Transparency (PILDAT), several complexities and challenges have arisen following the promulgation of the 18th amendment. The Federal Government of Pakistan has no mechanism to assure harmonization of labor laws across provinces. Since the ratification of 36 ILO conventions, there is a need to bring the provincial labor laws in conformity with the ILO conventions ratified. Decentralization of the Workers Welfare Fund (WWF) and Employee's Old Age Benefits Institution (EOABI) has proven to be damaging to the provinces, particularly Khyber Pakhtunkhwa and Baluchistan, as they are not able to generate funds to even meet the administrative costs.

Furthermore, the Government of Pakistan has yet to provide a blue print of the basic legal framework to help the provinces legislate further with regards to labour standards and work conditions. As a result, after much disarray, the provincial governments have introduced their own Industrial Relations Acts, and several issues, e.g. mechanism for union registration and the authority of the National Industrial Relations Commission (NIRC), have been left unanswered. This may lead to jurisdictional "cherry-picking," as different labor laws in different provinces may result in employers choosing provinces with minimum labor rights.

Serious lapses in the implementation of ILO conventions result from the lack of a uniform and fault proof inspection system across provinces. Devolution has further aggravated the issue of inspection. In 2003, the Punjab and Sindh Governments, adopted restrictive policies that banned inspection in favor of an exclusively voluntary self-declaration mechanism. Moreover, the inspection teams were prohibited from undertaking visits without prior permission from employers. These measures rendered the inspection system completely inoperative and also resulted in resurgence in child labor.¹³ While the Punjab Industrial Policy 2003 was later withdrawn and regular inspections were permitted again, the ILO Committee has not been informed about the status of labor inspection in Sindh and/or in other provinces. Pakistan must strengthen the inspection and reporting system and take necessary steps to ensure that annual inspection reports are published by each province as required by the Labor Inspection Convention (C 081).

Conclusion

Pakistan does not meet the revised sourcing criteria of the Walt Disney Company as its Worldwide Governance Indicator ranking is below the minimum threshold and it has not initiated the application process for the implementation of the Better Work Program of ILO and IFC.

Disney's pullout from Pakistan will come into effect in March 2014 causing an estimated loss of US \$ 150 Million in annual business. Estimates from 15 companies out of over 30 suppliers of Disney in Pakistan, indicate a loss of 25,000-30,000 jobs.

It is expected that following the pull out of Disney from Pakistan, other sponsors of the Better Work Program may also re-evaluate the perceived reputational risk associated with sourcing from Pakistan

¹²<http://www.pildat.org/Publications/publication/laborissue/Impactofthe18thConstitutionalAmendmentonLaborRights-Report.pdf>

¹³http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3086764:YES

due to a visible pull out by Disney due to non-compliance with Disney's ethical sourcing requirements end procurement from Pakistan. Annual exports by only four of the several international brands accounted for USD 1.1 billion in export revenue and contributed to approximately 460,000 direct jobs in Pakistan in 2012.¹⁴

With a historic transition from one democratically elected government to another, there is optimism in Pakistan that governance may improve. But it is too early to predict how long it would take Pakistan to meet the WGI criteria. In the short term Pakistan should strengthen its implementation of labor and work safety standards to prevent work place accidents that may cause international brands to divert their orders to other countries due to fear of risk to brand reputation. The Better Work Program, if implemented effectively can improve factory level inspection and certification and reduce the risk of work place hazards.

Pakistan has demonstrated its ability to make good progress on the implementation of ILO conventions in partnership with the private sector. Implementation of ILO conventions against child labour is a key example of the Pakistan's ability to comply with international labor standards. Furthermore, Pakistan has ratified all core ILO conventions without reservations and in 6 out of 8 core conventions there are no gaps in implementation.

Following the promulgation of the 18th amendment, devolution has led to a rapid development in legislation and implementation on labor laws in provinces, albeit not at a uniform pace. Pakistan recognizes the need to strengthen the coordination mechanism at the federal level and institute a reliable labor inspection system across all provinces. Secretary, Ministry of Human Resource Development, will be presenting the progress on the compliance with ILO Convention on Labor Inspection (C 081) at the International Labor Conference (ILC) in June 2013.

It is imperative that Pakistan demonstrates a strong political will to improve labour conditions and work place safety, especially ILO's Better Work Program. The International Labor Office (Pakistan) recommends that the best strategy moving forward is for the GoP to bring a coordinated effort, based on consultations with all relevant Ministries at the federal and provincial level, to the International Labor Organization (Geneva) through the highest quarters in the Ministry of Foreign Affairs of the Government of Pakistan. For this purpose the Ministry of Commerce, Textiles and Human Resource Development (HRD) should collaborate with the ILO tripartite constituents including Pakistan Workers Confederation (PWC) and Employers Federation of Pakistan (EFP) and the industry.

¹⁴ Industry estimates

Appendix 1: Notification from the Walt Disney Company

Dated March 04, 2013

Dear Disney Licensees and Vendors:

As the world's largest licensor, Disney-branded consumer products are produced by thousands of independent licensees and vendors working with tens of thousands of manufacturing facilities around the world. Disney is committed to fostering safe, inclusive and respectful workplaces in the facilities that produce Disney-branded goods. Because Disney is primarily a licensor of intellectual properties, we must rely more heavily upon our licensees and vendors to help ensure working conditions that are consistent with Disney's standards.

As part of an on-going review of our policies and procedures, we are making adjustments to our sourcing guidelines that will help us better manage the challenges associated with a complex global supply chain. We have decided to consolidate production of Disney-branded products in a more limited number of *Permitted Sourcing Countries* and are asking our licensees and vendors to transition the production of Disney-branded goods out of the highest-risk countries.

We are making this change to more effectively focus our resources, better manage the supply chain for Disney-branded products and meet our standards on a more reliable and consistent basis in locations more likely to make continuous improvements in working conditions.

The updated list of *Permitted Sourcing Countries* is set forth below. Please note that the *Permitted Sourcing Countries* list also includes countries where the International Labor Organization (ILO) and the International Finance Corporation (IFC) operate a *Better Work Program*. We will continue to permit production in *Better Work* facilities as part of our ongoing support for this important program.

Although there is currently very limited Disney-branded production in countries no longer on the *Permitted Sourcing Countries* list – including Bangladesh, Belarus, Ecuador, Pakistan and Venezuela – we are committed to a responsible transition that mitigates the impact to affected workers and businesses. If you are currently sourcing Disney-branded goods in an impacted country, then we seek your cooperation and support to transition the production of Disney-branded goods to a country on our updated *Permitted Sourcing Countries* list by March 31, 2014.

We will continue to monitor working conditions around the world. Countries that demonstrate meaningful improvements as reflected in the World Bank Governance Indicators or that adopt the ILO/IFC's *Better Work* program will be considered for future inclusion on the *Permitted Sourcing Countries* list.

If you have any questions, please contact your primary Disney business contact or your ILS representative. For more information about Disney's Citizenship and Ethical Sourcing programs, see www.DisneyLaborStandards.com.

Thank you again for your partnership and support.

Sincerely,



Josh Silverman
Executive Vice President
Global Licensing
Disney Consumer Products

Appendix 2: Ethical Sourcing Policy and Requirements of Key BWP Sponsors

Walt Disney

Ethical sourcing of Disney-branded products is an important focus of the Disney's overall efforts by working to improve labor conditions in their production facilities (evaluated by Disney's International Labor Standards (ILS) program), testing the safety and integrity of products, and exploring ways to reduce the environmental footprint of the supply chain. The International Labor Standards (ILS) program helps in assessing and addressing the working conditions in facilities producing Disney products. In addition to the Code of Conduct for Manufacturers (below), Disney requires that the country for sourcing performs strongly against the Worldwide Governance Indicator or is implementing ILO / IFC's Better Work Program.

Disney's **Code of Conduct for Manufacturers**, in place since 1996, was designed to be consistent with the core conventions of the International Labor Organization (ILO), highlighting the minimum requirements/standards that all manufacturers of Disney merchandise have to maintain. *All references to "applicable laws and regulations" in this Code of Conduct include local and national codes, rules and regulations as well as applicable treaties and voluntary industry standards.* These include:

- i. **Child Labor:** Manufacturers are banned from using child labor. This includes any person younger than 15 (and 14, where local law allows) or, if higher, the local legal minimum age for employment or the age for completing compulsory education.
- ii. **Involuntary Labor:** No use of forced or involuntary labor, whether prison, bonded, indentured or otherwise.
- iii. **Coercion and Harassment:** All employees are to be treated with respect and dignity. No form of corporal punishment, threats of violence or other forms of physical, sexual, psychological or verbal harassment or abuse can be practiced by the manufacturer.
- iv. **Non-discrimination:** Manufacturers will not discriminate in hiring and employment practices, including salary, benefits, advancement, discipline, termination or retirement, on the basis of race, religion, age, nationality, social or ethnic origin, sexual orientation, gender, political opinion or disability.
- v. **Association:** Employees rights to associate, organize, and bargain collectively in a lawful and peaceful manner, will be respected without any penalty or interference.
- vi. **Health and Safety:** Manufacturers need to provide the employees with a safe and healthy workplace in compliance with all the applicable laws and regulations, including a minimum reasonable access to potable water and sanitary facility, fire safety, and adequate lighting and ventilation. The same standards for health and safety are to be applied in any housing that is provided to the employees.
- vii. **Compensation:** Manufacturers, at a minimum, need to comply with all applicable wage and hour laws and regulations, including minimum wages, overtime, maximum hours, piece rates and other elements of compensations, and provide legally mandated benefits. Except in special circumstances, employees will not require to work more than the lesser of 48 hours per week and 12 hours overtime, or the limits on regular and overtime hours allowed by local law. In addition, employees will be entitled to at least one day off in every seven-day period, other than in extraordinary circumstances.
- viii. **Protection of the Environment:** Manufacturers will comply will all applicable environmental laws and regulations.
- ix. **Other Laws:** Manufacturers will comply with all applicable laws and regulations, including those pertaining to the manufacture, pricing, sale and distribution of merchandise.
- x. **Subcontracting:** Subcontractors to manufacture Disney merchandise or components is not allowed without Disney's express written consent, and only after the subcontractor has entered into a written commitment with Disney to comply with this Code of Conduct.
- xi. **Monitoring and Compliance:** Manufacturers are to authorize Disney and its designated agents to engage in monitoring activities to confirm compliance, including unannounced on-

site inspections, reviews of books, records relating to employment matters, including interviewing the employees.

- xii. **Publication:** Manufacturers need to take appropriate steps to communicate this Code of Conduct with the employees, including posting of a copy in the local language and in a place readily accessible to the employees at all times.

For more information on Walt Disney's Ethical Sourcing Requirements and Policies, please visit: <http://thewaltdisneycompany.com/citizenship/respectful-workplaces/ethical-sourcing>

Wal-Mart Stores Inc.

Wal-Mart established its **Standards for Suppliers**, in 1992, as a code of conduct, designed to cover the topics of health and safety, environment, compensation, working hours, forced labor, underage labor, discrimination, compliance with applicable national laws and regulations, freedom of association and collective bargaining, rights concerning foreign contract workers, and to bring opportunities for a better life in the countries where merchandise for Wal-Mart is sourced. Wal-Mart requires its suppliers, and their contractors, to meet the following standards, and reserves the right to make periodic, unannounced visits to ensure compliance of the following standards:

- i. **Compliance with the applicable laws and practices:** Suppliers shall comply with all local and national laws and regulations of the jurisdictions in which the suppliers are doing business as well as the practices of their industry.
- ii. **Compensation:** Employees need to be fairly compensated by providing wages and other benefits which are in compliance with the local and national laws.
- iii. **Hours of Labor:** Suppliers are to maintain work hours in compliance with the local standards and applicable laws. Employees shall not work more than 72 hours per 6 days of work. Wal-Mart will not use suppliers who, on a regularly scheduled basis, require employees to work in excess of the statutory requirements without proper compensation as required by applicable law. In addition, employees should have leave privileges
- iv. **Forced/Prison Labor:** Forced or prison labor will not be tolerated by Wal-Mart.
- v. **Child Labor:** Wal-Mart will not accept products from suppliers who use child labor. This means that no person, younger than the legal minimum age for working, will be employed. Under no circumstances can a worker under the age of 14 years of age be employed.
- vi. **Discrimination Rights:** Employment must be based on an individual's ability to do the job, not on the basis of personal characteristics or beliefs, race, color, national origin, gender, sexual orientation, disability, and other similar factors.
- vii. **Freedom of Association and Collective Bargaining:** Suppliers are to respect the rights of its employees to associate or collectively bargain, in a lawful and peaceful manner, and not interfere with, obstruct or prevent such legitimate activities.
- viii. **Immigration Law and Compliance:** The legal status of each employee must be validated by the suppliers by reviewing original documents before they are allowed to work.
- ix. **Health and Safety:** Health and Safety of those working in the factories are to be proper and adequate Wal-Mart will not do business with any supplier that provides an unhealthy or hazardous work environment or which utilizes mental or physical disciplinary practices.
- x. **Security:** Each production and warehousing facility must have written security procedures and maintain documented proof of the adequate controls implemented to guard against introduction of non-manifested cargo.
- xi. **Concern for environment:** Recycles and nontoxic materials are encouraged for packaging and other use.
- xii. **Right of Inspection:** Wal-Mart or a third party designated by Wal-Mart will take certain actions, such as inspection of production facilities, to implement and monitor these standards.
- xiii. **Confidentiality:** Suppliers shall not disclose or use, for its own purposes or the purpose of others, any trade secrets, confidential information, knowledge, designs, data, skill, or any other information considered by Wal-Mart as "confidential".

For more information about Wal-Mart's Ethical Standards Program, please visit:
www.walmartstores.com/ethicalstandards

Levi Strauss & Co.

Levi Strauss & Co.'s (LS&CO.) is committed to responsible business practices, embodied in their **Global Sourcing and Operating Guidelines**, established in 1991. LS&CO. has used these guidelines to help improve the lives of workers, make responsible sourcing decisions, and protect commercial interests. The Global Sourcing and Operating Guidelines are addressed in two parts:

Part I: Country Assessment Guidelines

The Country Assessment Guidelines address large, external issues beyond the control of LS&CO.'s individual business partners. These help assess the opportunities and risks of doing business in a particular country. Specifically, the following:

- i. Health and Safety Condition
- i. Human Rights Environment
- ii. Legal System
- iii. Political, Economic and Social Environment

Part II: Terms of Engagement

The Terms of Engagement (TOE), which deal with issues that are substantially controllable by individual business partners. The employees and business partners understand that complying with our TOE is no less important than meeting our quality standards or delivery times. The TOE include:

- i. **Ethical Standards:** LS&CO seeks to identify and utilize business partners who aspire as individuals and in the conduct set of ethical standards.
- ii. **Legal Requirements:** Expect the business partners to be law abiding as individuals and to comply with legal requirements relevant to their business.
- iii. **Environmental Requirements:** Consistent with LS&CO's environment philosophy and guiding principles.
- iv. **Community Involvement:** LS&CO favors business partners that commit to improving community conditions.
- v. **Employment Standards:** These include the Following:
 - a. **Child Labor:** Workers under the age of 15 years of age are not younger than the compulsory age to be in school are not permitted to work.
 - b. **Prison Labor/Forced Labor:** No use of forced labor or utilizing and purchasing materials from business partners involving prison or forced labor.
 - c. **Disciplinary Practices:** LS&CO does not allow use of corporal or other forms of mental or physical coercion.
 - d. **Working Hours:** LS&CO favors partners who utilize less than 60 hours work weeks, and those who do not, on regular basis, require in excess of 60 hours. Employees to be allowed at least one day off in a 7 day week. In addition, employees are to be appropriately compensated for overtime.
 - e. **Wages and Benefits:** Wages and benefits to comply with any applicable law and match the prevailing local manufacturing or finishing industry practices.
 - f. **Freedom of Association:** LS&CO respects workers' rights to organize and bargain collectively, without unlawful interference.
 - g. **Discrimination:** The workers are to be employed on the basis of their ability to work and not their personal characteristics or beliefs.
 - h. **Health and Safety:** Employees to be provided with safe and healthy work environment, in both the facilities and housing, if applicable.

Evaluation and Compliances

All new and existing factories involved in the manufacturing or finishing of products for LS&CO. are regularly evaluated to ensure compliance with the TOE. If LS&CO. determines that a contractor is not complying with the TOE, the contractor implements a corrective action plan within a specified time period. If a contractor fails to meet the corrective action plan commitment, Levi Strauss & Co. will terminate the business relationship.

For more information about Levi Strauss & Co.'s *Global Sourcing and Operating Guidelines* Program, please visit:

http://www.levistrauss.com/sites/default/files/librarydocument/2010/4/Sourcing_and_Operating_Guidelines.pdf

Jones Apparel Group Inc.

The Jones Group Inc. (Jones) is committed to legal compliance and ethical business practices in all of their operations worldwide. The contractors and supplies are required to comply with all the applicable laws and regulations of the country in which they are conducting business, as well as adhere to the **Standards for Contractors and Suppliers**. These include:

- i. **Child Labor:** No worker under the age of 14, or if older, the age compulsory education shall be employed.
- ii. **Forced Labor:** Contractors and suppliers cannot use any form of forced, coerced, bonded, and indentured or prison labor, nor shall it purchase materials from suppliers using any such labor.
- iii. **Migrant Labor:** Contractors need to assure that foreign workers are treated fairly and not charged any fees, costs or deposits for recruitment, travel or processing official documents and work visas. Migrant workers are to be provided with their employment contact prior to deployment and ensure that all original travel and identification documents remain with the workers.
- iv. **Wages/Benefits:** Employees are to be compensated for all hours worked and overtime. Employees to be provided all legally mandated benefits.
- v. **Hours of Work:** Employees should not be required to work more than 60 hours per week on a regular basis. Employees to be allowed at least one day off in a 7 day week.
- vi. **Disciplinary Practices:** No corporal punishment or any form of mental or physical coercion or harassment allowed.
- vii. **Discrimination:** The workers are to be employed on the basis of their ability to work and not their personal characteristics or beliefs.
- viii. **Freedom of Association:** Employees shall be free to join organizations of their own choice. Employees shall not be subject to intimidation or harassment in the exercise of their right to join (or to refrain from joining) any organization.
- ix. **Health and Safety:** Contractors and suppliers shall comply with all applicable laws and regulations regarding working conditions and shall provide workers with a safe and healthy environment.
- x. **Dormitory:** Where applicable, housing provided to the workers should be clean, and of safe and healthy environment.
- xi. **Subcontracting:** No subcontracting allowed without prior consent from Jones.
- xii. **Product Safety:** Contractors and suppliers shall comply with consumer product safety standards and requirements under laws and regulations administered by the U.S. Consumer Product Safety Commission and with the Jones Restricted Substances Policy.
- xiii. **Customs and Security:** Contractors and suppliers shall comply with all applicable laws and regulations regarding the importation and trans-shipment of merchandise into the United States.

- xiv. **Ethical Business Practices:** Contractors cannot involve in any practices, including bribes, gifts, discounts, or unethical payments to influence a decision to secure a business advantage.
- xv. **Documentation and Inspection:** Contractors and suppliers are to maintain all documentations to demonstrate compliance to be available for Jones or its designated representative at any time.

For more information about Jones Group Inc. (Jones) *Standards for Contractors and Suppliers*, please visit:

<http://www.jonesgroupinc.com/company-policies/standards-for-contractors-suppliers>

Gap Inc.

Gap Inc. sets forth basic requirements that all factories must meet in order to do business with Gap Inc. These requirements, highlighted in the **Code of Vendor Conduct**, are based on internationally accepted labor standards, including the International Labor Organization (ILO)'s core conventions and the Universal Declaration of Human Rights. These include:

- i. **Compliance with Laws:** Factories that produce goods for Gap Inc. shall operate in full compliance with the laws of their respective countries and with all other applicable laws, rules and regulations. These include labor laws, health and safety and unrestricted access to the facilities by representative or agents at any time.
- ii. **Environment:** The factories to have:
 - a. An environmental management system (EMS)
 - b. An environmental emergency plan (EEP)
 - c. A secure and ventilated area to dispose and store hazardous and combustible materials
- iii. **Child Labor:** Factories to meet Gap Inc.'s minimum age standard of 15, or minimum age applicable by law of the country, however, not under 15.
- iv. **Discrimination:** The workers are to be employed on the basis of their ability to work and not their personal characteristics or beliefs.
- v. **Forced Labor:** Factories shall not use any prison, indentured or forced labor.
- vi. **Freedom of Association:** Employees shall be free to join organizations of their own choice. Employees shall not be subject to intimidation or harassment in the exercise of their right to join (or to refrain from joining) any organization.
- vii. **Humane Treatment:** Workers shall be treated with respect and dignity. No use of corporal punishment or any other form of physical or psychological coercion permitted.
- viii. **Wages and Benefits:** Factories shall pay wages and overtime in compliance with all applicable laws.
- ix. **Working Hours:** The factory to ensure that it complies with all applicable laws and regulations. Except in extraordinary circumstances, the maximum allowable working hours in any week shall be lesser of, what is permitted by national law, or a regular work week of 48 hours plus overtime hours not in excess of 12 hours. Workers shall have at least one day off in seven.
- x. **Dormitory:** Housing provided for employees shall be clean and safe.

For more information about Gap Inc.'s *Code of Vendor Conduct*, please visit:

http://www.gapinc.com/content/attachments/gapinc/COVC_070909.pdf

Nike Inc.

Nike's code of ethics for employees is called *Inside the Lines*, which defines the standards of conduct that not only Nike expects but employees are required to annually verify that they have read and understand these standards. Nike offers toll free alert line for employees to report, in confidence, any suspected act of violation in the code of ethics.

Nike Inc.'s code of ethics includes a range of topics on employee activity, ethical behavior, product safety, legal compliance, competition and use of resources. All employees are responsible for creating and maintaining a work environment free from harassment or other inappropriate behavior. Nike is committed to minimizing the impact of their business on the environment with methods that are socially responsible, scientifically based, and economically sound.

For more information about Nike Inc.'s *Inside the Lines*, please visit:

http://www.nikeresponsibility.com/report/uploads/files/NIKE_INC_Inside_the_Lines_Nov_2011.pdf

Appendix 3: List of Disney's Permitted Sourcing Countries with WGI > 31 percentile & ILS audit

Permitted With ILS Audits							
WGI Avg. % Rank	Country	WGI Avg. % Rank	Country	WGI Avg. % Rank	Country	WGI Avg. % Rank	Country
64	United Arab Emirates	54	Micronesia	44	Malawi	36	China
63	Greece	53	Tonga	44	Mozambique	36	Indonesia
62	Namibia	52	Kiribati	43	India	36	Swaziland
62	Samoa	51	Turkey	43	Thailand	36	Mali
61	Malaysia	51	Georgia	43	Burkina Faso	35	Vietnam
61	Oman	50	Jordan	43	Mongolia	35	Philippines
60	South Africa	50	Jamaica	42	Argentina	35	Egypt
60	Vanuatu	50	Marshall Islands	42	Armenia	35	Kazakhstan
59	Romania	49	Tunisia	42	Maldives	35	Gambia
59	Bulgaria	49	El Salvador	41	Sri Lanka	35	Solomon Islands
59	Nauru	49	Macedonia	41	Bosnia-Herzegovina	34	Kosovo
58	Seychelles	49	Belize	41	Benin	33	Bolivia
58	Tuvalu	48	Serbia	41	Niue	33	Cook Islands
57	Brazil	48	Lesotho	41	Tanzania	33	Lebanon
57	Kuwait	48	Suriname	40	Guyana	33	Uganda
57	Palau	47	Albania	39	Moldova	32	Djibouti
56	Trinidad and Tobago	46	Mexico	39	Sao Tome and Principe	31	Guatemala
56	Bahrain	46	Rwanda	39	Zambia	31	Ukraine
56	Ghana	45	Peru	38	Dominican Republic	31	Honduras
56	Montenegro	45	Saudi Arabia	38	New Caledonia	31	Gabon
55	Panama	44	Colombia	38	West Bank Gaza		
54	Bhutan	44	Morocco	37	Senegal		

Appendix 4: List of Permitted Sourcing Countries with WGI above 65 percentile
List of Permitted Sourcing Countries by WGI Indicator Average Percentile Rank

Permitted Without ILS Audits							
WGI Avg. % Rank	Country	WGI Avg. % Rank	Country	WGI Avg. % Rank	Country	WGI Avg. % Rank	Country
99	Finland	89	San Marino	80	Monaco	74	American Samoa
97	Denmark	88	United Kingdom	79	Taiwan	74	Dominica
97	Sweden	88	Hong Kong	79	Czech Republic	73	Korea, South
97	Norway	88	Belgium	79	Reunion	73	Lithuania
97	New Zealand	88	Aruba	78	Slovenia	73	Brunei
96	Switzerland	87	Singapore	78	St. Lucia	73	Mauritius
96	Luxembourg	87	Malta	78	Bahamas	73	Martinique
96	Liechtenstein	86	France	78	St. Kitts and Nevis	71	Latvia
95	Austria	85	Japan	78	St. Vincent and The Grenadines	71	Costa Rica
94	Canada	85	Barbados	77	Spain	71	Botswana
94	Netherlands	84	United States	77	Poland	71	Guam
93	Australia	84	Chile	76	Uruguay	71	Qatar
91	Ireland	84	Bermuda	76	Antigua and Barbuda	70	Puerto Rico
91	Andorra	83	Estonia	76	Netherlands Antilles	68	Italy
90	Germany	82	Cayman Islands	76	Virgin Islands (U.S.)	67	Israel
90	Iceland	82	Cyprus	75	Slovakia	66	Cape Verde
90	Anguilla	80	Portugal	75	Macao	66	Grenada
90	Greenland	80	French Guiana	74	Hungary	65	Croatia

Appendix 5: List of ILO Conventions/Standards Ratified by Pakistan

- Pakistan has ratified 36 Conventions
- Core Conventions: **8 of 8**
- Governance Conventions (Priority): **2 of 4**
- Technical Conventions: **26 of 177**
- Out of **36** Conventions ratified by Pakistan, of which **33** are in force, **3** Conventions have been denounced; **none** have been ratified in the past 12 months

Freedom of association, collective bargaining, and industrial relations

Convention	Date	Status
C011 - Right of Association (Agriculture) Convention, 1921 (No. 11)	11 May 1923	In Force
C087 - Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)	14 Feb 1951	In Force
C098 - Right to Organise and Collective Bargaining Convention, 1949 (No. 98)	26 May 1952	In Force

Forced labor

Convention	Date	Status
C029 - Forced Labor Convention, 1930 (No. 29)	23 Dec 1957	In Force
C105 - Abolition of Forced Labor Convention, 1957 (No. 105)	15 Feb 1960	In Force

Elimination of child labor and protection of children and young persons

Convention	Date	Status
C006 - Night Work of Young Persons (Industry) Convention, 1919 (No. 6)	14 Jul 1921	In Force
C015 - Minimum Age (Trimmers and Stokers) Convention, 1921 (No. 15)	20 Nov 1922	Automatic Denunciation 06 Jul 2007 by C138
C059 - Minimum Age (Industry) Convention (Revised), 1937 (No. 59)	26 May 1955	Automatic Denunciation 06 Jul 2006 by C138
C090 - Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90)	14 Feb 1951	In Force
C138 - Minimum Age Convention, 1973 (No. 138) <i>Minimum age specified: 14 years</i>	06 Jul 2006	In Force
C182 - Worst Forms of Child Labor Convention, 1999 (No. 182)	11 Oct 2001	In Force

Equality of opportunity and treatment

Convention	Date	Status
C100 - Equal Remuneration Convention, 1951 (No. 100)	11 Oct 2001	In Force
C111 - Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	24 Jan 1961	In Force

Tripartite consultation

Convention	Date	Status
C144 - Tripartite Consultation (International Labor Standards) Convention, 1976 (No. 144)	25 Oct 1994	In Force

Labor administration and inspection

Convention	Date	Status
C081 - Labor Inspection Convention, 1947 (No. 81)	10 Oct 1953	In Force

Employment policy and promotion

Convention	Date	Status
C096 - Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96) <i>Has accepted the provisions of Part II</i>	26 May 1952	In Force
C159 - Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159)	25 Oct 1994	In Force

Working time

Convention	Date	Status
C001 - Hours of Work (Industry) Convention, 1919 (No. 1)	14 Jul 1921	In Force
C004 - Night Work (Women) Convention, 1919 (No. 4)	14 Jul 1921	Shelved Conventions
C014 - Weekly Rest (Industry) Convention, 1921 (No. 14)	11 May 1923	In Force
C041 - Night Work (Women) Convention (Revised), 1934 (No. 41)	22 Nov 1935	Automatic Denunciation 14 Feb 1951 by C089
C089 - Night Work (Women) Convention (Revised), 1948 (No. 89)	14 Feb 1951	In Force
C106 - Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106) <i>The Government has declared that the Convention also applies to persons employed in the establishments specified in Article 3, paragraph 1(c).</i>	15 Feb 1960	In Force

Occupational safety and health

Convention	Date	Status
C045 - Underground Work (Women) Convention, 1935 (No. 45)	25 Mar 1938	In Force

Social security

Convention	Date	Status
C018 - Workmen's Compensation (Occupational Diseases) Convention, 1925 (No. 18)	30 Sep 1927	In Force
C019 - Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)	30 Sep 1927	In Force
C118 - Equality of Treatment (Social Security) Convention, 1962 (No. 118) <i>Has accepted Branches (c) and (g)</i>	27 Mar 1969	In Force

Migrant workers

Convention	Date	Status
C021 - Inspection of Emigrants Convention, 1926 (No. 21)	14 Jan 1928	Shelved Conventions

Seafarers

Convention	Date	Status
C016 - Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16)	20 Nov 1922	In Force
C022 - Seamen's Articles of Agreement Convention, 1926 (No. 22)	31 Oct 1932	In Force
C185 - Seafarers' Identity Documents Convention (Revised), 2003 (No. 185)	21 Dec 2006	In Force

Dockworkers

Convention	Date	Status
C027 - Marking of Weight (Packages Transported by Vessels) Convention, 1929 (No. 27)	07 Sep 1931	In Force
C032 - Protection against Accidents (Dockers) Convention (Revised), 1932 (No. 32)	10 Feb 1947	In Force

Indigenous and tribal peoples

Convention	Date	Status
C107 - Indigenous and Tribal Populations Convention, 1957 (No. 107)	15 Feb 1960	In Force

Final Articles Conventions

Convention	Date	Status
C080 - Final Articles Revision Convention, 1946 (No. 80)	25 Mar 1948	In Force
C116 - Final Articles Revision Convention, 1961 (No. 116)	17 Nov 1967	In Force

Appendix 6: Compliance Report on Forced Labor Convention (C 29)

Key Requirements of Convention

Article 1

Each Member of the International Labor Organization which ratifies this Convention undertakes to suppress the use of forced or compulsory labor in all its forms within the shortest possible period.

Article 3

For the purposes of this Convention the term *competent authority* shall mean either an authority of the metropolitan country or the highest central authority in the territory concerned.

Article 4

The competent authority shall not impose or permit the imposition of forced or compulsory labor for the benefit of private individuals, companies or associations.

Where such forced or compulsory labor for the benefit of private individuals, companies or associations exists at the date on which a Member's ratification of this Convention is registered by the Director-General of the International Labor Office, the Member shall completely suppress such forced or compulsory labor from the date on which this Convention comes into force for that Member.

Findings of the Monitoring Bodies

Findings of the monitoring bodies on the reports submitted by the Government of Pakistan on the implementation of relevant conventions are conveyed to the Federal Government. Copy of the findings is placed at **Annexure-A**.

Reservations & Evaluation

The Labor and Human Resource Department, Punjab provided relevant information to the Ministry of Human Resource Development, Government of Pakistan and the Ministry after evaluating the said findings has submitted its report for the period till August, 2012 to the International Labor Organization (ILO) Office as required under Article 22 of the constitution of the ILO. Copy of the report is placed at **Annexure-B**.

Existing Framework (Provincial) Laws/Policy

Bonded Labor System (Abolition) Act, 1992

Section 4: Abolition of bonded labor system:

- 1) On the commencement of this Act, the bonded labor system shall stand abolished and every bonded laborer shall stand freed and discharged from any obligation to render any bonded labor.
- 2) No person shall make any advance under, or in pursuance of, the bonded labor system or compel any person to render any bonded labor or other form of forced, labor.

Section 5: Agreement, custom, etc., to be void: Any custom or tradition or practice or any contract, agreement or other instrument, whether entered into or executed before or after the commencement of this Act, by virtue of which any person, or any member of his family, is required to do any work or render any service as a bonded laborer, shall be void and inoperative.

Section 6: Liability to repay bonded debt to stand extinguished:

1. On the commencement of this Act, every obligation of a bonded laborer to repay bonded debt, or such part, of any bonded debt as remains unsatisfied immediately before such commencement, shall stand extinguished.

2. After the commencement of this Act, no suit or other proceeding shall lie in any civil court, tribunal or before any other authority for the recovery of any bonded debt or any part thereof.
3. Every decree or order for the recovery of bonded debt, passed before the commencement of this Act and not fully satisfied before such commencement, shall be deemed, on such commencement, to have been fully satisfied.
4. Where, before the commencement of this Act, possession of any property belonging to a bonded laborer or a member of his family was forcibly taken by any creditor for the recovery of any bonded debt, such property shall be restored, within ninety days of such commencement, to the possession of the person from whom it was seized,
5. Every attachment made before the commencement of this Act for the recovery of any bonded debt shall, on such commencement, stand vacated; and, where, in pursuance of such attachment, any movable property of the bonded laborer was seized and removed from his custody and kept in the custody of any court, tribunal or other authority pending sale thereof such movable property shall be restored, within ninety days of such commencement, to the possession of the bonded laborer; Provided that, where any attached property was sold before the commencement of this Act, in execution of a decree or order for the recovery of a bonded debt, such sale shall not be affected by any provision of this Act.
6. Subject to the proviso to sub-section (5), any sale, transfer or assignment of any property of a bonded laborer made in any manner whatsoever before the commencement of this Act for recovery of bonded debt shall not be deemed to have created or transferred any right, or interest in or encumbrance upon any such property and such property shall be, restored, within ninety days of such commencement, to the possession of the bonded laborer.
7. If restoration of the possession of any property referred to in sub-section (4) or sub-section (5) or sub-section-(6) is not made within ninety days from the commencement of this Act, the aggrieved person may, within such time as may be prescribed, apply to the prescribed authority for the restoration of the possession of such property and the prescribed authority may, after giving the creditor a reasonable opportunity of being heard, direct the creditor to restore to the applicant the possession of the said property within such time as may be specified in the order.
8. An order by any prescribed authority under sub-section (7) shall be deemed to be an order made by a civil court and may be executed by the court of the lowest pecuniary jurisdiction within the local limits of whose jurisdiction the creditor voluntarily resides or carries on business or personally works for gain.
9. Where any suit or proceeding for the enforcement of any obligation under the bonded labor system, including a suit or proceeding for the recovery of any advance (peshgi) made to a bonded laborer, is pending at the commencement of this Act, such suit or other proceeding shall, on such commencement, stand dismissed.
10. On the commencement of this Act, every bonded laborer who has been detained in civil prison, whether before or after judgment, shall be released from detention forthwith.

Gaps in Implementation

No gaps have been identified in the existing legislation.

Remedy / Action Required

Remedial action is not required as no gaps have been identified.

Reporting Requirements

As per constitution of ILO, the periodical reports on the application of ratified conventions are submitted by the member state and as such this responsibility rests upon Government of Pakistan. Similarly, subsequent comments on the observations of different committees of experts of the monitoring agency are also furnished by the Government of Pakistan. As stated in Para III, the

required report for the period till August, 2012 has been sent by the Ministry of Human Resource Development, Government of Pakistan.

Coordination with Federal Government required for implementation of the convention

The Labor and Human Resource Department, Government of the Punjab was in liaison with the Ministry of Labor and Manpower, Government of Pakistan to address the reporting requirements and subsequent comments on these reports on the application of International Labor Standards / ILO Conventions to the extent of Province of Punjab. After 18th Constitutional Amendment, the Ministry of Human Resource Development, Government of Pakistan has been assigned this responsibility and the Department is in coordination with the said Ministry for implementation of the relevant conventions and timely reporting in future.

Note: Status of compliance on conventions mandatory for GSP Plus as reported during meeting of the Task Force set up by Prime Minister under the Chairmanship of Senior Minister for Commerce held on 18.01.2013 is placed as **Annexure-C**, wherein it is mentioned that ***“Reports have been submitted to the International Body.”***

Annexure-A: Reports/Comments by International Labor Organization (ILO) Treaty-Reporting Body With Regard To Pakistan

Committee of Experts on the Application of Conventions and Recommendations (CEACR)

Once a country has ratified an ILO convention, it is obliged to report regularly on measures it has taken to implement it. Every two years governments must submit reports detailing the steps they have taken in law and practice to apply any of the eight fundamental and four priority conventions they may have ratified; for all other conventions, reports must be submitted every five years, except for conventions that have been shelved (no longer supervised on a regular basis). Reports on the application of conventions may be requested at shorter intervals. Governments are required to submit copies of their reports to employers' and workers' organizations. These organizations may comment on the governments' reports; they may also send comments on the application of conventions directly to the ILO.

When examining the application of international labor standards the Committee of Experts makes two kinds of comments:

- Observations and
- Direct Requests

Observations contain comments on fundamental questions raised by the application of a particular convention by a state. These observations are published in the Committee's annual report. Direct requests relate to more technical questions or requests for further information. They are not published in the report but are communicated directly to the governments concerned.

The pending "Observations" and Direct Requests in relevant conventions/treaties are as under:

Labor Rights (9)

No.	Treaty / Convention	Ratification	Treaty Body / Comments
8	Convention concerning Forced or Compulsory Labor, No 29 (1930)	Member since 23 Dec 1957	No reservation on record
	<p>Observation (CEACR) - adopted 2011, published 101st ILC session (2012)</p> <p>The Committee notes a communication dated 21 November 2011, received from the Pakistan Workers Confederation (PWC), which contains observations on the application of the Convention by Pakistan. It notes that this communication was sent to the Government in December 2011 for any comments it might wish to make on the matters raised therein. <i>The Committee hopes that the Government's comments will be supplied in its next report, so as to enable the Committee to examine them at its next session.</i></p> <p>The Committee also notes that the Government's report has not been received. It must therefore repeat its previous observation which read as follows: Articles 1(1) and 2(1) of the Convention</p> <p>A. Debt bondage</p> <p>Comments from workers' organizations. In its comments made for a number of years, the Committee has noted the difficulties in the implementation of the Bonded Labor System (Abolition) Act (BLSA), 1992. The Committee referred in this connection to the comments made by the All Pakistan Federation of Trade Unions (APFTU), the All Pakistan Trade Union Federation (APTUF) and the International Trade Unions Confederation (ITUC). In its latest communication dated 29 August 2008, the ITUC observed that, some 15 years after the adoption of the BLSA and six years after the approval of the National Action Plan (2001), bonded and forced labor was still commonly used in many industries across Pakistan. The ITUC referred in this connection to the rapid assessments commissioned by the Ministry of Labor in collaboration with the ILO, which were carried out in nine sectors (brick kilns, agriculture, carpet industry, mining, glass bangle making, tanneries, construction, domestic work and begging). The ITUC considered that the BLSA had not been properly applied and those who used bonded labor had been able to do it with impunity. The Pakistan Institute for Labor Education and Research (PILER) had only been able to document the release of some 8,530 people</p>		

between 1990 and 2005; of these, 5,166 were released through judicial intervention, in combination with non-governmental organizations and local state officials, only 563 were released solely through state intervention. According to the ITUC views, the vigilance committees set up under the BLSA had not performed their functions of identifying and releasing bonded laborers and had not been restructured as envisaged in the National Action Plan. The lack of adequate labor inspection machinery was another key reason why bonded laborers were not being identified and released.

The Committee further notes that, in the communication received from the Pakistan Workers' Federation (PWF) on 30 July 2010, the PWF observes that no effective measures have been taken by the Government to eliminate bonded labor and rehabilitate workers.

Implementation of National Policy and Plan of Action for the Abolition of Bonded Labor. In its earlier comments, the Committee noted a number of initiatives undertaken by the Government within the framework of its 2001 National Policy and Plan of Action for the Abolition of Bonded Labor and Rehabilitation of Freed Bonded Laborers, including, inter alia, the organization of training workshops for key district government officials, and other concerned stakeholders, to enhance their capacity and enable them to draw up district-level plans to identify bonded laborers and activate the district vigilance committees; the incorporation of the issue of bonded labor into the syllabi of judicial, police and civil service academies, in order to help sensitize judicial, law enforcement and civil service officials to the problem; and conducting of capacity-building seminars. The Committee also noted the Government's indication that, under the BLSA, inspection functions in the area of bonded labor had been assigned to the regular labor inspectorate, as well as to local government heads/officials and police departments. In its latest report, the Government refers to a number of studies undertaken with the technical assistance of the ILO with regard to bonded labor in various sectors in Pakistan.

While having noted the Government's initiatives to combat bonded labor, the Committee expresses the firm hope that the Government will pursue its efforts with vigour in order to ensure the effective implementation of the 2001 National Policy and Plan of Action and will provide detailed information on progress made and practical results achieved, including copies of relevant reports on all of the activities, projects, institutions and mandates referred to in the action plan. The Committee asks the Government to provide, in particular, information on the activities of the National Committee for the Abolition of Bonded Labor and Rehabilitation of Bonded Laborers which had to be established to coordinate the implementation of the plan and to review the implementation of the BLSA, including copies of monitoring/evaluation reports concerning the functioning of the vigilance committees. Please also provide information on the activities of the fund established under the BLSA rules, to which the Government referred in its 2005 report. The Committee also asks the Government to indicate the measures taken or envisaged to assess and address the causes of debt bondage.

Debt bondage. Data-gathering measures to ascertain the current nature and scope of the problem. The Committee previously noted a report entitled "Rapid assessment studies of bonded labor in different sectors in Pakistan", which contained findings and conclusions from a series of rapid assessment studies conducted at the initiative of the Ministry of Labor and the ILO by teams of social scientists and researchers under the auspices of the Bonded Labor Research Forum (BLRF), with a view to exploring the existence and nature of bonded labor in ten sectors (agriculture, construction, carpet weaving, brick making, marine fisheries, mining, glass bangles, tanneries, domestic work, and begging). The project represented the first phase of a larger research programme and was intended to lay the groundwork for detailed sector studies and a national survey to determine the incidence of bonded labor across the country, as foreseen in the Government's National Plan of Action. However, no such national survey has yet been carried out and the Government refers in this connection to the existing difficulties in the identification of bonded laborers.

While noting this indication, the Committee points out once again that accurate data are a vital step in both the development of the most effective systems to combat bonded labor and providing a true base for the assessment of effectiveness of those systems. *The Committee therefore expresses the firm hope that the Government, as a follow-up to the preliminary part of the research programme noted above, and in accordance with the mandate of its 2001 National Policy and Plan of Action, will undertake a statistical survey on bonded labor throughout the country, using a valid methodology in cooperation with employers' and workers' organizations and with human rights organizations and institutions, and that it will supply information on the progress achieved in this connection.*

B. Trafficking in persons

The Committee previously noted the adoption of the Prevention and Control of Human Trafficking Ordinance, 2002 (PCHTO). It also noted that, in accordance with the report of the International Organisation for Migration (IOM) entitled "Data and research on human trafficking: A global survey", Pakistan continued to be a major destination country for trafficked women, as well as a major transit country of persons trafficked from Bangladesh to Middle Eastern countries, where women are subject to sexual exploitation. The report emphasized that there was an urgent need to carry out

comprehensive national baseline surveys with the aim of developing a South Asian database on trafficking in persons.

The Committee reiterates its hope that the Government will undertake a national baseline survey on trafficking in persons, in cooperation with employers' and workers' organizations, as well as other organizations and institutions concerned, and that it will supply information on the progress achieved in this connection. Please also provide information on the application in practice of the Prevention and Control of Human Trafficking Ordinance (2002) referred to above, as well as, more generally, on the policies and measures aiming at the effective elimination of trafficking in persons, including copies of the relevant policy documents and available statistics.

C. Restrictions on voluntary termination of employment

The Committee previously noted the Government's indication that an amendment to the Essential Services (Maintenance) Act, 1952, under which government employees who unilaterally terminate their employment without consent of the employer are subject to a term of imprisonment, was to be considered by the tripartite commission on the consolidation, simplification and rationalization of labor laws. *The Committee trusts that the necessary measures will be taken in order to bring the federal and provincial essential services Acts into conformity with the Convention and that the Government will report on the progress achieved in this regard.*

Article 25. Penalties for the illegal exaction of forced or compulsory labor

The Committee previously noted the Government's indications concerning the number of the trafficking-related complaints registered under the Prevention and Control of Human Trafficking Ordinance (2002), the number of investigations and the number of convictions obtained during the period 2007–09. It also noted the Government's indication concerning the penalties imposed on perpetrators.

The Committee asks the Government to continue to provide updated information on the enforcement of the 2002 Ordinance, communicating the numbers of trafficking-related complaints registered, court proceedings initiated, convictions obtained and the penalties imposed, including sample copies of the relevant court decisions, indicating the minimum penalties imposed. Recalling also that Article 25 of the Convention provides that the illegal exaction of forced or compulsory labor shall be punishable by penalties that are really adequate and strictly enforced, the Committee once again requests information on any legal actions taken against employers of bonded laborers under the BLSA, including copies of any court decisions in order to demonstrate the effectiveness of its provisions and to indicate the penalties imposed.

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

Annexure-B: Article 22 of the Constitution of the ILO

**Report for the period till August, 2012 made by the Government of Pakistan
On the
Forced Labor Convention, 1930 (no. 29)
Pakistan (ratification: 23.12.1957)**

The Constitution of Islamic Republic of Pakistan prohibits all forms of forced labor and exploitation of any kind whatsoever. Article 3 ensures elimination of all types of exploitation by stating that:

“The State shall ensure the elimination of all forms of exploitation and the gradual fulfilment of the fundamental principle, from each according to his ability to each according to his work”.

Under Article 11, the Constitution prohibits all kinds of slavery, forced labor, bonded labor, human trafficking and child labor.

1. Slavery is non-existent and forbidden and no law shall permit or facilitates its introduction in Pakistan in any form.
2. All forms of forced labor and trafficking in human beings are prohibited.
3. No child below the age of fourteen years shall be engaged in any factory or mine or any other hazardous employment.”

Bonded Labor System (Abolition) Act, 1992 and rules made there under prohibits forced labor in all its forms whatsoever. The Act abolished bonded labor system which includes the system of forced or partly forced labor. The law is applicable through the Vigilance Committees at the district level. The functions of the vigilance committees are:

- a. To advise the District Administration on matters relating to the effective implementation of the law and to ensure its implementation in proper manner;
- b. To help in the rehabilitation of the freed bonded laborer;
- c. To keep an eye on the working of the law; and
- d. To provide the bonded laborers such assistance as may be necessary to achieve the objectives of the law.

The Vigilance Committees are comprised of all relevant officials of District Government, NGOs, workers, employers etc. and are quite active for eradication of forced labor/ bonded labor at the district level. District Complaint Cells are also established under these committees which receive complaints of forced/bonded labor. So far, 4607 brick kilns have been registered under the factories Act where 123248 workers are engaged.

Measures to Combat Bonded /Forced Labor

To deal with the problem more effectively, the Government of Pakistan has developed a National Policy and Action Plan for Abolition of Bonded Labor and Rehabilitation of Freed Bonded Laborers. The Plan was approved by the Cabinet on September 5, 2001. The Action Plan envisages the following measures to deal with the problem of bonded labor:

Relief Package for Freed Haris in Sindh: *Freed Haris living in relief camps in Sindh set up by some NGOs need immediate relief measures to meet their urgent basic needs. They need proper shelter, food, health services, drinking water, etc. A Committee comprising representatives of the federal and provincial governments and NGOs working in haris' camps will be constituted to prepare a relief package for the freed haris/bonded laborers.*

Awareness Raising: *Campaign for raising awareness and legal literacy will be undertaken through i) mass-media including electronic and print media; ii) Vigilance Committees for the purpose of*

community mobilization particularly in villages and agriculture sector; and iii) by holding special events like seminars etc.

Registration of brick kilns: All Brick Kilns would be registered with a view to bring them in the ambit of relevant labor laws. This would reduce the element of exploitation in these establishments.

Involving Social Partners: (Trade unions, employers' bodies, NGOs and CBOs) in carrying out programmes for the rehabilitation of freed bonded workers.

Rendering counselling and advocacy: To needy bonded workers by establishing free legal aid cells with the assistance of Bar Councils.

Organizing vocational training programme: For the freed bonded workers intending to provide opportunities to help them change their profession and for their children.

Creating self-employment opportunities: Through micro credit schemes.

A Fund for Education of Working Children and Rehabilitation of Freed Bonded Laborers has also been established with an initial contribution of Rs.100 million by the Federal Government (Pakistan Baitul Mal). Another amount of Rs.2 million has been transferred from the Workers Welfare Fund. The provincial Governments, contribution to the Fund is worth Rs.12 million (Balochistan=Re.1 million; NWFP= Rs.2 million; Punjab = Rs.5 million and Sindh = Rs.4 million). From the Bonded Labor Fund so far following five projects have been under taken:

- Providing free legal aid services to the bonded laborers in NWFP
- Providing free legal aid services to the bonded laborers in Punjab
- Construction of 75 houses for freed *hari* families (Ex bonded laborers) in district Dadu, Sindh. (Project completed in March 2007)
- Providing free legal aid services to the bonded laborers in Balochistan
- Providing free legal aid services to the bonded laborers in Sindh

The ILO's Special Programme of Action to Combat Forced/Bonded Labor was also initiated in Pakistan. Under this Programme, the ILO provided technical assistance to eradicate structural problems of forced and bonded labor. The Programme seeks to (i) undertake a series of purposive studies to prepare the ground for a full national survey envisaged in the National Policy for Abolition of Bonded Labor; (ii) provide advisory services to ensure that Laws on Bonded Labor are consistent with International Human Rights Treaties, including the ILO Instruments on forced and compulsory labor; (iii) provide training on Human Rights and bonded labor concerns to the District Nazims, members of Vigilance Committees, judicial and law enforcement officials and others concerned; (iv) assist the Government in developing a partnership with the stakeholders, employers and workers to secure a more harmonious labor relationship; (v) provide advice on creation of high-level national body to combat forced labor ensuring large-scale public support; and (vi) launch certain demonstration projects to test the feasibility of approaches adopted to tackle the problem.

The Province of Punjab initiated a project titled "**Elimination of Bonded Labor in Brick Kilns (EBLIK)**" during 2009 in two districts with the total cost of PKR: 123.367 Million. Major achievements of the project are:

- i. The project established 200 Non Formal Education (NFEs) centres at Brick Kilns in Lahore & Kasur districts in which approximately 6803 learners are studying.
- ii. Rs. 61.254 million microcredit (interest free) disbursed among 3132 workers of the brick kilns in Lahore & Kasur districts and Rs. 46.478 million recovered through revolving process.
- iii. List of 5762 Bricks Kiln workers prepared and 3257 CNICs issued by NADRA in both districts.

- iv. Veterinary staff of the project visited 172 Brick kilns and provided treatment to 410 animals, out of which 57 serious cases were referred to local veterinary Hospital.
- v. Health & Hygiene campus organized with help of Basic Health units (BHUs). In these Campuses 1250 workers provided with advice, treatment, medicines and Hygiene kit.
- vi. United State of America acknowledges Pakistan’s Efforts to Combat Human Tracking and Punjab Government efforts for the elimination of Bonded Labor in Brick Kilns Project.
- vii. A project, titled “Strengthening Law Enforcement Responses and Action against Internal Trafficking and Bonded Labor in Sindh and Punjab Provinces of Pakistan” has also been started by the ILO with the assistance of US Department of State in 2010. The project is proving instrumental in sensitizing the implementers to take effective steps for eradication and rehabilitation of the bonded labor, engagement with the brick kiln owners to institute practices towards the elimination of bonded labor, establishing linkages between Pakistan Brick Kiln Owners and INGOs, initiatives to extend social protection services to the brick kiln owners and efforts to link brick kiln workers with social safety nets.

The comments are as under:

Specific Observations of the Committee	Comments
<p>According to the ITUC views, the vigilance committees set up under the BLSA had not performed their functions of identifying and releasing bonded laborers and had not been restructured as envisaged in the National Action Plan. The lack of adequate labor inspection machinery was another key reason why bonded laborers were not being identified and released.</p>	<p>The District vigilance Committees are in place and functional. The meetings of these Committees are held regularly in most of the districts. These committees are comprehensive and are restructured in such a way that the most relevant officials/persons at connected to the issue of forced labor at the district level are their members. A copy of the notification of the Vigilance Committee is enclosed as Annex-I. Meetings of these committees are held regularly and various issues pertaining to forced and bonded labor are deliberated upon in these meetings. A copy of minutes of a meeting is enclosed as Annex-II. District Complaint Cells are also working under these Vigilance Committees (Annex-III). There is no issue of lack of adequate labor inspection machinery as the implementation of Bonded Labor System (Abolition) Act, 1992 is not exclusively the responsibility of labor inspectors. The vigilance Committees are represented by officials of various departments at the district level. In fact forced labor is a socio-cultural and economic issue and its exposure is not possible through inspection only. It is the society as a whole which has to expose and eliminate this menace. The cases of forced and bonded labor are exposed through complaints in the courts and detected after raids by the police (Annex-IV). But due to socio-cultural complications these cases later on are settled out of the courts.</p> <p>The observations of PWF are not correct. The above description highlights that the Government is taking effective measures for eradication of and rehabilitation of bonded labor.</p> <p>The copies of relevant reports are annexed at I-</p>

The Committee further notes that, in the communication received from the Pakistan Workers' Federation (PWF) on 30 July 2010, the PWF observes that no effective measures have been taken by the Government to eliminate bonded labor and rehabilitate workers.

While having noted the Government's initiatives to combat bonded labor, the Committee expresses the firm hope that the Government will pursue its efforts with vigour in order to ensure the effective implementation of the 2001 National Policy and Plan of Action and will provide detailed information on progress made and practical results achieved, including copies of relevant reports on all of the activities, projects, institutions and mandates referred to in the action plan.

The Committee asks the Government to provide, in particular, information on the activities of the National Committee for the Abolition of Bonded Labor and Rehabilitation of Bonded Laborers which had to be established to coordinate the implementation of the plan and to review the implementation of the BLSA, including copies of monitoring/evaluation reports concerning the functioning of the vigilance committees.

IV.

National Committee for the Abolition of Bonded Labor and Rehabilitation of Bonded Laborers was constituted with the objective to perform following functions:

- i. To review the implementation of the law and action plan relating to abolition of bonded labor and rehabilitation of freed bonded laborers.
- ii. To monitor the working of the District Vigilance Committees constituted under Bonded Labor System (Abolition) Act, 1992 and the Rules made thereunder.
- iii. To address the concerns of national and international bodies on bonded/forced labor related matters.

The Committee remained functional and contributed a lot towards establishment of Bonded Labor Fund, restructuring of Vigilance Committees, highlighting legal bottlenecks and monitoring overall efforts towards elimination of bonded labor. After the 18th Constitutional Amendment, the subject of labor has been transferred to the provinces. Now, the provinces are adopting/ drafting legislations on bonded labor in collaboration with the local office of the ILO.

From the Bonded Labor Fund so far following five projects have been under taken:

- Providing free legal aid services to the bonded laborers in NWFP
- Providing free legal aid services to the bonded laborers in Punjab
- Construction of 75 houses for freed *hari* families (Ex bonded laborers) in district Dadu, Sindh. **(Project completed in March 2007)**
- Providing free legal aid services to the bonded laborers in Balochistan
- Providing free legal aid services to the bonded laborers in Sindh

A survey was conducted in the brick kiln industry of the provinces of Punjab and Sindh by the provincial Labor Directorates. The detail is attached at **Annex- V**.

Bonded labor is a socio-cultural issue and difficult to expose unless the bond of debt is

Please also provide information on the activities of the fund established under the BLSA rules, to which the Government referred in its 2005 report. The Committee also asks the Government to indicate the measures taken or envisaged to assess and address the causes of debt bondage.

While noting this indication, the Committee points out once again that accurate data are a vital step in both the development of the most effective systems to combat bonded labor and providing a true base for the assessment of effectiveness of those systems. The committee therefore, expresses the firm hope that the Government, as a follow-up to the preliminary part of the research programme noted above, and in accordance with the mandate of its 2001 National Policy and Plan of Action, will undertake a statistical survey on bonded labor throughout the country, using a valid methodology in cooperation with employers' and workers' organizations and with human rights organizations and institutions, and that it will supply information on the progress achieved in this connection. The Committee reiterates its hope that the Government will undertake a national baseline survey on trafficking on persons, in cooperation with employers' and workers' organizations, as well as other organizations and institutions concerned, and that it will supply information on the progress achieved in this connection.

Please also provide information on the application in practice of the Prevention and Control of Human Trafficking Ordinance (2002) referred to above, as well as, more generally on the policies and measures aiming at the effective elimination of trafficking in persons, including copies of the relevant policy documents and available statistics.

The Committee previously noted the Government's indication that an amendment to the Essential Services (Maintenance) Act, 1952, under which government employees who unilaterally terminate their employment without consent of the employer are subject to term of imprisonment, was to be considered by the tripartite commission on the consolidation, simplification and rationalization of labor laws. The Committee trusts that the necessary measures will be taken in order to bring the federal progress achieved in this regard.

broken. It is really difficult to identify and gauge its magnitude. The Government, however, will consult with the social partners to devise strategies for a survey of bonded labor through Provinces as the subject of labor has been devolved to them after the 18th Constitutional Amendment.

Annual report on the application of the Ordinance is placed at **Annex-VI**.

The Essential Services (Maintenance) Act, 1952 is applied prudently and in rear cases and in accordance with Article 2 (2) of the Convention 29.

The detail is placed at **Annex-VI**.

In fact forced labor is a socio-cultural and economic issue and its exposure is not possible through inspection only. It is the society as a whole which has to expose and eliminate this menace. The cases of forced and bonded labor are exposed through complaints in the courts and detected after raids by the police (**Annex-IV**). But due to socio-cultural complications these

The Committee asks the Government to continue to provide updated information on the enforcement of the 2002 Ordinance, communicating the numbers of trafficking-related complaints registered, court proceedings initiated, convictions obtained and the penalties imposed, including sample copies of the relevant court decisions, indicating the minimum penalties imposed.

Recalling also that Article 25 of the convention provides that the illegal exaction of forced or compulsory labor shall be punishable by penalties that are really adequate and strictly enforced, the committee once again requests information on any legal actions taken against employers of bonded laborers under the BLSA, including copies of any court decisions in order to demonstrate the effectiveness of its provisions and to indicate the penalties imposed.

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

cases later on are settled out of the courts.

Annexure-C: Cases of Bonded Labor

(Raid conducted on complaints with police & district & sessions judges)

District	Raid Conducted			Cases Registered			Recovered Male			Recovered Female			Recovered Children		
	2010	2011	2012	2010	2011	2012	2010	2011	2012	2010	2011	2012	2010	2011	2012
Mirpurkhas	91	110	28	-	-	-	448	490	75	386	165	96	189	992	237
Sanghar	37	39	23	-	-	-	69	133	94	78	128	89	235	275	229
Umerkot	41	41	22	-	-	-	243	229	106	262	203	103	467	418	253
Matiali	-	03	-	-	-	-	-	04	-	-	08	-	-	16	-
Badin	-	09	-	-	-	-	-	30	-	-	37	-	-	77	-
Hyderabad	14	04	02	-	-	-	35	07	02	49	09	02	60	17	03
T.A.Yar	05	03	02	-	-	-	11	11	15	25	17	21	36	23	28
TOTAL	188	209	77	-	-	-	806	904	292	800	567	311	987	1818	750

Appendix 7: Compliance Report on Freedom of Association and Protection Of The Right To Organize Convention (C 87)

Key Requirements of Convention

Article 2

Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organization concerned, to join organizations of their own choosing without previous authorization.

Article 3

Workers' and employers' organizations shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organize their administration and activities and to formulate their programmes.

The public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof.

Article 4

Workers' and employers' organizations shall not be liable to be dissolved or suspended by administrative authority.

Article 5

Workers' and employers' organizations shall have the right to establish and join federations and confederations and any such organization, federation or confederation shall have the right to affiliate with international organizations of workers and employers.

Article 6

The provisions of articles 2, 3 and 4 thereof apply to federations and confederations of workers' and employers' organizations.

Findings of the Monitoring Bodies under the respective convention

Findings of the monitoring bodies on the reports submitted by the Government of Pakistan on the implementation of relevant conventions are conveyed to the Federal Government. Copy of the findings is placed at **Annexure-A**.

Reservations & its evaluation whether it is incompatible with the objective and purpose of the Convention

The Labor and Human Resource Department, Punjab provided relevant information to the Ministry of Human Resource Development, Government of Pakistan and the Ministry after evaluating the said findings has submitted its report for the period till August, 2012 to the International Labor Organization (ILO) Office as required under Article 22 of the constitution of the ILO. Copy of the report is placed at **Annexure-B**.

Existing Framework (Provincial) Laws/Policy **Punjab Industrial Relations Act, 2010**

Preamble: Whereas it is expedient to regulate formation of trade unions and trade union activities, relations between employers and workmen and the avoidance and settlement of any differences or disputes arising between them and ancillary matters;

Section 3: Trade unions and freedom of association. Subject to the provisions of this Act and notwithstanding any other law:

- i. Workers of an establishment, employing not less than fifty workers, may establish and subject to the rules of the organization, may join associations of their own choice without previous authorization;
- ii. A worker shall not be entitled to be a member of more than one trade unions at any one time and on joining another trade union, his earlier membership of the other trade union shall stand cancelled;
- iii. Employers may establish and, subject to the rules of the organization, may join associations of their own choice without previous authorization;
- iv. Every trade union and employers association shall frame its own constitution and rules to elect its representatives in full freedom to organize its administration and activities and to formulate its programmes; and
- v. Workers' or employers' organizations may establish and join federations and confederations and any such organization, federation or confederation may affiliate with international organizations and confederations of workers' or employers' organizations.

Gaps in effective implementation of the Convention / Laws / Policy

Under Section 3(i) of "The Punjab Industrial Relation Act, 2010", workers of an establishment, employing not less than fifty workers, may establish a Trade Union. Different workers organizations showed their reservations on the restriction of fifty workers in an establishment for the formation of a Trade Union. The Federal Government also conveyed its reservations in this regard to make the law in conformity with the articles of relevant convention.

Remedy / Action required for removal of Gaps

The Labor & Human Resource Department has proposed to review this law to strike out the restriction of fifty workers for the formation of Trade Union in an establishment. An amendment in section 3(i) of the PIRA, 2010 has been proposed and a summary for Chief Minister has been initiated by the department to obtain approval in principal to legislate on this matter as suggested by the Law Department.

Reporting requirements under respective conventions

As per constitution of ILO, the periodical reports on the application of ratified conventions are submitted by the member state and as such this responsibility rests upon Government of Pakistan. Similarly, subsequent comments on the observations of different committees of experts of the monitoring agency are also furnished by the Government of Pakistan. As stated in Para III, the required report for the period till August, 2012 has been sent by the Ministry of Human Resource Development, Government of Pakistan.

Coordination with Federal Government required for implementation of the convention

The Labor and Human Resource Department, Government of the Punjab was in liaison with the Ministry of Labor and Manpower, Government of Pakistan to address the reporting requirements and subsequent comments on these reports on the application of International Labor Standards / ILO Conventions to the extent of Province of Punjab. After 18th Constitutional Amendment, the Ministry of Human Resource Development, Government of Pakistan has been assigned this responsibility and the Department is in coordination with the said Ministry for implementation of the relevant conventions and timely reporting in future.

Note: Status of compliance on conventions mandatory for GSP Plus as reported during meeting of the Task Force set up by Prime Minister under the Chairmanship of Senior Minister for Commerce held on 18.01.2013 is placed as **Annexure-C**, wherein it is mentioned that **"Reports have been submitted to the International Body."**

Annexure-A: Reports/Comments by International Labor Organization (ILO) Treaty-Reporting Body With Regard To Pakistan

Committee of Experts on the Application of Conventions and Recommendations (CEACR)

Once a country has ratified an ILO convention, it is obliged to report regularly on measures it has taken to implement it. Every two years governments must submit reports detailing the steps they have taken in law and practice to apply any of the eight fundamental and four priority conventions they may have ratified; for all other conventions, reports must be submitted every five years, except for conventions that have been shelved (no longer supervised on a regular basis). Reports on the application of conventions may be requested at shorter intervals. Governments are required to submit copies of their reports to employers' and workers' organizations. These organizations may comment on the governments' reports; they may also send comments on the application of conventions directly to the ILO.

When examining the application of international labor standards the Committee of Experts makes two kinds of comments:

- Observations and
- Direct Requests

Observations contain comments on fundamental questions raised by the application of a particular convention by a state. These observations are published in the Committee's annual report. Direct requests relate to more technical questions or requests for further information. They are not published in the report but are communicated directly to the governments concerned.

The **pending** "Observations" and Direct Requests in relevant conventions/treaties are as under:

Labor Rights (9)

No.	Treaty / Convention	Ratification	Treaty Body / Comments
9	Convention concerning Freedom of Association and Protection of the Right to Organise, No 87 (1948)	Ratified February 14, 1951	No reservation on record
<p>Observation (CEACR) - adopted 2011, published 101st ILC session (2012) <u>Follow-up to the conclusions of the Committee on the Application of Standards (International Labor Conference, 100th Session, June 2011)</u> The Committee notes the discussion that took place in the Conference Committee on the Application of Standards in June 2011. It notes, in particular, that the Conference Committee requested the Government to provide to the Committee of Experts, for its examination this year, detailed information on the progress made in bringing the national legislation and practice into full conformity with freedom of association principles as well as all provincial laws relevant to the application of the Convention. The Committee notes with regret that the Government's report has not been received.</p> <p><u>Comments of trade union organizations.</u> The Committee notes the comments submitted by the International Trade Union Confederation (ITUC) on 4 August 2011 alleging acts of violence (attacks, kidnapping, torture, killings) against trade unionists. The Committee recalls that in its previous comments, it had noted the 2010 comments submitted by the All Pakistan Federation of United Trade Unions (APFUTU) regarding the difficulties in registering trade unions for the industries established in the City of Sialkot, as well as the comments submitted by the ITUC alleging acts of violence against protesters, night-time raids, arrests and harassment of trade union leaders and members, as well as other violations of the Convention. The Committee noted in particular the ITUC's comments concerning the requirement that any gathering of more than four people be subject to police authorization and its impact on trade union activities, as well as the denial of the right to strike to workers in export processing zones (EPZs) and the possibility to impose penalties of imprisonment against illegal strikes, go-slows and picketing activities. The</p>			

Committee **regrets** that the Government provided no observations thereon. It therefore once again recalls that freedom of association can only be exercised in a climate that is free from violence, pressure or threats of any kind against leaders and members of workers' organizations, and that workers have the right to participate in peaceful demonstrations to defend their occupational interests. **The Committee urges the Government to conduct an independent investigation into all of the abovementioned serious allegations of violence against trade unionists and to report on the outcome and the measure taken to punish those found responsible.**

The Committee notes the comments submitted by the Pakistan Workers Confederation (PWC) in a communication dated 21 November 2011 referring to the legislative issues raised by the Committee below.

Legislative Issues

The Committee recalls that in its previous observation, it had noted that the Industrial Relations Act (IRA), 2008 (which was an interim legislation) had lapsed and that the Government had enacted the 18th Amendment to the Constitution whereby the matters relating to industrial relations and trade unions were devolved to the provinces. In this respect, the Committee expressed the hope that any new legislation, whether at the provincial or national levels would be adopted in full consultation with the social partners concerned and those such instruments would be in full conformity with the Convention.

The Committee notes the November 2011 conclusions of the Committee on Freedom of Association (CFA) in Case No. 2799 (362nd Report) where the latter noted that a new Industrial Relations Ordinance (IRO) was promulgated by the President of Pakistan in July 2011 following tripartite consultations. The CFA also noted the Government's indication that on 12 October 2011, the IRO was introduced to the National Assembly in order to make it into an Act of Parliament.

The Committee notes that the IRO, 2011, regulates industrial relations and registration of trade unions and federation of trade unions in the Islamabad Capital Territory and in the establishments which cover more than one province (section 1(2) and (3)). It notes with **regret** that most of its previous comments on the IRA, 2008, have not been addressed by the promulgation of the IRO, 2011.

Article 2 of the Convention. Right of workers and employers, without distinction whatsoever, to establish and join organizations. The Committee notes that the IRO excludes the following categories of workers from its scope of application:

- Workers employed in services or installations exclusively connected with, or incidental to the armed forces of Pakistan, including the Factory Ordinance maintained by the federal Government (section 1(3)(a));
- Workers employed in the administration of the State other than those employed as workmen (section 1(3)(b)) ;
- Members of the security staff of Pakistan International Airlines Corporation (PIAC) or drawing wages in pay group not lower than Group V in the PIAC establishment (section 1(3)(c));
- Workers employed by the Pakistan Security Printing Corporation or the Security Papers Limited (section 1(3)(d));
- Workers employed by an establishment or institution for the treatment or care of sick, infirm, destitute and mentally unfit persons excluding those run on a commercial basis (section 1(3)(e));
- Agricultural workers (section 1(3) read together with section 2(x) and (xvii));
- Workers of charitable organizations (section 1(3) read together with section 2(x) and (xvii)).

The Committee recalls that by virtue of *Article 2* of the Convention, workers, without distinction whatsoever shall have the right to establish and join organizations of their own choosing. **The Committee requests the Government to take the necessary measures in order to ensure that the legislation guarantees the abovementioned categories of employees the right to establish and join organizations of their own choosing to further and defend their social, economic and occupational interests.**

Managerial employees. The Committee also notes that, pursuant to section 31(2) of the IRO, an employer may require that a person, upon his or her appointment or promotion to a managerial position, shall cease to be and shall be disqualified from being a member or an officer of a trade union. The Committee considers that such restriction is compatible with freedom of association

provided that two conditions are met: first, that the persons concerned have the right to establish their own organizations to defend their interests; and second, that the category of managerial staff is not so broadly defined as to weaken the organization of other workers in the enterprise or branch of activity by depriving them of a substantial proportion of their actual or potential membership. ***The Committee requests the Government to take the necessary measures to ensure that the abovementioned provision is not applied in practice in a manner contrary to the principle above.***

Rights of workers and employers to establish and join organizations of their own choosing. The Committee notes that section 8(2)(a) of the IRO provides that only trade unions of workers engaged or employed in the same industry may be registered. The Committee recalls that such restrictions may be applied to first level organizations, on condition that these organizations are free to establish inter-professional organizations, and to join federations and confederations in the form and manner deemed most appropriate by the workers or employers concerned (see General Survey of 1994 on freedom of association and collective bargaining, paragraph 84). ***The Committee requests the Government to take the necessary measures to ensure that trade unions affiliating workers of different professions and/or enterprises could establish inter-professional organizations of workers and affiliate with federations and confederation of their own choosing.***

The Committee further notes that section 62(3) of the IRO provides that after the certification of a collective bargaining unit, no trade union shall be registered in respect of that unit except for the whole of such a unit. The Committee considers that while a provision requiring certification of a collective bargaining agent for a corresponding bargaining unit is not contrary to the Convention, workers' right to establish and join trade union organizations of their own choosing implies the possibility to create – if the workers so choose – more than one organization per bargaining unit. ***The Committee therefore requests the Government to take the necessary measures to amend this provision so as to bring it into conformity with the Convention.***

The Committee notes that pursuant to section 8(2)(b) of the IRO, no other trade union is entitled to registration if there are already two or more registered trade unions in the establishment, group of establishments or industry with which that trade union is connected, unless it has, as members, not less than 20 per cent of the workers employed in that establishment, group of establishments or industry. ***Considering that this minimum membership requirement is too high, the Committee requests the Government to ensure that it is reduced to a reasonable level and that no distinction as to the minimum membership requirement is made between the first two or more registered trade unions and the newly created unions.***

The Committee notes that under the new IRO, the right to represent workers in any proceedings, the right to check-off facilities and the right to call a strike are granted only to collective bargaining agents, i.e. the most representative trade unions (sections 20(b) and (c), 22, 33, 35 and 65(1)). The Committee considers that workers' freedom of choice would be jeopardized if the distinction between most representative and minority unions results, in law or in practice, in the granting of privileges extending beyond that of priority in representation for such purposes as collective bargaining or consultation by the Government or for the purpose of nominating delegations to international bodies. In other words, this distinction should not have the effect of unduly influencing the choice of organization by workers and of depriving those trade unions that are not recognized as being among the most representative of the essential means for defending the occupational interests of their members. ***The Committee therefore requests the Government to take the necessary measures to amend the IRO so as to ensure that the abovementioned rights are extended to all trade unions.***

Article 3. Right to elect representatives freely. The Committee notes that the IRO contains several sections concerning disqualification from holding a trade union office. First, under section 18, a person who has been convicted and sentenced to imprisonment for two years or more for an offence involving moral turpitude under the Pakistan Penal Code shall be disqualified from being elected as, or from being an officer of a trade union, unless a period of five years has elapsed after the completion of the sentence. The Committee recalls in this respect that conviction for an act, the nature of which is not such as to be prejudicial to the performance of trade union duties, should not constitute grounds for disqualification from trade union office (see General Survey, op. cit., paragraph 120). Second, under

section 44(10), the National Industrial Relations Commission (“Commission”) has the power to disqualify a trade union office bearer from holding any trade union office for the unexpired term of his or her office and for the term immediately following, for violation of its order to stop a strike (this point is further discussed below). Third, the same sanction is also provided for in section 67(5) of the IRO for committing an unfair labor practice under section 32(1)(a)–(c) and (e). The Committee notes that section 32 lists a wide range of actions, which include acts by a worker to persuade other workers to join or refrain from joining a trade union during working hours; induce any person to refrain from becoming members or officers of a trade union by conferring or offering to confer any advantage for such persons; commence, continue, instigate or incite others to take part in, or expend or supply money to, or otherwise act in furtherance or support of, an illegal strike or a work slowdown, etc. The Committee recalls that legislation which establishes excessively broad ineligibility criteria by means of a long list, including acts which have no real connection with the qualities of integrity required for the exercise of trade union office, is incompatible with the Convention (see General Survey, op. cit., paragraph 120). ***In light of the above, the Committee requests the Government to take the necessary measures to amend the IRO so as to bring it into accordance with the principles above.***

In its previous comments, the Committee requested the Government to amend section 27-B of the Banking Companies Ordinance of 1962, which restricted the possibility of becoming an officer of a bank union only to employees of the bank in question, under penalty of up to three years’ imprisonment, either by exempting from the occupational requirement a reasonable proportion of the officers of an organization, or by admitting, as candidates, persons who have been previously employed in the banking company. The Committee had noted the Government’s statement that a bill to repeal section 27-B of the Banking Companies Ordinance of 1962 had been submitted to the Senate. The Committee notes the Government’s statement to the Conference Committee that the Federal Cabinet at its meeting held on 1 May 2010 approved the repeal of this provision and that the final legislation is under preparation. ***The Committee once again expresses the firm hope that the relevant amendment will be adopted in the near future and requests the Government to transmit a copy thereof.***

Right of workers’ organizations to organize their administration and to formulate their programmes. The Committee notes that section 8 of the IRO regulates in detail the internal functioning of trade unions. Specifically, its subsection 1(j) provides that the constitution of a union should provide for a term for which a trade union officer may be elected and specifies that it should not exceed two years; and subsection 1(l) provides for the frequency of meetings of a union’s executive and general body. The Committee further notes that under section 48(2) of the IRO, the Commission has a power to order a person who has been expelled from a trade union to be restored to its membership or to order that he or she be paid out of the union funds such sum by way of compensation or damages as the Commission thinks just. The Committee considers that all of these matters should be left for an organization to decide and regulate. ***It therefore requests the Government to take the necessary measures in order to amend the IRO in this respect.***

The Committee notes that section 5(d) of the IRO confers on the Registrar the power to inspect the accounts and records of a registered trade union, or investigate or hold such inquiry into the affairs of a trade union as he or she deems fit. The Committee considers that problems of compatibility with the Convention arise when the administrative authority has the power to audit the trade union’s accounts, to inspect such accounts and records and demand information at any time (see General Survey, op. cit., paragraph 126). ***The Committee requests the Government to take the necessary measures in order to ensure that the supervision of internal administration of organizations is limited to the obligation of submitting annual financial reports or if there are serious grounds for believing that the actions of an organization are contrary to its rules or the law, which itself should not infringe the principles of freedom of association.***

The Committee notes that section 65(2) and (3) of the IRO provides that “no party to an industrial dispute should be entitled to be represented by a legal practitioner in any conciliation proceedings under this Ordinance” and that representation is possible in the proceedings before the Commission, or arbitrator, only with the permission of the Commission or the arbitrator, as the case may be. The Committee considers that legislation which prevents workers’ and/or employers’ organizations from

using the services of experts such as lawyers and agents to represent them in administrative or judicial proceedings is not in conformity with *Article 3* of the Convention. ***It therefore requests the Government to take the necessary measures to amend the IRO so as to ensure that workers and employers' organizations are allowed to be represented by lawyers in administrative or judicial proceedings should they so desire.***

Right to strike. Types of strike action. The Committee notes that under section 32(1)(e) of the IRO, a go-slow appears to be an unfair labor practice. The Committee is of the opinion that restrictions as to the forms of strike action (including go-slow) can only be justified if the action ceases to be peaceful (see General Survey, op. cit., paragraph 173). ***The Committee therefore requests the Government to take the necessary measures in order to amend the IRO so as to ensure that a peaceful work slowdown is not considered to be a prohibited unfair labor practice.***

Prohibition of strikes. The Committee notes that section 42(3) of the IRO provides that, where a strike lasts for more than 30 days, the Government may, by an order, prohibit such a strike, provided that a strike can also be prohibited at any time before the expiry of 30 days if it "is satisfied that the continuance of such a strike is causing serious hardship to the community or is prejudicial to the national interests". The Committee further notes that under section 45 of the IRO, the Government can prohibit a strike related to an industrial dispute of national importance (subsection (1)(a)), or in respect of any public utility services (subsection (1)(b)), at any time before or after its commencement. A strike carried out in contravention of an order made under this section, as well as section 42 noted above, is deemed illegal by virtue of section 43(1)(c). The Committee notes that Schedule I, setting out the list of public utility services includes services such as oil production, postal services, railways and airways. The Committee recalls that the prohibition of strikes can only be justified: (1) in the public services only for public servants exercising authority in the name of the State; (2) in the event of an acute national or local emergency; or (3) in the essential services in the strict sense of the term (that is, services the interruption of which would endanger the life, personal safety or health of the whole or part of the population). The Committee considers that the wording of sections 42(3) and 45(1) (a) is too broad and vague to be limited to such cases and that the abovementioned services listed in Schedule I cannot be considered essential in the strict sense of the term. ***The Committee requests the Government to take the necessary measures in order to amend the IRO so as to ensure that any prohibition or restriction imposed on the right to strike is in conformity with the principles above.***

Compulsory arbitration. The Committee notes that following a prohibition of the strike by the Government pursuant to the above-noted sections 42 and 45 of the IRO, the dispute is referred to the Commission for adjudication. The Committee further notes that section 42(2) of the IRO authorizes a "party raising a dispute", either before or after the commencement of a strike, to apply to the Commission for adjudication of the dispute. Pending adjudication, the Commission can prohibit the continuation of the existing strike action (section 61). The Committee recalls that a provision, which permits public authorities or either party to unilaterally request the settlement of a dispute through compulsory arbitration leading to a final award, effectively undermines the right to strike by making it possible to prohibit virtually all strikes or to end them quickly. Such a system seriously limits the means available to trade unions to further and defend the interests of their members as well as their right to organize their activities and to formulate their programmes and is not compatible with *Article 3* of the Convention (see General Survey, op. cit., paragraph 153). ***The Committee therefore requests the Government to take the necessary measures to amend the IRO so as to ensure that recourse to compulsory arbitration is possible only in cases where the exercise of the strike can be restricted or even prohibited or at the request of both parties to the dispute.***

Sanctions. The Committee notes that under section 32(1)(e) of the IRO, commencing, continuing, instigating others to take part in, or expending or supplying money to, or otherwise acting in furtherance or support of an illegal strike or a go-slow is an unfair labor practice punishable by a fine of up to 30,000 rupees and/or imprisonment which may extend to 30 days. When the person convicted of such an offence is a trade union office bearer, he or she can be disqualified from holding a trade union office for the unexpired and immediately following terms, in addition to any other punishment which the court might award (section 67(4) and (5)). The Committee further notes that section 44(10) of the IRO provides for the following sanctions for contravening a Commission's order to call off a strike: dismissal of the striking workers; cancellation of the registration of a trade union; and debarring

of trade union officers from holding a trade union office for the unexpired and immediately following terms. The Committee emphasizes that sanctions for strike action can be imposed only if the prohibitions or restrictions on the right to strike are in conformity with the principles of freedom of association. The Committee further considers that the use of extremely serious measures, such as dismissal of workers and cancellation of trade union registration implies a grave risk of abuse and constitutes a violation of freedom of association. With regard to penal sanctions, the Committee recalls that no penal sanction should be imposed against a worker for having carried out a peaceful strike and on no account should measures of imprisonment be imposed. Such sanctions could be envisaged only where during a strike, violence against persons or property or other serious infringements of rights have been committed, and can be imposed pursuant to legislation punishing such acts. ***The Committee requests the Government to take the necessary measures in order to amend its legislation so as to bring it into conformity with the principles above.***

Article 4. Dissolution of organizations. The Committee notes with **concern** the numerous cases where a registration of union may be cancelled under the IRO. In particular, the Committee notes that the registration of a trade union shall be cancelled if the Commission so directs, following a complaint made by the Registrar that the trade union has contravened the provisions of the Ordinance or its constitution, or failed to submit its annual returns to the Registrar, or obtained less than 10 percent of total votes polled in an election for determination of a collective bargaining agent (section 11(1)(a), (d), (e), (f) and (g) of the IRO). The Committee also notes that under section 16(5) of the IRO, if the statement of expenditure of a union is found incorrect following an audit of annual return, the Registrar shall initiate before the Commission the proceeding for the cancellation of the union registration. The Committee further notes that under section 44(10) of the IRO, the registration of a trade union can be cancelled for contravening the Commission's order to call off a strike. Furthermore, the Committee notes that under section 11(5) of the IRO, if a person who is disqualified under section 18 a person who has been convicted and sentenced to imprisonment for two years or more for committing an offence involving moral turpitude under the Pakistan Penal Code) is elected to be an officer of a registered trade union, the registration of such a union shall be cancelled if the Commission so directs. The Committee recalls that the cancellation of a registration of an organization and its dissolution in view of its serious and far-reaching consequences is a measure which should occur only in extremely serious cases. With regard to section 11(5), the Committee furthermore considers that, although the conviction for an act, the nature of which calls into question the integrity of the person concerned may represent grounds for disqualification for trade union office, that should not constitute a reason for cancellation of trade union registration, which is tantamount to dissolution of the union. To deprive workers of their trade union organization because of illegal activities previously carried out by one of its leaders is, in the Committee's opinion, a disproportionate sanction which violates the rights of workers to organize under *Article 2* of the Convention. ***The Committee therefore requests the Government to take the necessary measures to amend the IRO so as to bring it into conformity with the Convention taking into account the principles above.***

The Committee notes that under the IRO, the Commissions' decision directing the Registrar to cancel the registration of a union cannot be appealed in court (section 59 of the IRO). The Committee recalls that cancellation of a trade unions' registration should only be possible through judicial channels and that measures of suspension or dissolution by the administrative authority constitute serious infringements of the principles of freedom of association. The Committee further emphasizes that judges should be able to deal with the substance of a case to enable them to decide whether or not the measure of dissolution would not be in violation of the rights accorded to occupational organizations by Convention No. 87. ***The Committee requests the Government to take the necessary measures to amend the IRO so as to ensure that any decision to cancel trade union registration can be appealed in court.***

Export processing zones (EPZs). With regard to the right to organize in EPZs, the Committee recalls that it had previously noted the Government's statement that the Export Processing Zones (Employment and Service Conditions) Rules, 2009, had been finalized in consultation with the stakeholders and would be submitted to the Cabinet for approval. ***The Committee once again requests the Government to provide detailed information on the progress made in adopting the Export Processing Zones (Employment and Service Conditions) Rules, 2009, or a copy thereof if they have been adopted.***

The Committee expects that all necessary measures will be taken rapidly to bring its national legislation into full conformity with the Convention and requests the Government to provide information on all steps taken or envisaged in this respect. It further requests the Government to provide with its next report copies of all other provincial laws regulating industrial relations and trade union rights at the provincial level.

The Committee recalls that it had previously requested the Government to indicate whether Presidential Ordinance No. IV of 1999, which amended the Anti-Terrorism Act by penalizing illegal strikes or slowdowns with up to seven years of imprisonment, had been repealed. The Committee notes the Government's statement in the Conference Committee that the Ordinance is no longer in force.

The Committee notes the Punjab Industrial Relations Act (PIRA), 2010. The Committee **regrets** that this legislation appears to restrict the rights of workers to organize by excluding several categories of workers from its scope of application, and restricting the rights of workers to establish organizations of their own choosing without previous authorization and their right to strike. The Committee will examine the PIRA, 2010, in detail in the framework of the next reporting cycle.

The Committee is raising other points in a request addressed directly to the Government.

Direct Request (CEACR) - adopted 2011, published 101st ILC session (2012)

The Committee notes that a new Industrial Relations Ordinance (IRO) was promulgated by the President of Pakistan in July 2011 and is currently pending before the National Assembly. The Committee raises the following points with regard to this new legislation.

Article 2 of the Convention. Right of workers and employers, without distinction whatsoever, to establish and join organizations of their own choosing. The Committee notes that by virtue of its sections 1(3) and 3(xi), read together, the IRO appears to apply only to workers under a contract of employment. The Committee considers that the criterion for determining the persons who should enjoy this right to organize should not be based on the existence of an employment relationship, which is often non-existent, for example in the case of self-employed workers or those who practice liberal professions, or in the informal sector. ***The Committee therefore requests the Government to indicate whether self-employed workers enjoy the rights afforded by the Convention.***

The Committee notes that according to section 6 of the IRO, any trade union may apply for registration provided that there shall be at least two trade unions in an establishment. ***The Committee requests the Government to clarify the meaning of this provision and to provide information on its application in practice.***

The Committee notes that under section 3 of the IRO, no worker shall be entitled to be a member of more than one trade union. ***The Committee requests the Government to indicate how workers who have more than one occupation and/or are employed by different establishments can exercise their right to establish and join trade unions of their own choosing for furthering and defending their interests, particularly in the light of the restrictions imposed by section 8(2)(a), providing that only trade unions of workers engaged or employed in the same industry may be registered.***

Articles 5 and 6. Right of organizations to establish federations and confederations. The Committee notes that under section 14(4) of the IRO, no trade union federation or confederation shall be formed and registered having the same, similar or identical name. ***The Committee requests the Government to clarify what interpretation is given to the wording "similar name".***

Annexure-B: Article 22 of the Constitution of the ILO

**Report for the period till August, 2012 made by the Government of Pakistan
On the
Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)
Pakistan (ratification: 14.02.1951)**

The Constitution of Islamic Republic of Pakistan considers workers' right of freedom of as a fundamental right and Article 17 ensures workers' right to form union.

Every citizen shall have the right to form associations or unions, subject to any reasonable restrictions imposed by law in interest of the sovereignty or integrity of Pakistan, public order or morality.

The workers' right to freedom of association is covered under Industrial Relations Laws. After the 18th Constitutional Amendment, legislation on labor has been transferred to the provinces. Now all the provinces have their own industrial relation laws. Copies of Punjab Industrial Relations Act, 2010, Sindh Industrial Relations Act, 2010, Khyber Pakhtun Khuwa Industrial Relations Act, 2010 and Balochistan Industrial Relations Act, 2010 are placed at **Annex-I, II, III & IV**. However, in order to deal with the matter relating to registration of trade unions and regulation of industrial relations in Islamabad Capital Territory (ICT) and for establishments falling in more than one Province, Industrial Relations Act, 2012 (**Annex-V**) has also been enacted.

The progress of registration of trade unions and federations in the country is reflected as under:

Province of Punjab

Year	No. of Trade Unions/Federations at the beginning of the year	No. of Trade Unions Registered during the year	No. of Trade Unions Cancelled during the year	No. of Trade Unions/Federations a the end of the year
2008	1677	53	36	1694
2009	1694	77	44	1727
2010	1727	55	33	1749
2011	1749	87	74	1762

No. of Collective Bargaining Agents in the Province of Punjab up to 31-12-2011 were **619**

Province of Sindh

Year	No. of Trade Union Registered	No. of Workers (membership)	No. of CBA declared	No. of Referendum held
2006	70	5108	20	14
2007	39	1943	23	14
2008	95	9545	41	25
2009	70	6298	34	18
2010	49	6015	17	11
TOTAL	323	28709	135	82

- A. Twenty-one trade unions were registered in the province of KPK during the year 2011 and 17 trade unions declared as CBA.
- B. National Industrial Relations Commission registered 52 industry-wise trade unions during the last year.

The specific observations of the Committee are responded as under:

Specific Observation of the Committee	Comments
<p>The Committee urges the Government to conduct an independent investigation into all of the above mentioned serious allegations of violence against trade unionists and to report on the outcome and the measure taken to punish those found responsible.</p> <p>Legislative</p> <p>The Committee requests the Government to take the necessary measures in order to ensure that the legislation guarantees the above mentioned categories of employees the right to establish and join organizations of their own choosing to further and defend their social, economic and occupational interests.</p> <p>The Committee requests the Government to take the necessary measures to ensure that the above mentioned provision is not applied in practice in a manner contrary to the principle above.</p>	<p>This pertains to district Sialkot, where a number of trade unions were registered in a period of just two months in the 2001. The following two unions relate to that issue:</p> <ol style="list-style-type: none"> I. Leather Field Workers Union II. Challenge Sports Workers Union <p>The managements of both the unions went to Labor Courts and NIRC against the registration. The unions on the other hand also lodged cases of unfair labor practices against the managements. The cases were decided by the courts in favor of the union in case of Leather Field, however, the member of the unions backed out. The establishment of Challenge Sports was closed due to losses.</p> <p>Section 1 (3) of industrial relation laws stipulates that:</p> <p>(3) It shall apply to all persons employed in any establishment or industry in the Islamabad Capital Territory or carrying on business in more than one province, but shall not apply to any person employed-</p> <ol style="list-style-type: none"> (a) in the Police or any of the Defence Services of Pakistan or any services or installations exclusively connected with the Armed Forces of Pakistan including an Ordinance Factory maintained by the Federal Government; (b) in the administration of the State other than those employed as workmen; (c) as a member of the Security Staff of the Pakistan International Airlines Corporation or drawing wages in pay group not lower than Group V in the establishment of that Corporation as the Federal Government may in the public interest or in the interest of security of the Airlines, by notification in the official Gazette, specify in this behalf; (d) by the Pakistan Security Printing Corporation or the Security Papers Limited; and (e) by an establishment or institution for the treatment or care of sick, infirm, destitute or mentally unfit persons excluding those run on commercial basis. <p>The industrial relation laws are framed in</p>

<p>The Committee requests the Government to take the necessary measures to ensure that trade unions affiliating workers of different professions and /or enterprises could establish inter-professional organizations of workers and affiliated with federations and confederation of their own choosing.</p> <p>The Committee therefore requests the Government to take the necessary measures to amend this provision so as to bring it into conformity with the Convention.</p> <p>Considering that this minimum membership requirement is too high, the committee requests the Government to ensure that it is reduced to a reasonable level and that no distinction as to the minimum membership requirement is made between the first two or more registered trade unions and the newly created unions.</p> <p>The Committee therefore requests the Government to take the necessary measures to amend the IRO so as to ensure that the above mentioned rights are extended to all trade unions.</p> <p>In light of the above, the Committee requests the Government to take the necessary measures to amend the IRO so as to bring it into accordance with the principles above.</p> <p>The Committee once against expresses the firm hope that</p>	<p>national circumstances and in the light of the space provided by Article 9 of the Convention. The workers engaged in the agriculture do have the right to form unions under these enactments. The detail is presented in reporting to Convention 11.</p> <p>The comments of the Committee for right of association to the member of a union if he/she is promoted to managerial position. Such persons can form associations. Similarly there is no bar for establishment of inter-professional organizations/ unions and on affiliation by such unions with such federations. Copies of new laws are enclosed for examination of the Committee.</p> <p>CBU is determined while in consultation with employer and the CBAs.</p> <p>This was fixed after consultation with the social partners and to promote healthy trade union activities.</p> <p>The right to check-off facilities and right to call a strike are the genuine rights of a CBA and all the social partners were agreed on these rights during tripartite consultation for drafting of the new law. As far as the issue of right of representation is concerned it can be mutually decided between the CBA and the opposition.</p> <p>New laws have been framed after consultation with the social partners. Copies of new laws are enclosed for examination of the Committee.</p> <p>The Prime Minister of Pakistan on 1st May announced repeal of 27-B of the Banking Companies Ordinance, 1962. The matter is under consideration with the Senate of Pakistan.</p>
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<p>the relevant amendment will be adopted in the near future and requests the Government to transmit a copy thereof.</p> <p>It therefore requests the Government to take the necessary measures in order to amend the IRO in this respect.</p> <p>The Committee requests the Government to take the necessary measures in order to ensure that the supervision of internal administration of organizations is limited to the obligation of submitting annual financial report or if there are serious grounds for believing that the actions of an organization are contrary to its rules or the law, which itself should not infringe the principles of freedom of association.</p> <p>It therefore requests the Government to take the necessary measures to amend the IRO so as to ensure that workers and employers' organizations are allowed to be represented by lawyers in administrative or judicial proceedings should they so desire.</p> <p>The Committee therefore requests the Government to take the necessary measures in order to amend the IRO so as to ensure that a peaceful work slowdown is not considered to be a prohibited unfair labor practice.</p> <p>The Committee requests the Government to take the necessary measures in order to amend the IRO so as to ensure that any prohibition or restriction imposed on the right to strike is in conformity with the principles above.</p> <p>The Committee therefore requests the Government to take the necessary measures to amend the IRO so as to ensure that recourse to compulsory arbitration is possible only in cases where the exercise of the strike can be restricted or even prohibited or at the request of both parties to the dispute.</p> <p>The Committee requests the Government to take the necessary measures in order to amend its legislation so as to bring it into conformity with the principles above.</p> <p>The Committee therefore requests the Government to take the necessary measures to amend the IRO so as to bring it into conformity with the Convention taking into account the principles above.</p> <p>The Committee therefore requests the Government to take the necessary measures to amend the IRO so as to ensure that any decision to cancel trade union registration can be appealed in court.</p> <p>The Committee once again requests the Government to provide detailed information on the progress made in</p>	<p>The Registrar of Trade Union is a public functionary and work for smooth functioning of trade unions. He does not indulge in internal administration of the organization during financial audit and scrutiny of annual return.</p> <p>Copies of new laws are enclosed for examination of the committee.</p> <p>Do</p> <p>The new laws are not like the Industrial Relations Ordinance, 2002. These are framed after consultation with the social partners and keeping in view the national requirements.</p> <p>Do</p> <p>Do</p> <p>Do</p> <p>Export Processing Zones (Employment and Service Conditions) Rules, 2009 have not yet</p>
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adopting the Export Processing Zones (Employment and Service Conditions) Rules, 2009 or a copy thereof if they have been adopted.

The Committee expects that all necessary measures will be taken rapidly to bring its national legislation into full conformity with the Convention and requests the Government to provide information on all steps taken or envisaged in conformity with the Convention and requests the Government to provide information on all steps taken or envisaged in this respect. It further requests the Government to provide with its next report copies of all other provincial laws regulating industrial relations and trade union rights at the provincial level.

Direct Request, 2011

The Committee therefore requests the Government to indicate whether self-employed workers enjoy the rights afforded by the Convention.

The Committee requests the Government to clarify the meaning of this provision and to provide information on its application in practice.

The Committee requests the Government to indicate how workers who have more than one occupation and / or are employed by different establishments can exercise their right to establish and join trade unions of their own choosing for furthering and defending their interests, particularly in the light of the restrictions imposed by section 8(2) (a), providing that only trade unions of workers engaged or employed in the same industry may be registered.

finalized.

The new laws have been drafted after consultation with the stakeholders and presented for further comments of the Committee.

Right to association is guaranteed in the Constitution of Islamic Republic of Pakistan. Industrial relation laws deal with the organizations called trade unions operates in the establishments where employee-employer relations exist. There is no bar for the self-employed to organize under the Constitution of Pakistan. They can organize themselves under other laws in the shape of association, voluntary agencies organization etc. There is no

Proviso of Section 6 of the IRA, 2012 “provided that there should be at least two trade unions in an establishment” implies that in every establishment there should be at least two trade unions. This will promote formation of trade unions.

Section 3 of the IRA, 2012 is reproduced as under:

- (a) Workers, without distinction whatsoever, shall have the right to establish and, subject to the rules of the organization concerned, to join international associations of their own choice without previous authorization:

Provided that in the establishment where women are also employed the Trade Union shall include the women in the executive of the said trade union with the same proportion in which they are employed in the establishment;

<p>The Committee requests the Government to clarify what interpretation is given to the wording "similar name".</p>	<p>Provided further that no worker shall be entitled to be a member of more than one trade union at any one time and on joining another union the earlier membership shall automatically stand cancelled;</p> <p>(b) Employers, without distinction whatsoever, shall have the right to establish and , subject only to the rules of the organization concerned, to join international associations of their own choice without previous authorization,</p> <p>(c) Every trade union and employers association shall frame its own constitution and rules to elect its representatives in full freedom to organize its administration and activities and to formulate its programmes; and</p> <p>(d) Workers' and employers' organizations shall have the right to establish and join federations and confederation shall have the right to affiliate with international organizations and confederations of workers' and employers' organizations.</p> <p>This Sub-Section has two interesting things. Firstly, it promotes inclusion of women in the trade unions. Secondly, it strengthened trade unions by imposing restriction on a worker not to be a member of more than one trade union. Being member of one union a worker remains committed to his political affiliation/cause. If a worker is member of two unions in different establishments or in the same establishment it may create legal complications.</p> <p>It implies that no two trade unions with the same name can be registered.</p>
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Appendix 8: Compliance Report on Right to Organize and Collective Bargaining Convention (C 98)

Key Requirements of Convention

Article 1

1. Workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment.
2. Such protection shall apply more particularly in respect of acts calculated to--
 - a) Make the employment of a worker subject to the condition that he shall not join a union or shall relinquish trade union membership;
 - b) Cause the dismissal of or otherwise prejudice a worker by reason of union membership or because of participation in union activities outside working hours or, with the consent of the employer, within working hours.

Article 2

1. Workers' and employers' organizations shall enjoy adequate protection against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.
2. In particular, acts which are designed to promote the establishment of workers' organizations under the domination of employers or employers' organizations, or to support workers' organizations by financial or other means, with the object of placing such organizations under the control of employers or employers' organizations, shall be deemed to constitute acts of interference within the meaning of this Article.

Article 3

Machinery appropriate to national conditions shall be established, where necessary, for the purpose of ensuring respect for the right to organize as defined in the preceding Articles.

Article 4

Measures appropriate to national conditions shall be taken, where necessary, to encourage and promote the full development and utilization of machinery for voluntary negotiation between employers or employers' organizations and workers' organizations, with a view to the regulation of terms and conditions of employment by means of collective agreements.

Findings of the Monitoring Bodies under the respective convention

Findings of the monitoring bodies on the reports submitted by the Government of Pakistan on the implementation of relevant conventions are conveyed to the Federal Government. Copy of the findings is placed at **Annexure-A**.

Reservations & its evaluation whether it is incompatible with the objective and purpose of the Convention

The Labor and Human Resource Department, Punjab provided relevant information to the Ministry of Human Resource Development, Government of Pakistan and the Ministry after evaluating the said findings has submitted its report for the period till August, 2012 to the International Labor Organization (ILO) Office as required under Article 22 of the constitution of the ILO. Copy of the report is placed at **Annexure-B**.

Existing Framework (Provincial) Laws/Policy
Punjab Industrial Relations Act, 2010

Preamble: Whereas it is expedient to regulate formation of trade unions and trade union activities, relations between employers and workmen and the avoidance and settlement of any differences or disputes arising between them and ancillary matters;

Section 3: Trade unions and freedom of association: Subject to the provisions of this Act and notwithstanding any other law:

- i. Workers of an establishment, employing not less than fifty workers, may establish and subject to the rules of the organization, may join associations of their own choice without previous authorization;
- ii. A worker shall not be entitled to be a member of more than one trade unions at any one time and on joining another trade union, his earlier membership of the other trade union shall stand cancelled;
- iii. Employers may establish and, subject to the rules of the organization, may join associations of their own choice without previous authorization;
- iv. Every trade union and employers association shall frame its own constitution and rules to elect its representatives in full freedom to organize its administration and activities and to formulate its programmes; and
- v. Workers' or employers' organizations may establish and join federations and confederations and any such organization, federation or confederation may affiliate with international organizations and confederations of workers' or employers' organizations.

Section 24: Collective Bargaining Agent

(Under this Section, right to Collectively Bargain is assigned to the Unions and a procedure is given for its certification as Collective Bargaining Agent (CBA) through secret ballot).

Section 29: Workers Management Council

(Under this Section, workers participation in the management of the establishment has been guaranteed to settle the disputes, terms & conditions of employment or ancillary matters).

Section 34: Negotiations relating to differences and disputes

(Under this Section, procedure has been laid down to raise industrial dispute by the CBA Union *viz a viz* by the employer and further course for its settlement).

Gaps in effective implementation of the Convention / Laws / Policy

Under Section 3(i) of "The Punjab Industrial Relation Act, 2010", workers of an establishment, employing not less than fifty workers, may establish a Trade Union. Different workers organizations showed their reservations on the restriction of fifty workers in an establishment for the formation of a Trade Union. The Federal Government also conveyed its reservations in this regard to make the law in conformity with the articles of relevant convention.

Remedy / Action Required for removal of Gaps

The Labor & Human Resource Department has proposed to review this law to strike out the restriction of fifty workers for the formation of Trade Union in an establishment. An amendment in section 3(i) of the PIRA, 2010 has been proposed and a summary for Chief Minister has been initiated by the department to obtain approval in principal to legislate on this matter as suggested by the Law Department.

Reporting requirements under respective conventions

As per constitution of ILO, the periodical reports on the application of ratified conventions are submitted by the member state and as such this responsibility rests upon Government of Pakistan. Similarly, subsequent comments on the observations of different committees of experts of the monitoring agency are also furnished by the Government of Pakistan. As stated in Para III, the required report for the period till August, 2012 has been sent by the Ministry of Human Resource Development, Government of Pakistan.

Coordination with Federal Government required for implementation of the convention

The Labor & Human Resource Department, Government of the Punjab was in liaison with the Ministry of Labor & Manpower, Government of Pakistan to address the reporting requirements and subsequent comments on these reports on the application of International Labor Standards / ILO Conventions to the extent of Province of Punjab. After 18th Constitutional Amendment, the Ministry of Human Resource Development, Government of Pakistan has been assigned this responsibility and the Department is in coordination with the said Ministry for implementation of the relevant conventions and timely reporting in future.

Note: Status of compliance on conventions mandatory for GSP Plus as reported during meeting of the Task Force set up by Prime Minister under the Chairmanship of Senior Minister for Commerce held on 18.01.2013 is placed as **Annexure-C**, wherein it is mentioned that ***“Reports have been submitted to the International Body.”***

Annexure-A: Reports/Comments by International Labor Organization (ILO) Treaty-Reporting Body With Regard To Pakistan

Committee of Experts on the Application of Conventions and Recommendations (CEACR)

Once a country has ratified an ILO convention, it is obliged to report regularly on measures it has taken to implement it. Every two years governments must submit reports detailing the steps they have taken in law and practice to apply any of the eight fundamental and four priority conventions they may have ratified; for all other conventions, reports must be submitted every five years, except for conventions that have been shelved (no longer supervised on a regular basis). Reports on the application of conventions may be requested at shorter intervals. Governments are required to submit copies of their reports to employers' and workers' organizations. These organizations may comment on the governments' reports; they may also send comments on the application of conventions directly to the ILO.

When examining the application of international labor standards the Committee of Experts makes two kinds of comments:

- Observations and
- Direct Requests.

Observations contain comments on fundamental questions raised by the application of a particular convention by a state. These observations are published in the Committee's annual report. Direct requests relate to more technical questions or requests for further information. They are not published in the report but are communicated directly to the governments concerned.

The **pending** "Observations" and Direct Requests in relevant conventions/treaties are as under:

Labor Rights (9)

Table 4: Raid conducted on complaints with police & district & sessions judges

No.	Treaty / Convention	Ratification	Treaty Body / Comments
10	Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively, No 98 (1949)	Ratified 26 May, 1952	No reservation on record
	<p>Observation (CEACR) - adopted 2011, published 101st ILC session (2012) The Committee notes the comments submitted by the International Trade Union Confederation (ITUC) in a communication dated 4 August 2011, referring to the similar issues as raised in its 2010 communication and in particular, the allegations of anti-union dismissals and acts of interference in trade union internal affairs by employers (intimidation, non-recognition and blacklisting of trade unions and its members), as well as denial of collective bargaining in export processing zones (EPZs). Noting that no observations have been provided by the Government thereon, the Committee recalls that it is the Government's responsibility to ensure the application of the Convention in law and in practice. <i>It therefore once again requests the Government to provide its observations on the ITUC allegations.</i></p> <p>The Committee notes the comments submitted by the Pakistan Workers Confederation (PWC) in a communication dated 21 November 2011 referring to the legislative issues raised by the Committee below.</p> <p>The Committee recalls that in its previous observation, it had noted that the Industrial Relations Act (IRA), 2008 (which was an interim legislation), had lapsed and that the Government had enacted the 18th Amendment to the Constitution whereby the matters relating to industrial relations and trade unions were devolved to the provinces. It had further noted that in line with the June 2010 decision of the High Court of Sindh (Karachi), the Industrial Relations Ordinance (IRO) of 1969 was back in force. In this respect, the Committee recalled that it had previously commented upon on a number of</p>		

significant restrictions on the right to organize under the IRO 1969 and expressed the hope that any new legislation, whether at the provincial or national levels would be adopted in full consultation with the social partners concerned and that such instruments would be in full conformity with the Convention.

The Committee notes that in its report, the Government indicates that the provinces were in the process of adopting their labor laws. The Government also indicates that the Federal Government will ensure through the Council of Common Interests that all provincial laws are in conformity with the Constitution and ratified ILO Conventions. The Committee notes the Punjab Industrial Relations Act (PIRA), 2010. The Committee **regrets** that this legislation appears to restrict the right of workers to organize by excluding several categories of workers from its scope of application, and restricting workers' collective bargaining rights. The Committee will examine the PIRA 2010 in detail in the framework of the next reporting cycle. **The Committee requests the Government to provide with its next report copies of all other provincial laws regulating industrial relations and trade union rights at the provincial level.**

The Committee notes the November 2011 conclusions of the Committee on Freedom of Association (CFA) in Case No. 2799 (362nd Report) where the latter noted that a new Industrial Relations Ordinance (IRO) was promulgated by the President of Pakistan in July 2011 following tripartite consultations. The CFA also noted the Government's indication that on 12 October 2011, the IRO was introduced in the National Assembly in order to make it into an Act of Parliament.

The Committee notes that the IRO 2011 regulates industrial relations and registration of trade unions and federation of trade unions in the Islamabad Capital Territory and in the establishments which cover more than one province (section 1(2)(3)). It **regrets** that most of its previous comments on the IRA 2008 have not been addressed by the promulgation of the IRO 2011.

Scope of Application of the Convention

IRO 2011. The Committee notes that by virtue of its section 1(3), the IRO maintains the same exclusion from its scope of application as previously existed under the IRO 2002 and IRA 2008 (agricultural workers, workers of charitable organizations, workers employed by the Pakistan Security Printing Corporation or the Security Papers Limited, etc), as examined in detail by the Committee in its observation on the application of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). The Committee recalls that the only categories of workers which can be excluded from the application of the Convention are the armed forces, the police and public servants engaged in the administration of the State. **The Committee therefore requests the Government to take the necessary measures in order to amend the IRO so as to ensure that all workers, with the only possible exception of the armed forces, the police and public servants engaged in the administration of the State, enjoy the rights enshrined in the Convention.**

With regard to the latter category of workers, the Committee notes that the IRO does not apply to workers employed in the administration of the State other than those employed as workmen (section 1(3)(b)). **The Committee requests the Government to specify and provide examples of categories of workers employed in the administration of the State excluded from the scope of application of the IRO.**

Export processing zones (EPZs). With regard to the right to organize in EPZs, the Committee recalls that it had previously noted the Government's statement that the Export Processing Zones (Employment and Service Conditions) draft Rules, 2009, had been finalized in consultation with the stakeholders and will be submitted to the Cabinet for approval. **The Committee once again requests the Government to provide detailed information on the progress made in adopting the Export Processing Zones (Employment and Service Conditions) Rules, 2009, or a copy thereof if they have been adopted.**

Article 1 of the Convention. Protection against acts of anti-union discrimination. Banking sector. The Committee had previously requested the Government to amend section 27-B of the Banking Companies Ordinance of 1962, imposing sanctions of imprisonment and/or fines on the grounds of the exercise of trade union activities during office hours. In its report, the Government indicates that the Federal Cabinet at its meeting held on 1 May 2010 approved the repeal of this provision and that the final legislation is under preparation. **The Committee once again expresses the firm hope that the relevant amendment will be adopted in the near future and requests the Government to transmit a copy thereof.**

Autonomous bodies and corporations. The Committee had previously requested the Government to amend section 2A of the Services Tribunal Act so as to ensure that workers engaged in autonomous bodies and corporations such as the Pakistan Water and Power Development Authority (WAPDA), railway, telecommunication, gas, banks, the Pakistan Agricultural Storage and Supply Corporation (PASSCO), etc. could redress their grievances in labor courts, labor appellate tribunals and the National

Industrial Relations Commission (NIRC) in cases of unfair labor practices committed by the employer, and to provide copy of the amendment once adopted. The Committee notes the Government's indication that section 2A of the Services Tribunal Act has been repealed and these workers can approach the labor courts in cases mentioned above. The Committee notes with **satisfaction**, from a copy of the text of the amendment available to it, that section 2A of the Act has been repealed.

Article 4. Collective bargaining. The Committee notes that it results from section 19(1) of the IRO that if a trade union is the only trade union at the enterprise, but it does not have at least one third of the employees as its members, no collective bargaining is possible at the given establishment. The Committee recalls that it had previously requested the Government to amend similar sections which existed under the IRO 2002 and IRA 2008. ***The Committee therefore requests the Government to take the necessary measures in order to ensure that if there is no union representing the required percentage to be designated as a collective bargaining agent, collective bargaining rights are granted to the existing union, at least on behalf of its own members.***

The Committee notes Chapter IV of the IRO concerning "participation of workers". It notes, in particular, that under section 23, shop stewards are either nominated (by a collective bargaining agent) or elected (in the absence of a collective bargaining agent) in every undertaking employing over 25 workers to act as a link between the workers and the employer, to assist in the improvement of arrangements for the physical working conditions, etc. (section 24). Furthermore, section 25 provides for the works councils (bipartite bodies), which are established in every undertaking employing over 50 workers. Section 25 lists the functions of such councils and further provides that the management shall not take any decision relating to working conditions, as specified in subsection (5), without the corresponding advice from workers' representatives, which could be nominated (by a collective bargaining agent) or be elected by workers employed by the enterprise in question (in the absence of a collective bargaining agent). Finally, section 28 provides for the joint management boards to look after the fixation of job and piece-rate, planned regrouping or transfer of workers, laying down the principles of remuneration and introduction of remuneration methods, etc. The worker representatives in such boards are nominated by a collective bargaining agent if there are one or more trade unions at the enterprise, or are chosen from amongst workers of the relevant undertaking, if there is no collective bargaining agent. In the light of the abovementioned provision contained in section 19 of the IRO, the Committee considers that the position of a single trade union not enlisting over one third of workers employed at the relevant establishment or group of establishments (and therefore, as indicated above, not enjoying collective bargaining rights) may be undermined in practice by other worker representatives represented at the above mentioned bodies, the functions of which have an impact upon the regulation of terms and conditions of employment. ***The Committee therefore requests the Government to take the necessary measures to amend its legislation so as to ensure that the position of such trade unions is not undermined by the existence of other workers' representatives.***

Annexure-B: Article 22 of the Constitution of the ILO

**Report for the period till August, 2012 made by the Government of Pakistan On the Right to Organize and Collective Bargaining Convention, 1949 (No.98)
Pakistan (ratification: 26.05.1952)**

The Constitution of Islamic Republic of Pakistan under Article 17 guarantees workers' right to form unions. Right to bargain collectively is secured under Industrial Relations Laws. Copies of Industrial Relations Act, 2012, Punjab Industrial Relations Act, 2010, Sindh Industrial Relations Act, 2010, Khyber Pakhtoon Khawa Industrial Relations Act, 2010 and Balochistan Industrial Act, 2011 are placed at **Annex-I, II, III, IV & V** respectively.

Under these laws Collective Bargaining Agents (CBA) are determined under the prescribed manner. A mechanism for settlement of industrial disputes is also in place. Eighty-nine (89) industrial disputes were settled through conciliation during the year 2011 though out the country.

The observations of the Committee are responded as under:

Specific Observation of the Committee	Comments
<p>It therefore once again requests the Government to provide its observations on the ITUC allegations.</p>	<p>Pakistan is a developing country. Industrial Relations Laws were framed after consultation with the social partners. The laws secure workers right to bargain collectively. The ITUC leveled allegations against the employers for intimidation in trade union affairs. Government believes that employer and employees are main actors in the industrial relation system. The system works with mutual understanding. Any intimidation by any of the partners may lead to mistrust. However, in case of any grievance, the workers have right to approach labor courts and other courts of law.</p>
<p>Copies of all laws are enclosed.</p>	
<p>The Committee requests the Government to provide with its next report copies of all other provincial laws regulating industrial relations and trade union rights at the provincial level.</p>	<p>The Industrial Relations Laws were framed after consultation with the employers and workers organizations. As provided under Section 3 of the IRA, it is applicable to all categories of workers with certain exceptions. These exceptions were made due to specific security situation in our Pakistan.</p>
<p>The Committee therefore requests the Government to take the necessary measures in order to amend the IRO so as to ensure that all workers, with the only possible exception of the armed forces, the police and public servants engaged in the administration of the State, enjoy the right enshrined in the Convention.</p>	<p>Persons employed in the administration of state imply persons employed in Government Departments and do not fall in the category of workmen.</p>
<p>The Committee requests the Government to specify and provide examples of categories of workers employed in the administration of the State excluded from the scope of application of the IRO.</p>	<p>Export Processing Zones (Employment and Service Conditions) Rules, 2009 have not yet been finalized.</p>
<p>The Committee once again requests the Government to provide detailed information on the progress made in</p>	<p>Amendment in 27-B of the Banking Companies Ordinance is under process with the Senate of Pakistan.</p>

adopting the Export Processing Zones (Employment and Service Conditions) Rules, 2009 or a copy thereof if they have been adopted.

The Committee once again expresses the firm hope that the relevant amendment will be adopted in the near future and requests the Government to transmit a copy thereof.

The Committee therefore requests the Government to take the necessary measures in order to ensure that if there is no union representing the required percentage to be designated as a collective bargaining agent, collective bargaining rights are granted to the existing union, at least on behalf of its own members.

The Committee therefore requests the Government to take the necessary measures to amend its legislation so as to ensure that the position of such trade unions is not undermined by the existence of other workers' representatives.

A Collective Bargaining Agent (CBA) has to bargain for the whole workers employed in an establishment. Certifying a union without any strength will not only be unjustified but may also increase chances of pocket unions to become CBA.

The position of such trade unions is not undermined by use of secret ballot for determination of workers' representation as shop steward and in works councils and joint management boards. The IRA under Section 6 has provided that there shall be at least two trade unions in an establishment. The issue of one trade union, as pointed out by the Committee is resolved.

Appendix 9: Compliance Report on Abolition of Forced Labor Convention (C105)

Key Requirements of Convention

Article 1

Each Member of the International Labor Organization which ratifies this Convention undertakes to suppress and not to make use of any form of forced or compulsory labor.

Article 2

Each Member of the International Labor Organization which ratifies this Convention undertakes to take effective measures to secure the immediate and complete abolition of forced or compulsory labor as specified in Article 1 of this Convention.

Findings of the Monitoring Bodies under the respective convention

Findings of the monitoring bodies on the reports submitted by the Government of Pakistan on the implementation of relevant conventions are conveyed to the Federal Government. Copy of the findings is placed at **Annexure-A**.

Reservations & its evaluation whether it is incompatible with the objective and purpose of the Convention

The Labor and Human Resource Department, Punjab provided relevant information to the Ministry of Human Resource Development, Government of Pakistan and the Ministry after evaluating the said findings has submitted its report for the period till August, 2012 to the International Labor Organization (ILO) Office as required under Article 22 of the constitution of the ILO. Copy of the report is placed at **Annexure-B**.

Existing Framework (Provincial) Laws/Policy

Bonded Labor System (Abolition) ACT, 1992

Section 4: Abolition of bonded labor system

- 1) On the commencement of this Act, the bonded labor system shall stand abolished and every bonded laborer shall stand freed and discharged from any obligation to render any bonded labor.
- 2) No person shall make any advance under, or in pursuance of, the bonded labor system or compel any person to render any bonded labor or other form of forced, labor.

Section 5: Agreement, custom, etc., to be void

Any custom or tradition or practice or any contract, agreement or other instrument, whether entered into or executed before or after the commencement of this Act, by virtue of which any person, or any member of his family, is required to do any work or render any service as a bonded laborer, shall be void and inoperative.

Section 6: Liability to repay bonded debt to stand extinguished

On the commencement of this Act, every obligation of a bonded laborer to repay bonded debt, or such part, of any bonded debt as remains unsatisfied immediately before such commencement, shall stand extinguished.

1. After the commencement of this Act, no suit or other proceeding shall lie in any civil court, tribunal or before any other authority for the recovery of any bonded debt or any part thereof.
2. Every decree or order for the recovery of bonded debt, passed before the commencement of this Act and not fully satisfied before such commencement, shall be deemed, on such commencement, to have been fully satisfied.
3. Where, before the commencement of this Act, possession of any property belonging to a bonded laborer or a member of his family was forcibly taken by any creditor for the recovery

- of any bonded debt, such property shall be restored, within ninety days of such commencement, to the possession of the person from whom it was seized,
4. Every attachment made before the commencement of this Act for the recovery of any bonded debt shall, on such commencement, stand vacated; and, where, in pursuance of such attachment, any movable property of the bonded laborer was seized and removed from his custody and kept in the custody of any court, tribunal or other authority pending sale thereof such movable property shall be restored, within ninety days of such commencement, to the possession of the bonded laborer; Provided that, where any attached property was sold before the commencement of this Act, in execution of a decree or order for the recovery of a bonded debt, such sale shall not be affected by any provision of this Act.
 5. Subject to the proviso to sub-section (5), any sale, transfer or assignment of any property of a bonded laborer made in any manner whatsoever before the commencement of this Act for recovery of bonded debt shall not be deemed to have created or transferred any right, or interest in or encumbrance upon any such property and such property shall be, restored, within ninety days of such commencement, to the possession of the bonded laborer.
 6. If restoration of the possession of any property referred to in sub-section (4) or sub-section (5) or sub-section-(6) is not made within ninety days from the commencement of this Act, the aggrieved person may, within such time as may be prescribed, apply to the prescribed authority for the restoration of the possession of such property and the prescribed authority may, after giving the creditor a reasonable opportunity of being heard, direct the creditor to restore to the applicant the possession of the said property within such time as may be specified in the order.
 7. An order by any prescribed authority under sub-section (7) shall be deemed to be an order made by a civil court and may be executed by the court of the lowest pecuniary jurisdiction within the local limits of whose jurisdiction the creditor voluntarily resides or carries on business or personally works for gain.
 8. Where any suit or proceeding for the enforcement of any obligation under the bonded labor system, including a suit or proceeding for the recovery of any advance (peshgi) made to a bonded laborer, is pending at the commencement of this Act, such suit or other proceeding shall, on such commencement, stand dismissed.
 9. On the commencement of this Act, every bonded laborer who has been detained in civil prison, whether before or after judgment, shall be released from detention forthwith.

Gaps in effective implementation of the Convention / Laws / Policy

No gaps have been identified in the existing legislation.

Remedy / Action required for removal of Gaps

Remedial action is not required as no gaps have been identified.

Reporting requirements under respective conventions

As per constitution of ILO, the periodical reports on the application of ratified conventions are submitted by the member state and as such this responsibility rests upon Government of Pakistan. Similarly, subsequent comments on the observations of different committees of experts of the monitoring agency are also furnished by the Government of Pakistan. As stated in Para III, the required report for the period till August, 2012 has been sent by the Ministry of Human Resource Development, Government of Pakistan.

Coordination with Federal Government required for implementation of the convention

The Labor & Human Resource Department, Government of the Punjab was in liaison with the Ministry of Labor & Manpower, Government of Pakistan to address the reporting requirements and subsequent comments on these reports on the application of International Labor Standards / ILO Conventions to the extent of Province of Punjab. After 18th Constitutional Amendment, the Ministry of

Human Resource Development, Government of Pakistan has been assigned this responsibility and the Department is in coordination with the said Ministry for implementation of the relevant conventions and timely reporting in future.

Note: Status of compliance on conventions mandatory for GSP Plus as reported during meeting of the Task Force set up by Prime Minister under the Chairmanship of Senior Minister for Commerce held on 18.01.2013 is placed as **Annexure-C**, wherein it is mentioned that ***“Reports have been submitted to the International Body.”***

Annexure-A: Reports/Comments by International Labor Organization (ILO) Treaty-Reporting Body with Regard to Pakistan
Committee of Experts on the Application of Conventions and Recommendations (CEACR)

Once a country has ratified an ILO convention, it is obliged to report regularly on measures it has taken to implement it. Every two years governments must submit reports detailing the steps they have taken in law and practice to apply any of the eight fundamental and four priority conventions they may have ratified; for all other conventions, reports must be submitted every five years, except for conventions that have been shelved (no longer supervised on a regular basis). Reports on the application of conventions may be requested at shorter intervals. Governments are required to submit copies of their reports to employers' and workers' organizations. These organizations may comment on the governments' reports; they may also send comments on the application of conventions directly to the ILO.

When examining the application of international labor standards the Committee of Experts makes two kinds of comments:

- Observations and
- Direct Requests.

Observations contain comments on fundamental questions raised by the application of a particular convention by a state. These observations are published in the Committee's annual report. Direct requests relate to more technical questions or requests for further information. They are not published in the report but are communicated directly to the governments concerned.

The **pending** "Observations" and Direct Requests in relevant conventions/treaties are as under:

Labor Rights (9)

12	Convention concerning the Abolition of Forced Labor, No 105 (1957)	Ratified 15 Feb 1960	No reservation on record
<p>Observation (CEACR) - adopted 2011, published 101st ILC session (2012) The Committee notes that the Government's report has not been received. It must therefore repeat its previous observation which read as follows:</p> <p>Repetition <i>Article 1(c) and (d) of the Convention. Work imposed as a means of labor discipline and as a punishment for having participated in strikes.</i> For a number of years, the Committee has been commenting on certain provisions of the Pakistan Essential Services (Maintenance) Act, 1952, and corresponding provincial Acts, under which employees are prohibited from leaving their employment without the consent of the employer or from striking, subject to penalties of imprisonment that may involve compulsory labor. The Committee previously noted the comments made under the Convention by the All Pakistan Federation of Trade Unions (APFTU), in which it stated that the provisions of the Essential Services Act apply, inter alia, to workers employed in various public utilities such as WAPDA, Railway, Telecommunication, Karachi Port Trust, Sui Gas, etc., and these workers cannot resign from their service and cannot go on strike. In its comments supplied in 2005, the APFTU reiterated its earlier statement that the Essential Services (Maintenance) Act continues to restrict the right to strike even in non-essential services. This view has been shared by the Pakistan Workers' Federation (PWF) in its communication received in 2008.</p> <p>The Committee previously noted the Government's repeated statement in its reports that the application of the 1952 Act has been made very restrictive and it is extended only in cases of extreme nature, when peaceful and uninterrupted supply of goods and services to the general public appears to be disturbed. While having noted this indication, the Committee points out once again that all the workers concerned – whether in any employment under the federal and provincial governments and</p>			

local authorities or in public utilities, including essential services – must remain free to terminate their employment by reasonable notice; otherwise a contractual relationship based on the will of the parties may be changed into service by compulsion of law, which is incompatible with both the present Convention and the Forced Labor Convention, 1930 (No. 29), likewise ratified by Pakistan. The Committee also recalls that, in its comments addressed to the Government under the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), it has observed that no penal sanction should be imposed against a worker for having carried out a peaceful strike, and therefore penalties of imprisonment should not be imposed on any account.

Referring to the explanations provided in paragraph 189 of its 2007 General Survey on the eradication of forced labor, the Committee trusts that the Pakistan Essential Services Act and corresponding provincial Acts will be either repealed or amended in the near future, so as to ensure that, in conformity with the Convention, no penal sanction involving compulsory labor can be imposed against workers for peaceful participation in a strike, and that the Government will report the progress achieved in this regard.

Penal sanctions applicable to seafarers for various breaches of labor discipline. For many years, the Committee has been referring to the provisions of the legislation concerning merchant shipping (Merchant Shipping Act, 1923, which was repealed and replaced by the Pakistan Merchant Shipping Ordinance, 2001 (No. LII of 2001)), under which penalties involving compulsory labor may be imposed in relation to various breaches of labor discipline by seafarers, and seafarers may be forcibly returned on board ship to perform their duties. It noted, in particular, that under sections 204, 206, 207 and 208 of the Pakistan Merchant Shipping Ordinance, 2001, penalties of imprisonment, which may involve compulsory labor by virtue, inter alia, of section 3(26) of the General Clauses Act, 1897, may be imposed in respect of various breaches of labor discipline, such as absence without leave, wilful disobedience, or combining with the crew in “neglect” of duty, and seafarers may be forcibly conveyed on board ship.

While noting the Government’s statement in the report that penalties of imprisonment may only be awarded by a competent court of law after a trial, the Committee refers to the explanations in paragraph 144 of its 2007 General Survey, where it pointed out that, in the great majority of cases, labor imposed on persons as a consequence of a conviction in a court of law will have no relevance to the application of the Convention (such as in the cases of the exaction of labor from common offenders convicted, for example, of robbery, kidnapping, acts of violence or various acts or omissions that have endangered the life or health of others). But if a person has to perform compulsory prison labor because that person holds or has expressed particular political views, has committed a breach of labor discipline or has participated in a strike, the situation is covered by the Convention, which prohibits the use “of any form” of forced or compulsory labor as a means of coercion, education or punishment for violation of labor discipline.

The Committee expresses the firm hope that, after several decades of comments addressed to the Government on this point, the necessary measures will at last be taken to repeal or amend these provisions of the 2001 Merchant Shipping Ordinance which prescribe penalties of imprisonment for breaches of labor discipline (e.g. by limiting their scope to offences committed in circumstances endangering the safety of the ship or the life or health of persons) and to repeal the provisions under which seafarers may be forcibly returned on board ship to perform their duties. The Committee asks the Government to provide, in its next report, information on the progress made in this regard.

Article 1(a). Penalties involving compulsory labor as a punishment for expressing political views. In comments made for many years, the Committee has referred to certain provisions in the Security of Pakistan Act, 1952 (sections 10–13), the Political Parties Act, 1962 (sections 2 and 7) and the West Pakistan Press and Publications Ordinance, 1963, which gave the authorities wide discretionary powers to prohibit the publication of views and to order the dissolution of associations, subject to penalties of imprisonment which may involve compulsory labor.

The Committee previously noted the adoption of the Press, Newspapers, News Agencies and Books Registration Ordinance, 2002, which had repealed the West Pakistan Press and Publications Ordinance, 1963. It noted, in particular, the provisions of sections 5 and 28 of the 2002 Ordinance,

under which a person who edits, prints, or publishes a newspaper in contravention of the Ordinance (for instance, without having made a declaration or without having a declaration authenticated by the District Coordination Officer) is liable to penalties of imprisonment (which may involve compulsory labor) for a term of up to six months.

The Committee hopes that the necessary measures will be taken with a view to bringing these provisions of the Press, Newspapers, News Agencies and Books Registration Ordinance, 2002, into conformity with Article 1(a) of the Convention, so that no penalty of imprisonment involving compulsory labor can be imposed as a punishment for expressing political views. Pending the adoption of such measures, the Committee asks the Government to provide information on the application of sections 5 and 28 in practice, indicating the penalties imposed and supplying sample copies of the relevant court decisions. Please also communicate a copy of any rules issued under section 44 of the 2002 Ordinance.

As regards the Security of Pakistan Act, 1952, and the Political Parties Act, 1962, referred to above, the Committee previously noted that the Government's Law and Justice Commission, in response to a Supreme Court ruling, had drafted legislative proposals for certain amendments to be made to the Security of Pakistan Act, 1952, and that proposals to amend other laws, including the Political Parties Act, 1962, were under consideration. ***Noting that the Government's latest report contains no new information on this subject, the Committee reiterates its hope that the Committee's concerns will be taken into account by the Law and Justice Commission and that the necessary measures will soon be taken to bring the abovementioned provisions of the Security of Pakistan Act, 1952, and the Political Parties Act, 1962, into conformity with the Convention. Pending the adoption of such measures, the Committee again requests the Government to provide information on the practical application of these provisions, indicating the number of convictions and supplying sample copies of the relevant court decisions.***

Article 1(e). Penalties involving compulsory labor as a means of religious discrimination. In its earlier comments, the Committee referred to sections 298B(1) and (2) and 298C of the Penal Code, inserted by the Anti-Islamic Activities of Qadiani Group, Lahori Group and Ahmadis (Prohibition and Punishment) Ordinance, No. XX of 1984, under which any person of these groups who uses Islamic epithets, nomenclature and titles is punishable with penalties of imprisonment (which may involve compulsory labor) for a term of up to three years. The Committee previously noted the Government's repeated statement in its reports that religious discrimination does not exist and is forbidden under the Constitution, which guarantees equal citizenship and fundamental rights to minorities living in the country. The Government also stated that the Penal Code imposes equal obligations on all citizens, whatever their religion, to respect the religious sentiments of others, and an act that impinges upon the religious sentiments of other citizens is punishable under the Penal Code. The Government further indicated that religious rituals referred to in Ordinance No. XX are prohibited only if exercised in public, whereas if they are performed in private without causing provocation to others, they do not fall under the prohibition.

While noting these indications, the Committee points out once again, referring to the explanations provided in paragraphs 154 and 190 of its 2007 General Survey, that the Convention does not prohibit punishment by penalties involving compulsory labor of persons who use violence, incite to violence or engage in preparatory acts aimed at violence. But where punishment involving compulsory labor is aimed at the peaceful expression of religious views, or where such punishment (for whatever offence) is meted out more severely, or even exclusively, to certain groups defined in social or religious terms, this falls within the scope of the Convention. ***The Committee reiterates the firm hope that the necessary measures will be taken in relation to sections 298B and 298C of the Penal Code, so as to ensure the observance of the Convention. Pending the adoption of such measures, the Committee again requests the Government to provide, in its next report, information on the application of these provisions in practice, including sample copies of the court decisions and indicating the penalties imposed.***

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

Direct Request (CEACR) - adopted 2011, published 101st ILC session (2012)

The Committee notes that the Government's report has not been received. It hopes that a report will be supplied for examination by the Committee at its next session and that it will contain full information on the matters raised in its previous direct request, which read as follows:

Repetition

Communication of legislation. *The Committee once again requests the Government to provide a copy of the following legislation: the Public Safety Act 1960; the Press, Newspapers, News Agencies and Book Registration (Amendment) Act 2005; the Pakistan Electronic Media Regulatory Authority (Amendment) Bill 2005; and the most recent amendments to the Anti-Terrorist Act, 1997.*

Article 1(a). Penalties involving compulsory labor as a punishment for expressing political views. In its earlier comments, the Committee referred to section 33(2) and (3) of the Pakistan Electronic Media Regulatory Authority Ordinance (PEMRO), 2002, under which certain violations of the Ordinance (such as broadcasting in the absence of a licence) are punishable with imprisonment, which may involve compulsory labor.

The Committee again requests the Government to provide in its next report information on the application of section 33(2) and (3) in practice, supplying copies of the court decisions which could define or illustrate its scope, so as to enable the Committee to assess its conformity with the Convention.

Annexure-B: Article 22 of the Constitution of the ILO**Report for the period till August, 2012 made by the Government of Pakistan
On the Abolition of Forced Labor Convention, 1957 (No. 105) Pakistan (ratification: 1960)**

The Constitution of Islamic Republic of Pakistan prohibits all forms of forced labor and exploitation of any kind whatsoever. Article 3 ensures elimination of all types of exploitation by stating that:

“The State shall ensure the elimination of all forms of exploitation and the gradual fulfilment of the fundamental principle, from each according to his ability to each according to his work”.

Under Article 11, the Constitution prohibits all kinds of slavery, forced labor, bonded labor, human trafficking and child labor.

1. *Slavery is non-existent and forbidden and no law shall permit or facilitates its introduction in Pakistan in any form.*
2. *All forms of forced labor and trafficking in human beings are prohibited.*
3. *No child below the age of fourteen years shall be engaged in any factory or mine or any other hazardous employment.”*

Bonded Labor System (Abolition) Act, 1992 and rules made there under prohibits forced labor in all its forms whatsoever. The Act abolished bonded labor system which includes the system of forced or partly forced labor. The law is applicable through the Vigilance Committees at the district level. The functions of the vigilance committees are:

- a. To advise the District Administration on matters relating to the effective implementation of the law and to ensure its implementation in proper manner;
- b. To help in the rehabilitation of the freed bonded laborer;
- c. To keep an eye on the working of the law; and
- d. To provide the bonded laborers such assistance as may be necessary to achieve the objectives of the law.

The Vigilance Committees are comprised of all relevant officials of District Government, NGOs, workers, employers etc. and are quite active for eradication of forced labor/ bonded labor at the district level. District Complaint Cells are also established under these committees which receive complaints of forced/bonded labor. So far, 4607 brick kilns have been registered under the factories Act where 123248 workers are engaged.

Measures To Combat Bonded /Forced Labor

To deal with the problem more effectively, the Government of Pakistan has developed a National Policy and Action Plan for Abolition of Bonded Labor and Rehabilitation of Freed Bonded Laborers. The Plan was approved by the Cabinet on September 5, 2001. The Action Plan envisages the following measures to deal with the problem of bonded labor:

Relief Package for Freed Haris in Sindh: *Freed Haris living in relief camps in Sindh set up by some NGOs need immediate relief measures to meet their urgent basic needs. They need proper shelter, food, health services, drinking water, etc. A Committee comprising representatives of the federal and provincial governments and NGOs working in haris’ camps will be constituted to prepare a relief package for the freed haris/bonded laborers.*

Awareness Raising: *Campaign for raising awareness and legal literacy will be undertaken through i) mass-media including electronic and print media; ii) Vigilance Committees for the purpose of community mobilization particularly in villages and agriculture sector; and iii) by holding special events like seminars etc.*

Registration of brick kilns: All Brick Kilns would be registered with a view to bring them in the ambit of relevant labor laws. This would reduce the element of exploitation in these establishments.

Involving Social Partners: (Trade unions, employers' bodies, NGOs and CBOs) in carrying out programmes for the rehabilitation of freed bonded workers.

Rendering counselling and advocacy: To needy bonded workers by establishing free legal aid cells with the assistance of Bar Councils.

Organizing vocational training programme: For the freed bonded workers intending to provide opportunities to help them change their profession and for their children.

Creating self-employment opportunities: Through micro credit schemes.

A Fund for Education of Working Children and Rehabilitation of Freed Bonded Laborers has also been established with an initial contribution of Rs.100 million by the Federal Government (Pakistan Baitul Mal). Another amount of Rs.2 million has been transferred from the Workers Welfare Fund. The provincial Governments, contribution to the Fund is worth Rs.12 million (Balochistan=Re.1 million; NWFP= Rs.2 million; Punjab = Rs.5 million and Sindh = Rs.4 million). From the Bonded Labor Fund so far following five projects have been under taken:

- Providing free legal aid services to the bonded laborers in NWFP
- Providing free legal aid services to the bonded laborers in Punjab
- Construction of 75 houses for freed *hari* families (Ex bonded laborers) in district Dadu, Sindh. (Project completed in March 2007)
- Providing free legal aid services to the bonded laborers in Balochistan
- Providing free legal aid services to the bonded laborers in Sindh

The ILO's Special Programme of Action to Combat Forced/Bonded Labor was also initiated in Pakistan. Under this Programme, the ILO provided technical assistance to eradicate structural problems of forced and bonded labor. The Programme seeks to (i) undertake a series of purposive studies to prepare the ground for a full national survey envisaged in the National Policy for Abolition of Bonded Labor; (ii) provide advisory services to ensure that Laws on Bonded Labor are consistent with International Human Rights Treaties, including the ILO Instruments on forced and compulsory labor; (iii) provide training on Human Rights and bonded labor concerns to the District Nazims, members of Vigilance Committees, judicial and law enforcement officials and others concerned; (iv) assist the Government in developing a partnership with the stakeholders, employers and workers to secure a more harmonious labor relationship; (v) provide advice on creation of high-level national body to combat forced labor ensuring large-scale public support; and (vi) launch certain demonstration projects to test the feasibility of approaches adopted to tackle the problem.

The Province of Punjab initiated a project titled "**Elimination of Bonded Labor in Brick Kilns (EBLIK)**" during 2009 in two districts with the total cost of PKR: 123.367 Million. Major achievements of the project are:

- i. The project established 200 Non Formal Education (NFEs) centres at Brick Kilns in Lahore & Kasur districts in which approximately 6803 learners are studying.
- ii. Rs. 61.254 million microcredit (interest free) disbursed among 3132 workers of the brick kilns in Lahore & Kasur districts and Rs. 46.478 million recovered through revolving process.
- iii. List of 5762 Bricks Kiln workers prepared and 3257 CNICs issued by NADRA in both districts.
- iv. Veterinary staff of the project visited 172 Brick kilns and provided treatment to 410 animals, out of which 57 serious cases were referred to local veterinary Hospital.
- v. Health and Hygiene campus organized with help of Basic Health units (BHUs). In these Campuses 1250 workers provided with advice, treatment, medicines and Hygiene kit.

- vi. United State of America acknowledges Pakistan’s Efforts to Combat Human Tracking and Punjab Government efforts for the elimination of Bonded Labor in Brick Kilns Project.

A project, titled “Strengthening Law Enforcement Responses and Action against Internal Trafficking and Bonded Labor in Sindh and Punjab Provinces of Pakistan” has also been started by the ILO with the assistance of US Department of State in 2010. The project is proving instrumental in sensitizing the implementers to take effective steps for eradication and rehabilitation of the bonded labor, engagement with the brick kiln owners to institute practices towards the elimination of bonded labor, establishing linkages between Pakistan Brick Kiln Owners and INGOs, initiatives to extend social protection services to the brick kiln owners and efforts to link brick kiln workers with social safety nets.

The observations of the Committee are addressed as under:

Specific Observation of the Committee	Comments
<p>Referring to the explanations provided in paragraph 189 of its 2007 General Survey on the eradication of forced labor, the Committee trusts that the Pakistan Essential Services Act and corresponding provincial Acts will be either repealed or amended in the near future, so as to ensure that, in conformity with the Convention, no penal sanction involving compulsory labor can be imposed against workers for peaceful participation in a strike, and that the Government will report the progress achieved in this regard.</p>	<p>The point of view of PWF STATING THE Pakistan Essential Service (Maintenance) Act, 1952 is applied to Railways, WAPDA, Telecommunications, KPT, Sui Gas et. Is not correct. THE Pakistan Essential Service (Maintenance) Act, 1952 under Section 3 stipulates that;</p> <p>Employment to which this Act applies:-</p> <ol style="list-style-type: none"> 1. This Act shall apply to every employment under the 2[Federal Government], and subject to the provisions of sub-section (2), to any employment or class of employment which the 2[Federal Government] may, by notification in the official Gazette, declare to be an employment or class or employment to which this Act applies. 2. No declaration under sub-section (1) shall be made in respect of any employment or class of employment unless the 2[Federal Government] is of opinion that such employment or class employment is essential: <ol style="list-style-type: none"> (a) For securing the defence or the security of Pakistan or any part thereof, or (b) For the maintenance of such supplies or services as relate to any of the matters with respect to which the 3[Central Legislature] has power to make laws and are essential to the life of the community. 3. A declaration under sub-section (1) shall remain in force for a period of six months which the 2[Federal Government] may, by notification in the Official Gazette, extend for further periods not exceeding six months at any one time.] <p>The Act is applied in a prudent manner and extended only in extreme cases. At present</p>

The Committee expresses the firm hope that, after several decades of comments addressed to the Government on this point, the necessary measures will at last be taken to repeal or amend these provisions of the 2001 Merchant shipping Ordinance which prescribe penalties of imprisonment for breaches of labor discipline (e.g. by limiting their scope to offences committed in circumstances endangering the safety of the ship or the life or health of persons) and to repeal the provisions under which seafarers may be forcibly returned on board ship to perform their duties. The Committee asks the Government to provide, in its next report, information on the progress made in this regard.

The Committee hopes that the necessary measure will be taken with a view to bringing these provisions of the Press, Newspapers, News Agencies and Books Registration Ordinance, 2002, into conformity with Article 1(a) of the Convention, so that no penalty of imprisonment involving compulsory labor can be imposed as a punishment for expressing political views. Pending the adoption of such measures, the Committee asks the Government to provide information on the application of sections 5 and 28 in practice, indicating the penalties imposed and supplying sample copies of the relevant court decisions. Please also communicate a copy of any rules issued under section 44 of the 2002 Ordinance.

Noting that the Government's latest report contains no new information on this subject, the Committee reiterates its hope that the Committee's concerns will be taken into account by the Law and Justice Commission and that the necessary measures will soon be taken into above mentioned provisions of the Security of Pakistan Act, 1952, and the Political Parties Act, 1962, into conformity with the Convention. Pending the adoption of such measures, the Committee again requests the

the Act has not been applied to any of the establishments mentioned above. Even in the cases where this Act is applied the Chairman NIRC under THE Pakistan Essential Service (Maintenance) Rules, 1962 regulate, subject to other conditions of this rule, the wages and other conditions of service of persons or class of persons engaged in any employment or class of employment to which these rules apply.

The Sections 204, 206, 207 and 208 of the Pakistan Merchant Shipping Ordinance, 2001 are for all persons on board, i.e. for master, officer, seamen or apprentice and there is no discrimination with seafarers. These Sections are part of the whole Ordinance and may not be taken in isolation. In order to avoid misconduct endangering life or ship, these Sections are for deterrence purpose and applied through courts.

Pakistan is facing with multitude of problems. These laws were framed with an objective to restrict illicit activities which may lead to national security concerns. Copies of these laws are enclosed for examination and comments of the Committee.

Copies of court decision will follow.

Government to provide information on the practical application of these provisions, indicating the number of convictions and supplying sample couples of the relevant court decision.

The Committee reiterates the firm hope that the necessary measures will be taken in relation to sections 298B and 298C of the Penal Code, so as to ensure the observance of the Convention. Pending the adoption of such measures, the Committee again requests the Government to provide, in its next report, information on the application of these provisions in practice, including sample copies of the court decisions and indicating the penalties imposed.

The committee hopes that the Government will make every effort to take the necessary action in the near future.

Direct Request, 2011

The Committee once again requests the Government to provide a copy of the following legislation: the Public Safety Act 1960; the Press Newspapers, News Agencies and Book Registration (Amendment) Act 2005; the Pakistan Electronic Media Regulatory Authority (Amendment) Bill 2005; and the most recent amendments to the Anti-Terrorist Act, 1967.

The Committee again requests the Government to provide in its next report information on the application of section 33(2) and (3) in practice, supplying copies of the court decisions which could define or illustrate its scope, so as to enable the Committee to assess its conformity with the Convention.

Do

The copies of laws are enclosed.
Copies will follow.

Appendix 10: Compliance Report on Minimum Age Convention (C 138) Key Requirements of Convention

Article 1

Each Member for which this Convention is in force undertakes to pursue a national policy designed to ensure the effective abolition of child labor and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons.

Article 3

1. The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardize the health, safety or morals of young persons shall not be less than 18 years.
2. The types of employment or work to which paragraph 1 of this Article applies shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned, where such exist.
3. Notwithstanding the provisions of paragraph 1 of this Article, national laws or regulations or the competent authority may, after consultation with the organizations of employers and workers concerned, where such exist, authorize employment or work as from the age of 16 years on condition that the health, safety and morals of the young persons concerned are fully protected and that the young persons have received adequate specific instruction or vocational training in the relevant branch of activity.

Article 4

In so far as necessary, the competent authority, after consultation with the organizations of employers and workers concerned, where such exist, may exclude from the application of this Convention limited categories of employment or work in respect of which special and substantial problems of application arise.

Article 5

A Member whose economy and administrative facilities are insufficiently developed may, after consultation with the organizations of employers and workers concerned, where such exist, initially limit the scope of application of this Convention.

Findings of the Monitoring Bodies under the respective convention

Findings of the monitoring bodies on the reports submitted by the Government of Pakistan on the implementation of relevant conventions are conveyed to the Federal Government. Copy of the findings is placed at **Annexure-A**.

Reservations & its evaluation whether it is incompatible with the objective and purpose of the Convention

The Labor and Human Resource Department, Punjab provided relevant information to the Ministry of Human Resource Development, Government of Pakistan and the Ministry after evaluating the said findings has submitted its report for the period till August, 2012 to the International Labor Organization (ILO) Office as required under Article 22 of the constitution of the ILO. Copy of the report is placed at **Annexure-B**.

Existing Framework (Provincial) Laws/Policy Shops & Establishments Ordinance, 1969

Section 20: Prohibition of employment of children

No child shall be required or allowed to work in any establishment.

Factories Act, 1934**Section 50: Prohibition of employment of young children**

No child who has not completed his fourteenth year shall be allowed to work in any factory.

Section 51: Non-adult workers to carry tokens giving reference to certificates of fitness

No child who has completed his fourteenth year and no adolescent shall be allowed to work in any factory unless -

- a. A certificate of fitness granted to him under section 52 is in the custody of the manager of the factory, and
- b. He carries while he is at work a token giving a reference to such certificate.

Section 54: Restrictions of the working hours of a child

1. No child or adolescent shall be allowed to work in a factory for more than five hours in any day.
2. The hours of work of a child shall be so arranged that they shall not spread over more than seven-and-a-half hours in any day.
3. No child or adolescent shall be allowed to work in a factory except between 6 a. m. and 7 p. m. Provided that the Provincial Government may, by notification in the Official Gazette in respect of any class or classes of factories and for the whole year or any part of it, vary these limits to any span of thirteen hours between 5 a. m. and 7.30 p.m.
4. The provisions of section 35 shall apply also to child workers, but no exemption from the provisions of that section may be granted in respect of any child.
5. No child shall be allowed work in any factory on any day on which he has already been working in another factory.

Section 55: Notice of Periods for Work for Children

1. There shall be displayed and correctly maintained in every factory in accordance with the provisions of sub-section (2) of section 76, a Notice of Periods for Work for Children, showing clearly the periods within which children may be required to work.
2. The periods shown in the Notice required by sub-section (1) shall be fixed beforehand in accordance with the method laid down for adults in section 39 and shall be such that children working for those periods would not be working in contravention of section 54.
3. The provisions of section 40 shall apply also to the Notice of Periods for Work for Children.
4. The Provincial Government] may make rules prescribing form for the Notice of Periods for Work for Children and the manner in which it shall be maintained.

Section 56: Register of Child Workers

The manager of every factory in which children are employed shall maintain a Register of Child Workers showing -

- a. The name and age of each child worker in the factory,
- b. The nature of his work,
- c. The group, if any, in which he is included,
- d. Where his group works on shifts, the relay to which he is allotted.
- e. The number of his certificate of fitness granted under section 52, and
- f. Such other particulars as may be prescribed.

The Provincial Government may make rules prescribing the form of the Register of Child Workers, the manner in which it shall be maintained and the period for which it shall be preserved.

Employment of Children Act, 1991

To prohibit the employment of children in certain occupations and to regulate the conditions of work of children

Section 3: Prohibition of Employment

No child shall be employed or permitted to work in any of the occupations set forth in Part I of the Schedule or in any workshop wherein any of the processes set forth in Part II of that Schedule is carried on:

Provided that nothing in this section shall apply to any establishment wherein such process is carried on by the occupier with the help of his family or to any school established, assisted or recognized by Government.

(PART-I and Part-II of the Schedule under section 3 prescribe the occupations and processes respectively).

Gaps in effective implementation of the Convention / Laws / Policy

The existing legislation namely "Employment of Children Act, 1991" has been found non conform to the objectives of the relevant convention. Certain gaps were identified with the assistance of ILO (Monitoring Agency).

Remedy / Action Required for removal of Gaps

The Labor & Human Resource Department, Punjab has proposed to substitute this law by new legislation. In this respect, "Punjab Prohibition of Employment of Children Act, 2012" has been drafted with the assistance of ILO, Islamabad Office after tripartite consultation. A summary for Chief Minister has been initiated by the department to obtain approval in principle to legislate on this matter as suggested by the Law Department.

Reporting requirements under respective conventions

As per constitution of ILO, the periodical reports on the application of ratified conventions are submitted by the member state and as such this responsibility rests upon Government of Pakistan. Similarly, subsequent comments on the observations of different committees of experts of the monitoring agency are also furnished by the Government of Pakistan. As stated in Para III, the required report for the period till August, 2012 has been sent by the Ministry of Human Resource Development, Government of Pakistan.

Coordination with Federal Government required for implementation of the convention

The Labor and Human Resource Department, Government of the Punjab was in liaison with the Ministry of Labor and Manpower, Government of Pakistan to address the reporting requirements and subsequent comments on these reports on the application of International Labor Standards / ILO Conventions to the extent of Province of Punjab. After 18th Constitutional Amendment, the Ministry of Human Resource Development, Government of Pakistan has been assigned this responsibility and the Department is in coordination with the said Ministry for implementation of the relevant conventions and timely reporting in future.

Note: Status of compliance on conventions mandatory for GSP Plus as reported during meeting of the Task Force set up by Prime Minister under the Chairmanship of Senior Minister for Commerce held on 18.01.2013 is placed as **Annexure-C**, wherein it is mentioned that **"Reports have been submitted to the International Body."**

Annexure-A: Reports/Comments by International Labor Organization (ILO) Treaty-Reporting Body With Regard To Pakistan

Committee of Experts on the Application of Conventions and Recommendations (CEACR)

Once a country has ratified an ILO convention, it is obliged to report regularly on measures it has taken to implement it. Every two years governments must submit reports detailing the steps they have taken in law and practice to apply any of the eight fundamental and four priority conventions they may have ratified; for all other conventions, reports must be submitted every five years, except for conventions that have been shelved (no longer supervised on a regular basis). Reports on the application of conventions may be requested at shorter intervals. Governments are required to submit copies of their reports to employers' and workers' organizations. These organizations may comment on the governments' reports; they may also send comments on the application of conventions directly to the ILO.

When examining the application of international labor standards the Committee of Experts makes two kinds of comments:

- Observations and
- Direct Requests

Observations contain comments on fundamental questions raised by the application of a particular convention by a state. These observations are published in the Committee's annual report. Direct requests relate to more technical questions or requests for further information. They are not published in the report but are communicated directly to the governments concerned.

The **pending** "Observations" and Direct Requests in relevant conventions/treaties are as under:

Labor Rights (9)

14	Convention concerning Minimum Age for Admission to Employment, No 138 (1973)	Ratified 06 Jul 2006	No reservation on record
<p>Observation (CEACR) - adopted 2011, published 101st ILC session (2012)</p> <p>The Committee notes that the Government's report has not been received. It must therefore repeat its previous observation which read as follows: Repetition</p> <p>Article 1 of the Convention. National policy designed to ensure the effective abolition of child labor. The Committee previously noted that a national <i>Time bound Programme (TBP)</i> for the elimination of the worst forms of child labor 2008–16 had been drafted in consultation with the stakeholders. It also noted the implementation of several ILO–IPEC projects, including projects entitled "Activating media to combat worst forms of child labor 2006–09" and "Pakistan earthquake – Child labor response", in addition to the expansion of the national project for the rehabilitation of child laborers. It requested the Government to provide information on the impact of these projects.</p> <p>The Committee noted the information in the Government's report that the ILO–IPEC project entitled "Combating abusive child labor II" has been launched. The objective of this project is the elimination of child labor, and two districts have been selected to pilot the project. The main activities of the project include: (i) establishing the Federal Child Labor Unit, and Provincial Child Labor Units, to increase institutional capacity to monitor the implementation of the national child labor programme; (ii) the creation of provincial and district coordination committees on child labor; (iii) withdrawing and rehabilitating child laborers in the districts of implementation; and (iv) sensitizing the community to child labor issues. The Committee also noted the ILO–IPEC information that the project "Activating media to combat worst forms of child labor" has been extended until the end of 2010.</p> <p>The Committee further noted the information from the ILO–IPEC Technical Progress Report (TPR) of 10 March 2010 for the project entitled "Pakistan earthquake: Child labor response project" that 3,626 children were enrolled in rehabilitation centres through the project, and 632 children received vocational training. This TPR also indicated that between September 2009 and March 2010, ten</p>			

seminars on child labor were conducted in target union councils. Participants included workers, employers and target community members (particularly the family members of working children). Over 700 individuals participated in these seminars organized in 24 rehabilitation centres of seven union councils (Kaghan, Mohandri, Kewai, Balakot, Ghanool, Shohal Mazullah and Garhi Habib Ullah). The TPR indicated that the project has contributed substantially to sensitizing the local communities on child labor issues. ***The Committee takes due note of this information, and requests the Government to continue to provide information on the concrete measures taken pursuant to the “Combating abusive child labor II” project, the “Activating media to combat worst forms of child labor” project and the “Pakistan earthquake – Child labor response” project. It also requests the Government to provide information on the status of the implementation of the national TBP 2008–16. Finally, it requests the Government to provide information on the impact of these initiatives, including the number of children reached through these programmes.***

Article 2(2). Minimum age for admission to employment or work. The Committee previously noted that, at the time of ratification, Pakistan specified 14 years as the applicable minimum age. The Committee also noted that a draft Employment and Service Conditions Act 2009 had been elaborated and that pursuant to section 16(a) of this draft Act, the employment of a child who has not attained 14 years of age is prohibited.

The Committee noted an absence of information in the Government’s report with regard to progress made towards the adoption of the draft Employment and Service Conditions Act 2009. ***The Committee requests the Government to take the necessary measures to ensure that the draft Employment and Service Conditions Act 2009, which prohibits the employment of a child below 14 years of age, is adopted in the near future and to provide a copy once adopted.***

Article 2(3). Age of completion of compulsory education. The Committee previously noted the information provided by the Government in its report to the Committee on the Rights of the Child (CRC) of 19 March 2009 (CRC/C/PAK/3 4, paragraph 361) that three of the four provinces, Federally Administered Areas (Punjab, North-West Frontier Province and Sindh) and the Islamabad Capital Territory have compulsory primary education laws. It also noted that the Islamabad Capital Territory Compulsory Primary Education Ordinance 2001, and the Punjab Compulsory Primary Education Act 1994, provide that parents shall ensure that their children attend primary school until the completion of their primary education. However, the Committee observed that, due to the definitions of “primary education” and “child”, compulsory education could finish between the ages of 10–14. The Committee underlined the desirability of ensuring compulsory education up to the minimum age for employment, as provided under Paragraph 4 of the Minimum Age Recommendation, 1973 (No. 146), and encouraged the Government to take measures in that regard.

The Committee noted an absence of information on this point in the Government’s report. However, the Committee noted that the CRC, in its concluding observation of 19 October 2009, expressed concern that not all provinces have a compulsory education law and, where this legislation exists, it is often not properly enforced. The CRC further expressed concern that nearly 7 million of the estimated 19 million primary school-age children are out of primary school and about 21 per cent drop out, many of them in the early grades (CRC/C/PAK/CO/3–4, paragraph 78). The Committee expressed its deep concern at the significant number of children under the minimum age who are not attending school. ***Considering that education is one of the most effective means of combating child labor, the Committee urges the Government to take the necessary measures to provide free and compulsory education to all children up to the minimum age for employment (of 14 years), and to ensure that, in practice, children are attending school. In this regard, it requests the Government to provide information on the measures taken to increase school enrolment rates and reduce school drop-out rates, and on the results achieved.***

Article 3(1) and (2). Minimum age for admission to, and determination of, hazardous work. The Committee previously noted that pursuant to sections 2, 3 and 7 of the Employment of Children Act of 1991, the employment of children under 14 is prohibited in a variety of occupations. Section 12 of the Employment of Children Rules of 1995 also provides for types of work that shall not be performed by children under 14. The Committee observed that these provisions do not comply with the provisions of Article 3(1) of the Convention which sets 18 years as the minimum age for admission to hazardous work. However, the Committee noted that section 16(c) of the draft Employment and Service Conditions Act 2009 prohibited the employment of persons under 18 in any of the occupations and processes listed in Parts I and II of the Schedule (containing four occupations and 39 processes). The Committee urged the Government to take the necessary measures to ensure that this draft legislation was adopted.

The Committee noted the information in the Government’s report that the Road Transport Workers Ordinance prohibits the employment of persons under 18 in road transport work. The Committee also noted that the Shops and Establishments Ordinance prohibits the employment of persons under 18 in

night work. **However, noting an absence of information from the Government on the status of the draft Employment and Service Conditions Act 2009, the Committee once again urges the Government to take the necessary measures to ensure that, in conformity with Article 3(1) of the Convention, this draft Act, which prohibits the employment of persons under 18 in hazardous types of work, is adopted in the near future.**

Article 9(1) and Part III of the report form. Penalties and the labor inspectorate. The Committee previously requested the Government to provide information on the practical application of the penalties provided for in section 14 of the Employment of Children Act 1991. It also requested the Government to indicate any measures adopted to strengthen the labor inspectorate, particularly in the informal sector.

The Committee noted an absence of information on these points in the Government's report. However, the Committee noted the information in a 2008 report on the worst forms of child labor in Pakistan, available on the website of the Office of the United Nations High Commissioner for Refugees, that enforcement of child labor legislation is weak due to the lack of inspectors assigned to child labor, lack of training and resources, in addition to corruption. This report also indicated that, while authorities cite employers for child labor violations, the penalties imposed are generally too minor to act as a deterrent. The Committee also noted that the CRC, in its concluding observations of 15 October 2009, expressed concern that the ineffectiveness of labor inspection machinery reduces the likelihood of investigations into reports of child labor, and hinders the prosecution, conviction or punishment of those responsible (CRC/C/PAK/CO/3-4, paragraph 88). **The Committee expresses its concern at the lack of capacity of the labor inspectorate to effectively monitor the legislation giving effect to the Convention and therefore requests the Government to take the necessary measures to adapt and strengthen the labor inspectorate in this regard, including through the allocation of additional resources. It also requests the Government to take the necessary measures to ensure that persons who violate the provisions giving effect to the Convention are prosecuted and that sufficiently effective and dissuasive penalties are applied in practice. In this respect, the Committee requests the Government to provide information on the number and nature of violations relating to the employment of children and young people detected by the labor inspectorate, the number of persons prosecuted, and the penalties imposed.**

Part V of the report form. Application of the Convention in practice. In its previous comments the Committee noted that, according to the National Child Labor Survey conducted in 1996, of the 3.3 million children aged between 5-14 years who were economically active on a full-time basis, 46 per cent worked 35 hours per week, while 13 per cent worked for 56 hours or more per week. The Committee requested the Government to provide recent statistical data on the application of the Convention in practice.

The Committee noted the information in the Government's report that, pursuant to the "Combating abusive child labor II" project, a second national survey on child labor will be undertaken. The Committee also noted that the CRC, in its concluding observations of 15 October 2009, expressed concern that the prevalence of child labor is extremely high and has increased in recent years due to growing poverty (CRC/C/PAK/CO/3-4, paragraph 88). **The Committee expresses its concern at the high number of working children under the minimum age in Pakistan and therefore urges the Government to strengthen its efforts to improve this situation, including through continued cooperation with ILO-IPEC. It also requests the Government to provide, in its next report, information from the second national survey on child labor.**

The Committee is raising other points in a request addressed directly to the Government. **The Committee hopes that the Government will make every effort to take the necessary action in the near future.**

Direct Request (CEACR) - adopted 2011, published 101st ILC session (2012)

The Committee notes that the Government's report has not been received. It hopes that a report will be supplied for examination by the Committee at its next session and that it will contain full information on the matters raised in its previous direct request, which read as follows:

Repetition

Article 4 of the Convention. Exclusion from the application of the Convention of limited categories of employment or work. In its previous comments the Committee noted that section 3 of the Employment of Children Act 1991 excludes from its scope work in family establishments. It also noted that section 16(c) of the draft Employment and Service Conditions Act 2009 contains a similar provision of excluding family enterprises from its scope. The Committee recalled that under *Article 4(1)* of the Convention, in so far as necessary, the competent authority, after consultation with the organizations

of employers and workers concerned, where such exist, may exclude from the application of the Convention limited categories of employment or work in respect of which special and substantial problems of application arise. The Committee requested the Government to indicate whether it intended to avail itself of the possibility provided in this Article.

The Committee noted an absence of information on this point in the Government's report. **Therefore, the Committee once again requests the Government to indicate whether it wishes to avail itself of the possibility to exclude work in family establishments from the scope of the Convention, in accordance with Article 4(1). If so, it requests the Government to provide information on consultations held with employers' and workers' organizations in this regard.**

Article 6. Vocational training and apprenticeship. The Committee previously noted that section 3 of the Employment of Children Act 1999, concerning the prohibition of work for persons under the age of 14 in certain processes, did not apply to work performed in the context of schools established, assisted or recognized by the Government. The Committee requested the Government to indicate if the national legislation provides for apprenticeship programmes and, if so, to provide information on the minimum age for apprenticeships.

The Committee noted that section 3 of the draft Employment Conditions and Services Act 2009 defines an apprentice as a person who is employed (whether for the payment of wages or not) for the purpose of being trained in any trade, craft or employment. However, this legislation does not appear to prescribe a minimum age for admission to such training. The Committee recalled that *Article 6* of the Convention authorizes work to be carried out by persons aged at least 14 years in enterprises within the context of an apprenticeship programme. **The Committee therefore requests the Government to indicate the minimum age applicable for admission to apprenticeships.**

Article 7. Light work. The Committee previously noted that there were no legal provisions allowing or regulating light work for children of 12–14 years. It noted, however, that according to the statistical data of the ILO (based on the national child labor survey conducted in 1996 by the Federal Bureau of Statistics) about 3.3 million children between the ages of 5 and 14 are economically active in Pakistan. It requested the Government to indicate the measures taken or envisaged to determine light work activities that may be carried out by young people aged between 12 and 14.

The Committee noted that pursuant to section 3 of the Employment of Children Act 1991, work for children (persons under 14 years of age) is prohibited in certain occupations and processes. It also noted that sections 7(2) and 7(3) of the Employment of Children Act, 1991, provide that children shall not work for more than three hours without a one-hour break, and that this work shall not exceed seven hours a day, inclusive of the rest period. However, the Committee observed that this legislation does not appear to prescribe a minimum age for this work permitted to children. The Committee therefore reminded the Government that, by virtue of *Article 7(1) and (4)* of the Convention, national laws or regulations may permit children from the age of 12 to engage in light work, which is: (a) not likely to be harmful to their health or development; and (b) not such as to prejudice their attendance in school, their participation in vocational orientation or training programmes approved by the competent authority, or their capacity to benefit from the instruction received. **The Committee therefore requests the Government to take the necessary measures to ensure that the performance of light work is only permitted from the age of 12 years.**

Annexure-B: Article 22 of the Constitution of the ILO**Report for the period till August, 2012 made by the Government of Pakistan On the Minimum Age Convention, 1973 (No.138) Pakistan (ratification: 06.07.2006)**

The Constitution of Pakistan prohibits employment of children. Under Article 11(3) of the Constitution no child below the age of fourteen years shall be engaged in any factory or mine or other hazardous employment. Labor laws like Factories Act, Mines Act, Shops and Establishments Ordinance etc. prohibit the employment of children in different hazardous situations. The Employment of Children Act, 1991, exclusively deals with child labor. The Act prescribes occupations and processes wherein child employment is prohibited. In case of establishments other than those prescribed in the Schedule, the law regulates the working conditions of the child workers and also takes care of their health and safety.

As required under Article 1 of the Convention the National Policy and Plan of Action to Combat Child Labor is being implemented since May 2000. The Plan defines the policies; strategies; activities and responsibilities of different agencies; timeframe; delivery system; and funding for child labor elimination. The Plan is being implemented by the provincial governments and other relevant government agencies to achieve the following objectives:

- Progressive elimination of child labor from all economic sectors;
- Immediate withdrawal of children from worst forms of child labor;
- Preventing entry of under-aged children into the labor market through universalization of primary education and family empowerment;
- Rehabilitation of working children through non-formal education, pre- vocational training and skill development.

In order to realize the objectives of National Policy and Plan of Action Pakistan joined the ILO's International Programme for Elimination of Child Labor (IPEC) in 1994. A number of action programmes addressing the areas of law and policy development, institutional capacity building and direct intervention with the working children have been undertaken and some are still in progress under the IPEC. These action programmes have helped a lot in setting direction for future action and providing successful examples for replication. About 100,000 working children have been rehabilitated through various IPEC projects.

The National Time-Bound Programme (NTBP) for elimination of worst forms of child labor within a period of eight years, 2008-2016. The NTBP gives a framework, built upon the existing policy instruments available at the national, provincial and district levels, for eliminating worst forms of child labor and prohibiting future entry of children in such occupations. The NTBP outlines a coordination mechanism among the stakeholders with a timeframe to mutually achieve the targets. During 2008 the Government of Pakistan initiated another Programme with the assistance of European Union. The Programme aims at undertaking immediate measures to eliminate worst forms of child labor introduce alternative options to working children and their families, prevent more children at risk from joining hazardous jobs and gradually phasing out child labor from the informal sector. The Programme aims at strengthening the capacity of the Government and other stakeholders to take sustained action against child labor particularly its worst forms; and developing a district based holistic model to reduce child labor across sectors in the target districts.

The observations of the Committee are addressed as under:

Minimum Age Convention, 1973 (No.138)	
Observations of the Committee	Comments
<p>The Committee takes due note of this information, and requests the Government to continue to provide information on the concrete measures taken pursuant to the “Combating abusive child labor II” project, the “Activating media to combat worst forms of child labor” project and the “Pakistan earthquake – Child labor response” Project.</p>	<p>Combating Abusive Child Labor (CACL) II” has continued to carry out the capacity building activities in Sindh, Punjab, KPK and Baluchistan provinces and has supported the operationalizing of the established institutional structure, namely the Provincial Coordination Committees (PCCs) on Child Labor& Provincial Child Labor Units (PCLU) in Karachi, Lahore, Peshawar & Quetta and District Coordination Committee (DCCs) in Sahiwal & Sukkur.</p> <p>NRSP in collaboration with N-IRM has designed a vocational training programme for the children aged 15-17 years who have completed the literacy course and we willing to shift to a non-hazardous employment. So far, 485 children (380 girls, 105 boys) have been completely withdrawn.</p> <p>During the reporting period, 38 Mothers’ Groups (563 members) have been organized. Thus there are 102 Mothers’ Groups in Sukkur with a membership of 1,505.</p> <p>Thirty nine members of Mothers’ Groups have been provided with training on “Community Management Skills Training (CMST)” in this reporting period. In total 154 members received CMST.</p> <p>Centre for Improvement of Working Conditions and Environment (CIWCE) official shared the key findings of the respective OSH studies and highlighted the hazards and psycho-social stresses faced by children in these sectors. He also described about various measures that could be taken to ensure occupational safety at work.</p> <p>So far, 1,204 children (450 boys, 754 girls) have been completely withdrawn.</p> <p>All events and activities organized by Project received wide media coverage in different local and national newspapers, FM radio and TV.</p> <p>A rally was organized by PRSP on 19 November, 2011 to commemorate the Universal Children’s Day 2011. Over 250 people including children, parents, community leaders, government representatives, employers, workers and media participated. The speakers talked about the child rights with special focus on hazardous child labor. They also stressed upon providing access to education for all children as a matter of priority.</p> <p>A seminar was organized by the PRSP jointly with the Social Welfare and Women Development Department of the District Government Sahiwal to commemorate International Women’s Day on 08 March, 2012. The members of Mothers’ Groups, NFE/AL teachers, women activists from civil society participated in t he event.</p> <p>An awareness raising brochure was designed by EFP with the technical support of CIWCE. Its content covers various hazards prevailed in all target sectors and key messages to be conveyed to employers for compliance.</p>

Establishment of CLMS in Sukkur: The preparatory workshop on the establishment of Child Labor Monitoring System (CLMS) in Sukkur district was held on 14 December, 2011. The officials from Health, Education, Zakat, PBM, Agriculture and Community Development departments took part. The workshop was designed to (i) share the outcome of CLMS seminar held at Islamabad, (ii) orient key stakeholders on the establishment of CLMS, (iii) draft the criteria for selecting Union Councils (UC), (iv) select UCs for piloting, and (v) to finalize the format to be used for CL data collection.

Preparation of District Education Plan:

DG Sukkur organized two more consultative workshops on the development of District Education Plan (DEP) on 11 and 19 October, 2011 and received inputs from the Government officials other than Education for its finalization. Copies of draft DEP were sent to the PCLU-Sindh, Secretary-Labor, Sindh and Secretary-Education, Sindh for perusal.

Training of Primary School Teachers on Child Labor:

Four-day Training of Trainers programme for the group of 15 master teacher trainers of Sukkur district was held from 13 to 16 December, 2011. These master trainers were primary school headmasters and headmistresses chosen from various clusters of Sukkur district. The training was conducted by a Consultant specialized in child labor issues and the course contained child labor as a theme, international conventions, national legislation and CL related aspects such as child rights, gender, girl child, importance of education & child-friendly classroom, prioritizing household needs and income, benefits of small family, HIV/AIDS, and use of ILO teacher training kit.

ILO Project: Pakistan Earthquake Child Labor Response Project (PECLRP) Project 2006 – June, 2011 was launched in Muzafargarh and Balakot.

One of the key achievement of the ILO Earth Quake child labor project has been the provision of non-formal education at 32 rehabilitation centers (RCc) to 3779 earthquake affected children either involved in child labor or at risk of being involved (against a target of 2200) – of which 1742 were girl children and 1884 were boy children between the ages of 5-18 and mainstreaming of 2169 children (almost half girls and half boys) into government schools. The project has been successful in withdrawing and rehabilitating these children from child labor, including its worst forms.

The Media Project has undertaken concerted efforts towards the achievement of its objective focusing on the institutional strengthening of the media institutions by building capacities of the media professionals, enhancing their knowledge and understanding off the issue of child labor particularly WFCL, so that they can effectively advocate for elimination of child labor.

The project was pioneering in the sense that it provided the first opportunity for formal capacity building of the various target groups on the issue of child labor.

To enhance the capacity of key personnel of the Ministry of Information & Broadcasting and its corporate

agencies – Pakistan Television (PTV), Pakistan Broadcasting Corporation (PBC) and the Print Media (Press) in general – to raise awareness on child labor issues, particularly the worst forms of child labor, more effectively.

Under this capacity building programme a total of 920 media managers (against target of 550) were sensitized on the issue of child labor particularly its works forms.

Immediate Objective 2:

Two annual national awareness campaigns on worst forms of child labor would be launched to mobilize public opinion for its elimination.

During the project period, PTV also held its grand “PTV Award Ceremony” and the Chief Guest was the Federal Minister of Information. Among the best drama category, the Media project funded drama “Aik Rupiya Rozana” (a Rupee a Day) won the best drama for the year 2009. The theme of the dram revolves around a group of child rag pickers each of them save Re 1 every day to fund the education of one of their bright young child labor. They dream to live their lives through the accomplishment of this young child laborer. The writer of the drama also won the best writer award.

During the project period PTV developed, produced and broadcasted number of programmes in line with the project objectives. Total programme produced were 66 against the target of 61 television programmes.

Developed, Recorded and televised the two (13 episodes each) drama serials on WFCL.

Broadcasted the 12 radio docudramas on child labor and its worst forms on the PBC radio channels recommended by the PCT and/or Project Management.

World day against child labor was celebrated on TV and Radio.

Immediate Objective 3:

An effective mechanism will be established through institutionalization for strategic media actions for the promotion of public mobilization and information campaigns against the worst forms of child labor.

During 2010, the project has been successful in the development and instituting of training curriculum focusing on the issue in the Information Services Academy, Radio and PTV Academies.

The National Time Bound Programme Framework (2008-16), a medium-term plan to combat WFCL was developed by the ILO constituents and other national stakeholders led by the Federal Ministry of Labor, Manpower & Overseas Pakistanis in July 2008 (after the 18th constitutional amendment the implementation of this plan rests on provincial labor departments). The NTBP (2008-16) supplements the National Policy & Plan of Action on Combating Child Labor (NPPA-CCL), 2000. With an aim to establish the institutional framework to pursue the effective implementation of NTBP (2008-16), the Federal Ministry of Labor issued directives in January 2009 to Provincial Labor Departments to constitute the Provincial Coordination

It also requests the Government to provide information on the status of the implementation of the national Time-bound Programme (TBP) 2008 – 16.

Committees on Child Labor (PCC-CL) and to advise all district administration (where applicable) to form District Coordination Committees on Child Labor (DCC-CL). Accordingly, the PCC-CLs were constituted in Punjab, Sindh, KPK and Baluchistan provinces while DCC-CLs were formed in Sukkur and Sahiwal districts. Further the Provincial Child Labor Units (PCLUs) were also established by the Government in 2009 with the appointment of requisite staff and the opening of their offices. With the secretarial support of PCLUs and the District Labor Offices, these committees are currently overseeing and providing necessary policy guidance and support to all programmes implemented to prohibit and eliminate child labor in their respective area of jurisdiction.

In line with the PCLU-Punjab Action Programme, the Provincial Government has launched its own programme “Combating Worst Forms of Child Labor in four selected districts in Punjab”. The programme with an allocation of PKR 180.832 million runs over a period of five years (2012–16) and would cover the districts of Chakwal, Jhelum, Jhang and Layyah. The ILO’s District Model approach being experimented in Sahiwal district forms the basis for its interventions. Launching ceremony was held in Lahore on 13 March, 2012 in which DCOs of the selected districts were briefed on programme modalities. Rapid assessments on the children involved in WFCL in the selected districts have been conducted during the reporting period.

Provincial Coordination Committee (PCC-CL) during its sixth meeting held on 02 December, 2011 approved the strategy for, and constituted an advisory committee to oversee, the implementation of the government programme. PCLU formally launched its own website on 01 February, 2012 (<http://pclu.ciwce.org.pk>) and uploaded the information on various projects that have been implemented since 1995 to combat WFCL in Punjab.

In the province of Sindh seventh meeting of the PCC-CL was held on 16 December, 2011 during which 2 districts (Thatta and Jamshoro) were finalized for interventions under the provincial government funding. Introductory meetings were held with district labor officers of the two districts. A concept proposal (titled “Combating Worst Forms of Child Labor in Two Districts in Sindh”) was prepared and submitted to the provincial Planning and Development Department for inclusion in the Annual Development Programme for 2012-13. PCLU-Sindh staff was trained on the AP reporting requirements on 20 December, 2011.

PCLU-Sindh hired the services of a legal expert to provide necessary technical advice in the formulation of new Prohibition of Employment of Children Act, Sindh and to bring it in conformity with C-138 and C-182.

In Khyber Pakhtun Khawa, the provincial government had already approved a concept paper on the establishment of the Provincial Child and Bonded Labor Unit and allocated PKR. 14 million for this purpose. New office premise with much bigger capacity was rented and PCLU-KP was established.

PCLU-KP hired the services of a legal expert to provide

Finally, it requests the Government to provide information on the impact of these initiatives, including the number of children reached through these programmes.

necessary technical advice in the formulation of new Prohibition of Employment of Children Act, Sindh and to bring it in conformity with C-138 and C-182.

After the 18th Amendment to the Constitution in April, 2010, the subject of 'labor' was devolved and the provincial governments were given the authority to frame/modify labor laws and formulate policies accordingly. The provincial governments then unanimously decided to review and amend the prevailing laws relating to the employment of children in order to bring these in conformity with the Constitution of Pakistan and the international labor standards. However, in order to maintain consistency and uniformity in the provincial laws they all requested the CACL-II project to facilitate them in the process. In this backdrop, an inter-provincial workshop on law reforms specific to child labor was organized in Islamabad on 08 & 09 February, 2012. The workshop was attended by the representatives from four provincial governments and the federal government (Ministry of Human Resource Development), besides the employers and workers representatives.

During the workshop the participants agreed that the Employment of Children Act (ECA), 1991 was not in line with the ILO C-138 and C-182 and the new law should be framed in such a way (i) to completely prohibit employment of children under 14 years of age and (ii) to allow children aged 15-17 years to gradually enter only into non-hazardous occupations and learn skills for gainful employment. The participants also emphasized on (i) enhancing the penalties for violators in order to make the law deterrent, (ii) providing the adolescents with the right to social security and benefits of laws on wages and compensation, and (iii) synergizing the child labor law with the current Constitutional Provisions on Education (i.e. compulsory basic education upto 16 years) in order to make the law more productive, effective and powerful.

After the 18th Constitutional Amendment legislation on labor has been transferred to the Provinces all the four Provinces in coordination with the Federal Government have drafted their "Prohibition of Employment of Children Act" which prohibits employment of children below the age of 14 years.

The Constitution of Pakistan through 18th Constitutional Amendment states that: 25-A. Right to education.- The State shall provide free and compulsory education to all children of the age of five to sixteen years in such manner as may be determined by law. The subject of education lies with the provinces. The Provinces are taking number of steps under "Education Sector Reform Programme". They are focusing on availability of schools in far flung areas, provision of missing facilities in schools, provision of free text books, recruitment of teachers, focusing on female education, rationalization of teachers etc. These steps have imprinted positive impact on the enrolment and quality of education.

The drafts Prohibition of Employment of Children Acts of the Provinces prohibit employment of persons under 18 in hazardous types of work.

The capacity building of inspectors has always a priority

The Committee requests the Government to take the necessary measures to ensure that the draft Employment and Service Conditions Act 2009, which prohibits the employment of a child below 14 years of age, is adopted in the near future and to provide a copy once adopted.

Considering that education is one of the most effective means of combating child labor, the Committee urges the Government to take the necessary measures to provide free and compulsory education to all children up to the minimum age for employment (of 14 years), and to ensure that, in practice, children are attending school. In this regard, it requests the Government to provide information on the measures taken to increase school enrolment rate and reduce school drop-out rates, and on the results achieved.

However, noting an absence of information from the Government on the status of the draft Employment and Service Conditions Act 2009, the Committee once again urges the Government to take the necessary measures to ensure that, in conformity with Article 3(1) of the Convention, this draft Act, which prohibits the employment of persons under 18 in hazardous types of work, is adopted in the near future.

The Committee expresses its concern at the lack of capacity of the labor inspectorate to effectively monitor the legislation giving effect to the Convention and therefore requests the Government to take the necessary measures to adopt and strengthen the labor inspectorate in this regard, including through the allocation of additional resources. It also requests the Government to take the necessary measures to ensure that persons who violate the provisions giving effect to the Convention are prosecuted and that sufficiently effective and dissuasive penalties are applied in practice. In this respect, the Committee requests the Government to provide information on the number and nature of violations relating to the employment of children and young people detected by the labor inspectorate, the number of persons prosecuted, and the penalties imposed.

The Committee expresses its concern at the high number of working children under the minimum age in Pakistan and therefore urges the Government to strengthen its efforts to improve this situation, including through continued cooperation with ILO-IPEC. It also requests the Government to provide, in its next report, information from the second national survey on child labor.

area for the Government as implementation of labor laws is only possible through the competent inspection machinery. All the Provincial Labor Departments have training centers where training of inspectors and supervisory staff is a routine matter. The training is provided on following issues:

- I. Health and Safety
- II. Labor laws
- III. Inspection skills
- IV. Computerization
- V. CSR
- VI. Child Labor
- VII. Bonded Labor
- VIII. Labor Policy

The Second National Child Labor Survey was planned under CACL-II. The Project team is consulting with the Federal Bureau of Statistics. As soon as the survey is conducted, the ILO will be informed accordingly.

Appendix 11: Compliance Report on Worst Forms of Child Labor Convention (C 182)

Key Requirements of Convention

Considering the need to adopt new instruments for the prohibition and elimination of the worst forms of child labor, as the main priority for national and international action, including international cooperation and assistance, to complement the Convention and the Recommendation concerning Minimum Age for Admission to Employment, 1973, which remain fundamental instruments on child labor.

Considering that the effective elimination of the worst forms of child labor requires immediate and comprehensive action, taking into account the importance of free basic education and the need to remove the children concerned from all such work and to provide for their rehabilitation and social integration while addressing the needs of their families.

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 4

1. 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.
2. The competent authority, after consultation with the organizations of employers and workers concerned, shall identify where the types of work so determined exist.
3. The list of the types of work determined under paragraph 1 of this Article shall be periodically examined and revised as necessary, in consultation with the organizations of employers and workers concerned.

Findings of the Monitoring Bodies under the respective convention

Findings of the monitoring bodies on the reports submitted by the Government of Pakistan on the implementation of relevant conventions are conveyed to the Federal Government. Copy of the findings is placed at **Annexure-A**.

Reservations & its evaluation whether it is incompatible with the objective and purpose of the Convention

The Labor and Human Resource Department, Punjab provided relevant information to the Ministry of Human Resource Development, Government of Pakistan and the Ministry after evaluating the said findings has submitted its report for the period till August, 2012 to the International Labor Organization (ILO) Office as required under Article 22 of the constitution of the ILO. Copy of the report is placed at **Annexure-B**

Existing Framework (Provincial) Laws/Policy Employment Of Children Act, 1991

To prohibit the employment of children in certain occupations and to regulate the conditions of work of children

Section 3: Prohibition of Employment

No child shall be employed or permitted to work in any of the occupations set forth in Part I of the Schedule or in any workshop wherein any of the processes set forth in Part II of that Schedule is carried on:

Provided that nothing in this section shall apply to any establishment wherein such process is carried on by the occupier with the help of his family or to any school established, assisted or recognized by Government.

(PART-I and Part-II of the Schedule under section 3 prescribe the occupations and processes respectively).

Gaps in effective implementation of the Convention / Laws / Policy

The existing legislation namely “Employment of Children Act, 1991” has been found non conform to the objectives of the relevant convention. Certain gaps were identified with the assistance of ILO (Monitoring Agency).

Remedy / Action required for removal of Gaps

The Labor and Human Resource Department, Punjab has proposed to substitute this law by new legislation. In this respect, “Punjab Prohibition of Employment of Children Act, 2012” has been drafted with the assistance of ILO, Islamabad Office after tripartite consultation. A summary for Chief Minister has been initiated by the department to obtain approval in principle to legislate on this matter as suggested by the Law Department.

Reporting requirements under respective conventions

As per constitution of ILO, the periodical reports on the application of ratified conventions are submitted by the member state and as such this responsibility rests upon Government of Pakistan. Similarly, subsequent comments on the observations of different committees of experts of the monitoring agency are also furnished by the Government of Pakistan. As stated in Para III, the required report for the period till August, 2012 has been sent by the Ministry of Human Resource Development, Government of Pakistan.

Coordination with Federal Government required for implementation of the convention

The Labor and Human Resource Department, Government of the Punjab was in liaison with the Ministry of Labor and Manpower, Government of Pakistan to address the reporting requirements and subsequent comments on these reports on the application of International Labor Standards / ILO Conventions to the extent of Province of Punjab. After 18th Constitutional Amendment, the Ministry of Human Resource Development, Government of Pakistan has been assigned this responsibility and the Department is in coordination with the said Ministry for implementation of the relevant conventions and timely reporting in future.

Note: Status of compliance on conventions mandatory for GSP Plus as reported during meeting of the Task Force set up by Prime Minister under the Chairmanship of Senior Minister for Commerce held on 18.01.2013 is placed as **Annexure-C**, wherein it is mentioned that **“Reports have been submitted to the International Body.”**

Annexure-A: Reports/Comments by International Labor Organization (ILO) Treaty-Reporting Body With Regard To Pakistan

Committee of Experts on the Application of Conventions and Recommendations (CEACR)

Once a country has ratified an ILO convention, it is obliged to report regularly on measures it has taken to implement it. Every two years governments must submit reports detailing the steps they have taken in law and practice to apply any of the eight fundamental and four priority conventions they may have ratified; for all other conventions, reports must be submitted every five years, except for conventions that have been shelved (no longer supervised on a regular basis). Reports on the application of conventions may be requested at shorter intervals. Governments are required to submit copies of their reports to employers' and workers' organizations. These organizations may comment on the governments' reports; they may also send comments on the application of conventions directly to the ILO.

When examining the application of international labor standards the Committee of Experts makes two kinds of comments:

- Observations and
- Direct Requests

Observations contain comments on fundamental questions raised by the application of a particular convention by a state. These observations are published in the Committee's annual report. Direct requests relate to more technical questions or requests for further information. They are not published in the report but are communicated directly to the governments concerned.

The **pending** "Observations" and Direct Requests in relevant conventions/treaties are as under:

Labor Rights (9)

15	Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor, No 182 (1999)	Ratified 11 Oct 2001	No reservation on record
<p>Observation (CEACR) - adopted 2011, published 101st ILC session (2012) The Committee notes that the Government's report has not been received. It must therefore repeat its previous observation which read as follows: Repetition The Committee noted the Government's report and the communication of the Pakistan Workers' Federation (PWF) of 31 August 2010.</p> <p>Article 3 of the Convention. Worst forms of child labor. Clause (a). All forms of slavery or practices similar to slavery. 1. Sale and trafficking of children. The Committee previously noted the allegations of the International Trade Union Confederation (ITUC) indicating that human trafficking is a serious problem in Pakistan, including the trafficking of children. The ITUC also stated that women and children reportedly arrive from various countries in the region, many to be bought and sold in shops and brothels and that, in some rural areas, children are sold into debt bondage. The Committee observed that section 370 of the Penal Code prohibits the sale and trafficking of persons for the purpose of slavery and that, pursuant to sections 2(f) and 3 of the Prevention and Control of Human Trafficking Ordinance of 2002 (PCHTO), human trafficking for the purpose of sexual exploitation, slavery or forced labor is prohibited. However, the Committee also observed that a legal review of the PCHTO (undertaken within the framework of combating child trafficking for labor and sexual exploitation (TICSA project)) concluded that the definition of "human trafficking" in the PCHTO focuses on interstate trafficking and ignores trafficking within Pakistan, which is prevalent in the country. In this regard, a tripartite regional workshop made recommendations to amend the legislation.</p> <p>The Committee noted an absence of information in the Government's report on any measures taken pursuant to the legal review. It noted the information in a report of 14 June 2010 on the trafficking of persons in Pakistan available on the website of the Office of the United Nations High Commissioner for Refugees (Trafficking Report) that the Government secured convictions of 385 persons under the</p>			

PCHTO in 2009, a substantial increase from 2008. Nonetheless, the Committee noted that the Committee on the Rights of the Child (CRC), in its concluding observations of 19 October 2009, expressed concern that Pakistan remains a significant source, destination and transit country for children trafficked for the purposes of commercial sexual exploitation and forced and bonded labor. The CRC also expressed concern at the growing number of children trafficked internally (CRC/C/PAK/CO/3-4, paragraph 95). Furthermore, the Committee noted the statement in the Trafficking Report that the lack of comprehensive internal anti-trafficking laws has hindered law enforcement efforts. **Therefore, the Committee once again urges the Government to take immediate measures to ensure that trafficking within the country of persons under 18 is effectively prohibited in national legislation. The Committee also requests the Government to redouble its efforts to combat and eliminate both internal and cross-border trafficking of persons under 18. It requests the Government to provide information on the measures taken in this regard and the results achieved, particularly the number of persons convicted and sentenced for cases involving victims under the age of 18.**

2. Debt bondage. In its previous comments, the Committee noted the ITUC's indication that Pakistan has several million bonded laborers, including a large number of children. Debt slavery and bonded labor are mostly reported in agriculture, construction (in particular in rural areas), brick kilns and the carpet-making sector. The Committee also noted that the Bonded Labor System (Abolition) Act (BLSA) 1992 abolished bonded labor, and states that no one shall make an advance under, or in pursuance of, the bonded labor system or other forms of forced labor. The Committee further noted the operation of several measures within the national policy and plan of action for the abolition of bonded labor and rehabilitation of freed bonded laborers (National Policy for the Abolition of Bonded Labor), and requested the Government to take measures to ensure the effective implementation of this policy.

The Committee noted the information in the Trafficking Report that, while provincial police in Sindh province freed over 2,000 bonded laborers in 2009 from feudal landlords, few charges were filed against the employers. The Committee also noted that the CRC, in its concluding observation of 19 October 2009, expressed concern that, despite legislation prohibiting bonded labor and the National Policy for the Abolition of Bonded Labor, bonded and forced labor continues to occur in many industries and the informal sector, affecting the poorest and most vulnerable children (CRC/C/PAK/CO/3-4, paragraph 88). The Committee also noted the information in the Trafficking Report that the largest human trafficking problem in Pakistan is bonded labor, concentrated in the Sindh and Punjab provinces, and affects over a million men, women and children. The trafficking report further indicated that Pakistani officials have yet to record a single conviction under the BLSA.

The Committee expressed its **deep concern** at the persistence of children working in bonded labor, and reminded the Government that, by virtue of *Article 1* of the Convention, it is obliged to take *immediate* measures to prohibit and eliminate this worst form of child labor. **Therefore, the Committee urges the Government to redouble its efforts to combat and eliminate this worst form of child labor, and to provide information on the measures taken within the framework of the National Policy for the Abolition of Bonded Labor in this regard. It also urges the Government to take the necessary measures, as a matter of urgency, to ensure that perpetrators of bonded labor are prosecuted and that sufficiently effective and dissuasive penalties are imposed in practice.**

3. Compulsory recruitment of children for use in armed conflict. The Committee previously noted that the National Service Ordinance of 1970 prescribes a minimum age of 18 for compulsory enlistment in the armed forces. The Committee noted, however, the Government's indication that children aged 16 and above may begin training prior to regular service if they are willing. The Committee also noted that the CRC expressed its concern that, in spite of legislation prohibiting the involvement of children in hostilities, there were reports of children being recruited forcibly to participate in armed conflicts, especially in Afghanistan and in Jammu and Kashmir. The CRC also expressed its concern about *madrastas* (Islamic schools) being involved in recruiting children under 18 years of age, including forcibly, to participate in armed conflicts (CRC/C/15/Add.217, 27 October 2003, paragraphs 62, 64(c), 67 and 68). The Committee requested the Government to take immediate measures to combat and eliminate the compulsory recruitment of children under 18 years of age for use in armed conflict.

The Committee noted an absence of information on this point in the Government's report. However, the Committee noted that the CRC, in its concluding observation of 19 October 2009 expressed deep concern at reports of *madrastas* being used for military training, as well as instances of recruitment of children to participate in armed conflict and terrorist activities (CRC/C/PAK/CO/3 4, paragraph 80). The CRC expressed grave concern with regard to reports of forced under-age recruitment and training of children by non-State actors for armed actions and terrorist activities, including suicide attacks, and at the lack of preventive measures, including awareness raising, and physical and psychological recovery for children affected by armed conflict, in particular those who were recruited. **Recalling that the forced recruitment of children for use in armed conflict constitutes one of the worst forms of child labor, the Committee requests the Government to take immediate and effective measures to bring an end in practice to the forced recruitment of persons under 18 years of age by armed groups. In this regard, it requests the Government to take the necessary measures to ensure that thorough**

investigations and robust prosecutions of offenders are carried out and sufficiently effective and dissuasive penalties are imposed in practice.

Articles 3(d) and 4(1). Hazardous work. The Committee previously noted that article 11(3) of the Constitution states that “no child *below the age of 14 years* shall be engaged in any factory or mine or any other hazardous employment”. Section 12 of the Employment of Children Rules of 1995 also provides for types of work that shall not be performed by children *under 14*. The Committee also noted that sections 2 and 3 of the Employment of Children Act of 1991 provide that children *under 14 years of age* shall not be employed in the occupations listed in Parts I and II of the Schedule of the Act, containing a detailed list of hazardous types of work that children shall not perform.

The Committee noted the statement in the communication of the PWF that a large number of children in Pakistan are employed in hazardous work, particularly in the brick kiln, glass and leather industries, and in the informal sector. Referring to its comments made in 2009 under the Minimum Age Convention, 1973 (No. 138), the Committee noted that a draft Employment and Service Conditions Act 2009 has been elaborated. Pursuant to section 16(c) of the draft Employment and Service Conditions Act 2009, the employment of persons *under 18* in any of the occupations and processes listed in Parts I and II of the Schedule (containing four occupations and 39 processes) is prohibited. The Committee recalled that under *Article 3(d)* of the Convention, children *under 18* shall not perform work which, by its nature or the circumstances in which it is carried out, is likely to harm their health, safety or morals. **The Committee accordingly urges the Government to take the necessary measures to ensure that, in conformity with Article 3(d) of the Convention, the draft Employment and Service Conditions Act 2009, which prohibits the employment of persons under 18 in hazardous types of work, is adopted in the near future.**

Article 5. Monitoring mechanisms. 1. Bonded labor. The Committee previously noted the ITUC’s indication that while the BLSA prohibits bonded labor, it remains ineffective in practice. It also noted that District Vigilance Committees (DVCs) were constituted to monitor the implementation of the BLSA but that there were reports of serious corruption within these committees. The Government indicated that efforts were being made to implement the BLSA with an Anti-Corruption Strategy and that within the framework of the National Policy for the Abolition of Bonded Labor, training workshops had been organized for key district government officials and other stakeholders to enhance their capacity and to activate the DVCs.

The Committee noted the information in the Government’s report that DVCs report to the District Magistrate any cases of bonded labor being used in workplaces, and that DVCs engage in information sharing to this end. The Committee also noted the Government’s statement in its reply to the list of issues of the CRC of 1 September 2009 that the DVCs have not been functioning properly. The Government indicated that it is in the process of restructuring the DVCs to improve their effectiveness and organizing orientation sessions for committee members. The Government further stated that there remain problems in the enforcement of the BLSA (CRC/C/PAK/Q/3-4/Add.1, paragraph 65). The Committee also noted the information in the Trafficking Report that police lack personnel, training and equipment to confront landlords’ armed guards when freeing bonded laborers. **The Committee therefore urges the Government to redouble its efforts to strengthen the capacity of DVCs and law enforcement officials responsible for the monitoring of bonded labor, to ensure the effective implementation of the BLSA. It requests the Government to provide information on concrete measures taken in this regard and on the results achieved.**

2. Labor inspection. The Committee previously noted the ITUC’s indications that the number of labor inspectors is insufficient, that they lack training and that they may be open to corruption. The ITUC added that inspections do not take place in undertakings employing less than ten employees, where most child labor occurs. The Committee also noted the PWF’s statement that the Government should take more effective measures to monitor the use of child labor in the informal sector with the cooperation of the “Independent labor inspection machinery”. The PWF indicated that the governments of the two largest provinces of the country, Sindh and Punjab, apply a policy of not inspecting a business for one year following its establishment and that inspectors may not enter a workplace without prior permission from, or notice to, the employer. The Committee further noted that, according to the technical progress report of March 2007 for the ILO–IPEC project entitled “Combating child labor in the carpet industry”, the ILO’s external monitoring system was in place in each district of Pakistan for the independent verification of the child labor situation. In the case of the carpet weaving industry, 4,865 monitoring visits had been made to 3,147 workplaces in the project areas.

The Committee noted the statement on the ILO–IPEC summary for the project entitled “Combating child labor in the carpet industry” that the external child labor monitoring system was a significant achievement as the labor inspection system does not extend to rural areas where most of the child labor in the carpet sector takes place. The Committee also noted the Government’s statement in its report to the CRC of 19 March 2009 that the Ministry of Labor is working with the Asian Development Bank to

devise a comprehensive labor inspection and monitoring mechanism, which will include child labor monitoring (CRC/C/PAK/3 4, paragraph 580). Nonetheless, the Committee noted the statement in a report on the worst forms of child labor in Pakistan available on the website of the Office of the United Nations High Commissioner for Refugees (WFCL report) that enforcement of child labor laws is weak due to the lack of inspectors assigned to child labor, lack of training and resources, corruption, and the exclusion of many small workplaces and informal family businesses from the inspectorate's jurisdiction. The Committee further noted that the CRC, in its concluding observations of 19 October 2009, expressed concern that the ineffectiveness of labor inspection machinery reduced the likelihood of investigations of reports of child labor (CRC/C/PAK/CO/3-4, paragraph 88). **Therefore, the Committee requests the Government to take the necessary measures to strengthen the capacity of the labor inspection system to enable the labor inspectors to monitor the effective implementation of the provisions giving effect to the Convention. It also requests the Government to provide information on the measures taken in this regard, including measures to train labor inspectors and provide them with adequate human and financial resources. Lastly, the Committee requests the Government to provide information on the development of a comprehensive labor inspection mechanism and its impact on the monitoring of the worst forms of child labor.**

Article 7(1). Penalties. The Committee previously noted the ITUC's indication that persons found guilty of violating child labor legislation were rarely prosecuted and that when prosecution did occur, the fines imposed are usually insignificant. The Committee noted the All Pakistan Federation of Trade Unions (APFTU) indication that, although child labor is prohibited by national legislation, child labor and its worst forms are still widespread. The Committee recalled that by virtue of *Article 7(1)* of the Convention, the Government must take the necessary measures to ensure the effective implementation and enforcement of the provisions giving effect to the Convention, including through the application of dissuasive sanctions.

The Committee noted an absence of information on this point in the Government's report. However, the Committee noted the statement in the WFCL report that the penalties imposed on persons who violate child labor laws are generally too minor to act as a deterrent. **The Committee expresses its serious concern at the ineffectiveness of penalties for violations of child labor legislation and, therefore, urges the Government to take the necessary measures to ensure that persons who violate the legal provisions giving effect to the Convention are prosecuted and that sufficiently effective and dissuasive penalties are imposed in practice.**

Article 7(2). Effective and time-bound measures. Clause (b). Providing the necessary and appropriate direct assistance for the removal of children from the worst forms of child labor and for their rehabilitation and social integration. 1. Child victims of trafficking. The Committee previously noted that the Child Protection and Rehabilitation Bureau (CPRB) was responsible for housing returned camel jockeys from the United Arab Emirates (UAE) and for facilitating their reintegration within their families and communities. The Committee requested the Government to provide information on the number of child victims of trafficking effectively withdrawn and rehabilitated by the CPRB or other rehabilitation shelters.

The Committee noted the Government's indication in its report to the CRC of 19 March 2009 that, through the programme to return and reintegrate under-age camel racers (implemented as a collaboration between the Government, UNICEF and the UAE), a total of 331 former camel jockeys have been repatriated and have been reunited with their families through the CPRB. The Government further indicated that various rehabilitation programmes have been initiated for the rehabilitation of these children and these services were also provided to 361 self-returned former camel jockeys (CRC/C/PAK/3-4, paragraph 677). However, the Committee noted the indication in the Trafficking Report that this collaboration with the UAE and UNICEF came to an end in 2009. The Trafficking Report also indicates that while the CPRB continued to provide services to victims of trafficking, governmental officials continued to lack adequate procedures and resources for proactively identifying victims of trafficking among vulnerable persons with whom they came into contact, especially child laborers, women and children in prostitution, and agricultural and brick kiln workers. **The Committee therefore urges the Government to strengthen its efforts to remove, rehabilitate and provide for the social integration of child victims of trafficking. In this regard, it urges the Government to take the necessary measures to strengthen the procedures for identifying child victims of trafficking and to ensure that these children are referred to the appropriate services. It requests the Government to provide information on the concrete measures taken in this regard and the results achieved.**

2. Child bonded laborers. The Committee previously noted that the European Union and the ILO were assisting the Government in the setting up of 18 community education and action centres for combating exploitative child labor through prevention, withdrawal and rehabilitation of former child bonded laborers. The Committee also noted that the Government had established a "Fund for the education of working children and rehabilitation of freed bonded laborers". The Committee further noted that the 2007 ILO project to promote the elimination of bonded labor in Pakistan (PEBLIP) aimed to provide social and economic assistance to the families that have been released from bondage to help them re-establish

their lives.

The Committee noted the information in the Government's report that the PEBLIB project completed its first phase in 2007. Through this project, the ILO has provided technical assistance to the Ministry of Labor, and helped in capacity building of governmental officials and the judiciary. The Government also indicated that a series of awareness-raising material on bonded labor have been published. The Committee also noted the information in the Government's report that through the "Fund for the education of working children and rehabilitation of bonded laborers", free legal aid services have been established in Lahore, Peshawar, Karachi and Quetta. **The Committee requests the Government to continue to provide information on the impact of the abovementioned measures on removing children from bonded labor and on providing for their rehabilitation and social integration.**

3. Children working in the carpet industry. The Committee previously noted the ITUC's indication that 1.2 million children were reported to work in the carpet industry, which is a hazardous industry. It also noted that, according to a baseline survey on child labor in the carpet weaving industry in the province of Sindh, there are an estimated 33,735 carpet weaving children, out of which 24,023 are estimated to be below 14 years of age. The Committee further noted that the Pakistan Carpet Manufacturers' and Exporters' Association and ILO-IPEC launched a project to combat child labor in the carpet industry in 1998 and that 11,933 children had been withdrawn from carpet weaving and enrolled in non-formal education centres.

The Committee noted the ILO-IPEC information that Phase III of the "Combating child labor in the carpet industry" project began in 2007, and will be completed in 2011. The project will be implemented in the provinces of Punjab, Sindh and the North-West Frontier Province (NWFP), and aims to impact the lives of 50,000 children, 60 per cent of whom are carpet weavers. The Committee also noted the information in the WFCL report that the national project on rehabilitation of child labor, implemented by Pakistan Bait-UI-Mal (an autonomous body established by the Ministry of Social Welfare and Special Education) continues to withdraw children between the ages of 4 and 14 from several sectors, including carpet weaving. Nonetheless, the WFCL report also indicated that a significant number of children continue to work in carpet weaving, and that these children suffer eye and lung diseases due to unsafe working conditions. **The Committee therefore requests the Government to strengthen its efforts for the removal, rehabilitation and social reintegration of children working in the carpet-weaving sector. In this regard, it requests the Government to provide information on the concrete measures taken within the framework of the "Combating child labor in the carpet industry – Phase III" and the "National project on rehabilitation of child labor" project and on the results achieved.**

Clause (d). Reaching out to children at special risk. 1. Child bonded laborers in mines. The Committee previously noted that, according to the rapid assessment studies on bonded labor in different sectors in Pakistan, some miners ask their children as young as 10 years of age to work with them in mines to lighten the burden of *peshgi* (i.e. any advance whether in cash or in kind made to the laborer). In Punjab and in the NWFP, children are usually assigned the job of taking donkeys underground and bringing them out laden with coal. These children are particularly vulnerable to sexual abuse by miners.

The Committee noted the information in the Government's report to the CRC of 19 March 2009 that an action programme is being implemented in the coal mines of Shangla, as part of the national **Time-bound Programme (TBP)** for the elimination of the worst forms of child labor 2008–16. The Committee also noted the information in the final technical progress report for the ILO-IPEC project entitled "Supporting the **TBP** on the elimination of the worst forms of child labor in Pakistan" of 14 September 2008 (FTPR) that in the context of initiatives in Shangla, 250 children received health screening, 250 children were provided with literacy and numeracy classes and 150 children received technical and vocational skills training. The FTPR also indicated that a district education plan that addressed the educational needs of child laborer was developed, printed and widely disseminated. **The Committee requests the Government to continue to take the necessary effective and time-bound measures to eliminate child debt bondage in mines as a matter of urgency.**

2. Children working in brick kilns. The Committee previously noted that nearly half of children aged 10–14 working in brick kilns work more than ten hours a day without any safeguards and that working in the kilns is a particularly hazardous occupation for children. It also noted that, according to the rapid assessment studies on bonded labor in different sectors in Pakistan of 2004, workers in the brick kiln sector were not aware of the general legislation that applies to bondage. The Committee further noted that an ILO-IPEC project in several sectors resulted in 3,315 children being withdrawn from hazardous work, including in the brick kiln industry. The Committee requested the Government to pursue its efforts to protect children engaged in the brick kiln sector from hazardous work.

The Committee noted the Government's statement in its reply to the list of issues of the CRC of 1 September 2009 that most of the bonded laborers in Punjab are confined to brick kilns. The Government

indicated in this report that it is working to register brick kiln workers and issue them with national identity cards to facilitate their access to benefits (CRC/C/PAK/Q/3-4/Add.1, paragraph 68). The Committee also noted that the project entitled “Combating child labor through education and training (Support to the *TBP*: Phase II)” gives priority to children working in six specific sectors, including boys and girls working in brick kilns. The Committee further noted the information in the WFCL report that the national project on rehabilitation of child labor continues to withdraw children in this industry. ***The Committee requests the Government to continue to take measures to protect children under 18 engaged in the brick kiln sector from hazardous work and forced labor. It requests the Government to provide information on progress made in this regard and on the results achieved.***

Article 8. International cooperation and assistance. Regional cooperation. Trafficking. The Committee previously noted the Government’s participation in several regional initiatives to combat trafficking. These included the signing of the South Asian Association for Regional Cooperation’s convention on preventing and combating trafficking in women and children for prostitution in 2002 (which committed signatories to the development of a regional plan of action and the establishment of a regional task force against trafficking) and a Memorandum of Understanding with both Thailand and Afghanistan to promote bilateral cooperation, including on the issue of human trafficking. The Committee requested the Government to provide information on progress achieved through these initiatives.

The Committee noted the information from the International Organization for Migration (IOM) that it has been working with the Government to combat human trafficking and smuggling. The IOM is currently conducting a counter-trafficking programme to create 18 district taskforces to combat human trafficking in vulnerable districts throughout the country which will identify trafficking victims, create referral mechanisms for support to victims and build a network between stakeholders in the local government, law enforcement and civil society. The Committee also noted the IOM’s indication that its office in Islamabad is supporting the establishment of a trilateral dialogue between Pakistan, Afghanistan and the Islamic Republic of Iran on migration management within South-West Asia, to serve as a forum for discussion on developing comprehensive and compatible national and subregional migration management strategies. Nonetheless, the Committee noted the information in the Trafficking Report that transnational trafficking in the region persists and that persons, including children, are trafficked between the Islamic Republic of Iran and Pakistan, and to Pakistan from Afghanistan and Azerbaijan for the purpose of forced labor and prostitution. ***The Committee therefore encourages the Government to strengthen its regional cooperation efforts and to continue its collaboration with the IOM to combat the trafficking of persons under 18 years of age. It also once again asks the Government to provide information on the progress achieved in the launching of a regional plan of action and regional task force against trafficking. It also asks the Government to provide information on the impact of the Memoranda of Understanding signed with Afghanistan and Thailand, as well as of any other bilateral agreements on the elimination of child trafficking.***

Part V of the report form. Practical application of the Convention. In its previous comments, the Committee pointed out that accurate data on the extent of the worst forms of child labor, including bonded labor, is essential to develop effective programmes to eliminate these worst forms. It encouraged the Government to undertake a nationwide survey to determine the extent of child debt bondage and its characteristics.

The Committee noted the information in the Government’s report that, pursuant to the “Combating abusive child labor II” project, a second national survey on child labor will be undertaken. ***The Committee requests the Government to take the necessary measures to ensure that this national survey includes an examination of the worst forms of child labor, including bonded labor, trafficking, commercial sexual exploitation and hazardous work. It also requests the Government to provide information from this national survey, once completed.***

The Committee is raising other points in a request addressed directly to the Government.

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

Direct Request (CEACR) - adopted 2011, published 101st ILC session (2012)

The Committee notes that the Government’s report has not been received. It hopes that a report will be supplied for examination by the Committee at its next session and that it will contain full information on the matters raised in its previous direct request, which read as follows:

Repetition

Article 3 of the Convention. Worst forms of child labor. Clause (b). Use, procuring or offering of a child for the production of pornography or for pornographic performances. The Committee previously noted that, according to section 372 of the Penal Code, whoever sells, lets to hire, or otherwise disposes of any person under the age of 18 years for the purpose of prostitution or for any unlawful and immoral purpose, commits an offence. It noted that it is also an offence to buy, hire or otherwise obtain

possession of a person under the age of 18 years for prostitution or for other immoral purposes (section 373 of the Penal Code). The Committee also observed that, by virtue of section 292 of the Penal Code, it is a criminal offence to sell, distribute, or for the purpose of sale, distribution or circulation, make or produce obscene books, drawing, representation or any other object. It requested the Government to clarify the meaning and scope of these sections. **Noting an absence of information on this point in the Government's report, the Committee once again requests the Government to define the term "unlawful or immoral purpose" and, more specifically, to indicate whether the abovementioned sections of the Penal Code include the prohibition of the use, procuring or offering of a child for the production of pornography or for pornographic performances.**

Article 6. Programmes of action. Commercial sexual exploitation of children. The Committee previously noted that a draft national plan of action on the commercial sexual exploitation of children and child sexual abuse was still being finalized to be submitted to Cabinet for review and approval. It requested the Government to provide information on the status of this national plan of action.

The Committee noted the Government's indication in its report to the Committee on the Rights of the Child (CRC) of 19 March 2009 that the national plan of action for children, approved in 2006, included measures to combat the commercial sexual exploitation of children (CRC/C/PAK/3-4, paragraph 685). The Government also indicated in this report that a national child protection policy, containing elements addressing commercial sexual exploitation, has been drafted and submitted to Cabinet. However, the Government indicated in its reply to the list of issues of the CRC of 1 September 2009 that the national child protection policy had yet to be adopted (CRC/C/PAK/Q/3-4/Add.1, paragraph 10). **The Committee requests the Government to provide information on the status of the national child protection policy and, once adopted, its impact on protecting children from commercial sexual exploitation.**

Article 7(2). Effective and time-bound measures. Clause (a). Preventing the engagement of children in the worst forms of child labor. Access to free basic education. The Committee previously noted the International Trade Union Confederation's indication that attendance rates in primary education are very low. Independent surveys undertaken in the Karachi area suggested that about 25 per cent of school-age children attend primary education. The Committee also noted the Government's indication that the education system lacks infrastructure, facilities and qualified and trained teachers. The Committee further noted that the National Education Policy of 1998–2010 assigns basic education as a top priority and stresses that quality and access to elementary education shall be increased.

The Committee noted the information in the Government's reply to the list of issues raised by the CRC of 1 September 2009 regarding the measures being implemented to address the high number of out of school children. These include providing incentives for school attendance (such as food) to poor and disadvantaged children, promoting girls' education through a joint project with the United Nations Population Fund (UNFPA), the operation of 13,000 non-formal basic education schools, and an overall increase of the budget for education (CRC/C/PAK/Q/3-4/Add.1, paragraph 63). However, the Committee noted that the CRC, in its concluding observation of 19 October 2009, expressed concern that nearly 7 million of the estimated 19 million primary school-age children are out of primary school and about 21 per cent drop out, many of them in the early grades (CRC/C/PAK/CO/3 4, paragraph 78). **Considering that education contributes to preventing the engagement of children in the worst forms of child labor, the Committee urges the Government to redouble its efforts to improve the functioning of the education system, particularly with regard to increasing school enrolment and completion rates and reducing the school drop-out rates. The Committee requests the Government to provide information on the concrete measures taken in this regard, and to provide statistical information on the results obtained.**

Clause (d). Identifying and reaching out to children at special risk. Child domestic workers. In its previous comments, the Committee noted that child domestic laborers were susceptible to becoming involved in a worst form of child labor, as their work was difficult to monitor or regulate. It also noted the establishment of the project to prevent and eliminate exploitative child domestic work through education and training in South Asia (PEECDW) in 2004. The ILO–IPEC action programme "Child domestic work project: Basic enabling education programme (non-formal)" was implemented from 2005 to 2006 within the framework of the PEECDW. This action programme targeted 1,000 child domestic workers for their withdrawal.

The Committee noted the information in the Government's report to the CRC of 19 March 2009 that, as a follow-up to the ILO–IPEC project, a child domestic labor project was launched in 2006–07 to reach out to over 1,500 children. The Government indicates in this report that ten centres (five in Rawalpindi and five in Islamabad) were established to provide educational and training opportunities to girls. Six of the centres were operating in government schools, which facilitated the mainstreaming of these child domestic workers into formal education (CRC/C/PAK/3-4, paragraph 588). The Committee also noted that children (both boys and girls) working as domestic help are one of the six main target groups of the "Combating child labor through education and training (support to the **TBP**: Phase II)". Nonetheless, the Committee noted that the CRC, in its concluding observations of 19 October 2009 expressed concern that there are insufficient programmes to identify and protect victims of child labor in the informal sector

including domestic work (CRC/C/PAK/CO/3-4, paragraph 88). **The Committee expresses its concern at the situation of child domestic workers in Pakistan, and therefore urges the Government to strengthen its efforts to protect and withdraw these children from exploitative and hazardous work. It requests the Government to provide information on the measures taken in this regard, and on the results achieved.**

Children working in glass bangle making and tanneries. The Committee previously noted that, according to the rapid assessment studies of bonded labor in different sectors in Pakistan, the glass bangle making industry in Pakistan uses children as young as 11 years of age. The study also indicated that this type of work is highly dangerous for children due to the exposure to high temperatures and dangerous chemicals. The Committee also noted that within the framework of the ILO-IPEC project "Supporting **TBP** on the elimination of the worst forms of child labor in Pakistan", several activities were undertaken to protect children from these worst forms in the glass bangle making and the tanneries sectors. These included the action programmes entitled "The elimination of worst forms of child labor from the glass bangle industry in Hyderabad district" and "Elimination of worst forms of child labor from tannery industries in Kasur district".

The Committee noted the information in the FTPR of 14 September 2008 that, the action programme focusing on children working in leather tanneries in Kasur resulted in the provision of technical and vocational skills training to 63 children. In addition, 302 children completed literacy courses through this action programme, 328 children received health screenings and 19 families were linked to credit facilities, 50 school teachers received training on the consequences of the worst forms of child labor, and a district education plan that addressed the educational needs of child laborers was developed and disseminated. The Committee also noted the information in the ILO-IPEC FTPR of 14 September 2008 that the action programme, targeting children working in the manufacture of glass bangles in Hyderabad, resulted in the provision of non-formal education to 3,296 children aged 5–14, and the mainstreaming of many of these children into formal education. Additionally, the Committee noted that through this action programme, 320 children were imparted with technical and vocational skills training, 1,502 children (15–17 years) were imparted with literacy and numeracy at literacy centres and 2,099 families were linked with the microcredit facilities. **The Committee encourages the Government to pursue its efforts within the framework of the TBP 2008–16 to protect children working in the glass bangle making and tanneries sectors from the worst forms of child labor.**

Street children. The Committee previously noted the increasing number of street children and the lack of a systematic and comprehensive strategy to address the situation and protect these children. The Committee noted that the Government of Punjab had established a Child Protection and Rehabilitation Bureau (CPRB) which had launched a rehabilitation centre in the Rahim Yar Kan, with plans to open five further centres.

The Committee noted the information in a report on the worst forms of child labor in Pakistan available on the website of the Office of the United Nations High Commissioner for Refugees (www.unhcr.org) that the provincial Punjab Government did establish programmes to protect and rehabilitate street children, in particular beggars in five districts, with a budget of US\$1.8 million for these programmes. The Committee also noted the information in the Government's report to the CRC of 19 March 2009 that centres for the rehabilitation of street children and other vulnerable groups provide nutrition, rehabilitation and educational opportunities to street children living in the provinces of Punjab, Sindh and North-West Frontier Province (CRC/C/PAK/3-4, paragraphs 685 and 686). However, the Committee noted the Government's indication in this report that there are an estimated 5,000 street children in Lahore and 10,000 such children in Karachi (CRC/C/PAK/3-4, paragraph 684). The Committee further noted that the CRC, in its concluding observations of 19 October 2009, expressed concern at the increasing number of children in street situations throughout the country and the vulnerability of these children to exploitation (CRC/C/PAK/CO/3-4, paragraph 95). **Recalling that street children are particularly vulnerable to the worst forms of child labor, the Committee encourages the Government to continue its efforts to withdraw and rehabilitate these children. It requests the Government to provide information on the results achieved, particularly the number of street children benefiting from shelter and other rehabilitative services.**

Article 8. International cooperation and assistance. Poverty reduction. The Committee previously observed that, according to the World Bank, 42 million people (about 30 per cent of Pakistanis) live below the poverty line. It also noted that, according to the poverty reduction strategy paper (PRSP) entitled "Accelerating economic growth and reducing poverty: The road ahead" launched in 2003, measures were to be taken to achieve high and sustained broad-based economic growth, particularly in rural areas, reduce poverty, provide essential social and economic services and infrastructure to the poor, create job opportunities and improve governance. However, the Committee noted that, according to an ILO-IPEC technical progress report of February 2007, the PRSP did not pay specific attention to the poor and vulnerable, but that the Government was formulating a PRSP-II with the recommendations of ILO-IPEC.

The Committee noted the statement in the ILO–IPEC FTPR of 14 September 2008 that the Government was in the process of finalizing the PRSP-II. This FTPR indicates that the ILO provided inputs through a technical paper, prepared with the Ministry of Labor, UNICEF, Save the Children UK, and some national NGOs, which highlighted the need for recognizing child labor as a key priority area of concern in the entire poverty reduction endeavour. As of the Government’s report to the CRC in March 2009, the PRSP-II had yet to be adopted (CRC/C/P AK/3-4, paragraph 335). However, the Committee noted the Government’s statement in this report that a recent study identified increasing poverty as the main cause of child labor and child trafficking. This study recommended that Government action against trafficking needed to include a focus on poverty eradication. ***The Committee therefore requests the Government to take the necessary measures to ensure the effective implementation of the PRSP-II. It also requests the Government to provide information on any notable impact of the PRSP-II towards eliminating the worst forms of child labor.***

Annexure-B: Article 22 of the Constitution of the ILO

Report for the period till August, 2012 made by the Government of Pakistan On the Worst Form of Child Labor Convention, 1999 (No. 182) Pakistan (ratification: 2001)

The Constitution of Islamic Republic of Pakistan prohibits all forms of forced labor and exploitation of any kind whatsoever. Article 3 ensures elimination of all types of exploitation by stating that:

“The State shall ensure the elimination of all forms of exploitation and the gradual fulfilment of the fundamental principle, from each according to his ability to each according to his work”.

Under Article 11, the Constitution prohibits all kinds of slavery, forced labor, bonded labor, human trafficking and child labor.

- 1) *Slavery is non-existent and forbidden and no law shall permit or facilitates its introduction in Pakistan in any form.*
- 2) *All forms of forced labor and trafficking in human beings are prohibited.*
- 3) *No child below the age of fourteen years shall be engaged in any factory or mine or any other hazardous employment.”*

Labor laws like Factories Act, Mines Act, Shops and Establishments Ordinance etc. prohibit the employment of children in different hazardous situations. The Employment of Children Act,1991 exclusively deals with child labor. The Act prescribes occupations and processes wherein child employment is prohibited. In case of establishments other than those prescribed in the Schedule, the law regulates the working conditions of the child workers and also takes care of their health and safety.

As required under Article 1 of the Convention The National Policy and Plan of Action to Combat Child Labor is being implemented since May 2000. It defines the policies; strategies; activities and responsibilities of different agencies; timeframe; delivery system; and funding for child labor elimination. The Plan is being implemented by the provincial governments and other relevant government agencies to achieve the following objectives:

- Progressive elimination of child labor from all economic sectors;
- Immediate withdrawal of children from worst forms of child labor;
- Preventing entry of under-aged children into the labor market through universalization of primary education and family empowerment;
- Rehabilitation of working children through non-formal education, pre-vocational training and skill development.

In order to realize the objectives of National Policy and Plan of Action Pakistan joined the ILO’s International Programme for Elimination of Child Labor (IPEC) in 1994. A number of action programmes addressing the areas of law and policy development, institutional capacity building and direct intervention with the working children have been undertaken and some are still in progress under the IPEC. These action programmes have helped a lot in setting direction for future action and

providing successful examples for replication. About 100,000 working children have been rehabilitated through various IPEC projects.

The National Time-Bound Programme (NTBP) for elimination of worst forms of child labor within a period of eight years, 2008-2016. The NTBP gives a framework, built upon the existing policy instruments available at the national, provincial and district levels, for eliminating worst forms of child labor and prohibiting future entry of children in such occupations. The NTBP outlines a coordination mechanism among the stakeholders with a timeframe to mutually achieve the targets. During 2008 the Government of Pakistan initiated another Programme with the assistance of European Union. The Programme aims at undertaking immediate measures to eliminate worst forms of child labor introduce alternative options to working children and their families; prevent more children at risk from joining hazardous jobs and gradually phasing out child labor from the informal sector. The Programme aims at strengthening the capacity of the Government and other stakeholders to take sustained action against child labor particularly its worst forms; and developing a district based holistic model to reduce child labor across sectors in the target districts.

The observations of the Committee are addressed as under:

Specific Observation of the Committee	Comments
<p>Therefore, the Committee once again urges the Government to take immediate measures to ensure that trafficking within the country of persons under 18 is effectively prohibited in national legislation. The Committee also requests the Government to redouble its efforts to combat and eliminate both internal and cross-border trafficking of persons under 18, it requests the Government to provide information on the measures taken in this regard and the results achieved, particularly the number of persons convicted and sentenced for cases involving victims under the age of 18.</p> <p>Therefore, the Committee urges the Government to redouble its efforts to combat and eliminate this worst form of child labor, and to provide information on the measures taken within the framework of the National Policy for the Abolition of Bonded Labor in this regard. It also urges the Government to take the necessary measures, as a matter of urgency, to ensure that perpetrators of bonded labor are prosecuted and that sufficiently effective and dissuasive penalties are imposed in practice.</p> <p>Recalling that the forced recruitment of children for use in armed conflict constitutes one of the worst forms of child labor, the Committee requests the Government to take immediate and effective measures to bring an end in practice to the forced recruitment of persons under 18 years of age by armed groups. In this regard, it requests the Government to take the necessary measures to ensure that thorough investigations and robust prosecutions of offenders are carried out and sufficiently effective and dissuasive penalties are imposed in practice.</p> <p>The Committee accordingly urges the Government to take the necessary measures to ensure that, in conformity with Article 3(d) of the Convention, the draft Employment and Service Conditions Act 2009, which prohibits the employment of persons under 18 in hazardous types of work, is adopted in the near future.</p> <p>The committee therefore urges the Government to redouble its efforts to strengthen the capacity of DVCs and law enforcement officials responsible for the monitoring of</p>	<p>The situation is not as bad as is reflected by the ITUC. Pakistan is placed on Tier 2 by the US in this regard. Federal Investigating Agency in Pakistan is responsible for implementation of Prevention and Control of Human Trafficking Ordinance, 2002. The progress is placed at Annex-I.</p> <p>Various steps have been taken to eradicate the menace of bonded labor in Pakistan. Detail is placed at Annex-II.</p> <p>The activities of terrorists have been minimized after the military operation in the affected regions of the country and recruitment of children for terroristic activities has been reduced. Awareness campaign of this offence by the law enforcing agencies through religious leaders has shown quite positive results.</p> <p>After the 18th Constitutional Amendment, labor legislation has been transferred to the Provinces. All the Provinces in consultation with the Federal Government have drafted their laws on Prohibition of Employment of Children Acts. These draft laws prohibits employment of children below the age 18 from employment in hazardous occupations.</p> <p>The Bonded Labor System (Abolition) Act, 1992 is implemented through District Vigilance Committees and the functions of the DVCs are:</p> <p>(a) To advise the District Administration on matters relating to the effective implementation of the law and to ensure its implementation in</p>

bonded labor, to ensure the effective implementation of the BLSA. It requests the Government to provide information on concrete measures taken in this regard and on the results achieved.

Therefore, the Committee requests the Government to take the necessary measures to strengthen the capacity of the labor inspection system to enable the labor inspectors to monitor the effective implementation of the provisions giving effect to the Convention. It also requests the Government to provide information on the measures taken in this regard, including measures to train labor inspectors and provide them with adequate human and financial resources. Lastly, the Committee requests the Government to provide information on the development of a comprehensive labor inspection mechanism and its impact on the monitoring of the worst forms of child labor.

The Committee expresses its serious concern at the ineffectiveness of penalties for violations of child labor legislation and, therefore, urges the Government to take the necessary measures to ensure that persons who violate the legal provisions giving effect to the Convention are prosecuted and that sufficiently effective and dissuasive penalties are imposed in practice.

The Committee therefore urges the Government to strengthen its efforts to remove, rehabilitate and provide for the social integration of child victims of trafficking. In this regard, it urges the Government to take the necessary measures to strengthen the procedures for identifying child victims of trafficking and to ensure that these children are referred to the appropriate services. It requests the Government to provide information on the concrete measures taken in this regard and the results achieved.

The Committee requests the Government to continue to provide information on the impact of the above mentioned measures on removing children from bonded labor and on providing for their rehabilitation and social integration.

The Committee therefore requests the Government to strengthen its efforts for the removal, rehabilitation and social reintegration of children working in the carpet-weaving sector. In this regard, it requests the Government to provide information on the concrete measures taken within the framework of the "Combating child labor in the carpet industry- Phase III" and the "National project on rehabilitation

proper manner;

- (b) To help in the rehabilitation of the freed bonded laborer;
- (c) To keep an eye on the working of the law; and
- (d) To provide the bonded laborers such assistance as may be necessary to achieve the objectives of the law.

The DVCs are functional and there are no issues relating to corruption in these Committees as they do not operate or manage accounts.

The District vigilance Committees are in place and functional. The meetings of these Committees are held regularly in most of the districts. These committees are comprehensive and are restructured in such a way that the most relevant officials/persons at connected to the issue of forced labor at the district level are their members. Meetings of these committees are held regularly and various issues pertaining to forced and bonded labor are deliberated upon in these meetings. District Complaint Cells are also working under these Vigilance Committees. There is no issue of lack of adequate labor inspection machinery as the implementation of Bonded Labor System (Abolition) Act, 1992 is not exclusively the responsibility of labor inspectors. The vigilance Committees are represented by officials of various departments at the district level. In fact forced labor is a socio-cultural and economic issue and its exposure is not possible through inspection only. It is the society as a whole which has to expose and eliminate this menace. The cases of forced and bonded labor are exposed through complaints in the courts and detected after raids by the police. But due to socio-cultural complications these cases later on are settled out of the courts.

As far as development of comprehensive inspection mechanism is concerned it is already in place. The field formation of Labor Departments carries out inspection of industrial and commercial establishments under various labor laws. All the Provinces have their own training institutes for training of inspectors.

In the drafts "Prohibition of Employment of Children Act" all the provinces have already enhanced penalties for the offences relating to child labor.

The Government of Pakistan has undertaken a number of steps to eradicate worst form of child labor. Some of them are as under: I.

of child labor“project and on the results achieved.

The Committee requests the Government to continue to take the necessary effective and time – bound measures to eliminate child debt bondage in mines as a matter of urgency.

The Committee requests the Government to continue to take measures to protect children under 18 engaged in the brick kiln sector from hazardous work and forced labor. It requests the Government to provide information on progress made in this regard and on the results achieved.

The Committee therefore encourages the Government to strengthen its regional cooperation efforts and to continue its collaboration with the IOM to combat the trafficking of persons under 18 years of age. It also once again asks the Government to provide information on the progress achieved in the launching of a regional plan of action and regional task force against trafficking. It also asks the Government to provide information on the impact of the Memoranda of Understanding signed with Afghanistan and Thailand, as well as of any other bilateral agreements on the elimination of child trafficking.

The committee requests the Government to take the necessary measures to ensure that this national survey includes an examination of the worst forms of child labor, including bonded labor, trafficking, commercial sexual exploitation and hazardous work. It also requests the Government to provide information from this national survey, once completed.

Direct Request, 2011.

Noting an absence of information on this point in the Government’s report, the Committee once again requests the Government to define the term “unlawful or immoral purpose” and more specifically, to indicate whether the above mentioned sections of the Penal Code include the prohibition of the use, procuring or offering of a child for the production of pornography or for pornographic performances.

The Committee requests the Government to provide information on the status of the national child protection policy and, once adopted, its impact on protecting children from commercial sexual exploitation.

Considering that education contributes to preventing the engagement of children in the worst forms of child labor, the Committee urges the Government to redouble its efforts to improve the functioning of the education system particularly with regard to increasing school enrolment and completion rates and reducing the school drop-out rates. The Committee requests the Government to provide information on the concrete measures taken in this regard, and to provide statistical information on the results obtained.

The Committee expresses its concern at the situation of child domestic workers in Pakistan, and therefore urges the Government to strengthen its efforts to protect and withdraw the children from exploitative and hazardous work. It requests the Government to provide information on the measures taken in this regard, and on the results achieved.

National Policy and Plan of Action to eradicate Child Labor, II. Promulgation of appropriate legislations, awareness campaign against child labor, III. Efforts for improvement in schooling system, IV. Initiation of various projects in some specific sectors of the economy to eradicate child labor, V. Establishment of child protection bureaus, VI. Establishment of complaint cells in the offices of Federal and Provincial Ombudsmen and VII. Establishment of Child Development and Welfare Commissions at National and district levels.

Combating child labor in the carpet industry-Phase III was a proposal which was initially agreed upon by the donor. The project could not be started due to non-provision of funds by the donor.

The observations of the Committee are noted. The provinces are also taking some other initiatives through Provincial Child Labor Units in this regard.

The Government of Punjab has launched a project to eradicate child labor in the brick kiln of two districts. Efforts are also going on in other provinces to initiate such projects. A survey of brick kilns have also been completed in two provinces (**Annex-III**).

The negotiations are underway with Afghanistan and Iran. IOM is coordinating the process. The Committee will be informed about the outcome as soon as any result is achieved.

ILO is in the process of consultation with the Federal Bureau of Statistics for holding of National Survey.

Comments will follow.

<p>The Committee encourages the Government to pursue its efforts within the framework of the TBP 2008 -16 to protect children working in the glass bangle making and tanneries sectors from the worst forms of child labor.</p> <p>Recalling that street children are particularly vulnerable to the worst forms of child labor, the Committee encourages the Government to continue its efforts to withdraw and rehabilitate these children. It benefiting from shelter and other rehabilitative services.</p> <p>The Committee therefore requests the Government to take the necessary measures to ensure the effective implementation of the PRSP-II. It also requests the Government to provide information on any notable impact of the PRSP-II towards eliminating the worst forms of child labor.</p>	<p>The report will follow.</p> <p>The Constitution of Pakistan through 18th Constitutional Amendment states that: 25-A. Right to education.- The State shall provide free and compulsory education to all children of the age of five to sixteen years in such manner as may be determined by law. The subject of education lies with the provinces. The Provinces are taking number of steps under "Education Sector Reform Programme". They are focusing on availability of schools in far flung areas, provision of missing facilities in schools, provision of free text books, recruitment of teachers, focusing on female education, rationalization of teachers etc. These steps have imprinted positive impact on the enrolment and quality of education.</p> <p>Provincial Child Protection Bureaus are working to address the issues confronted with the domestic child laborers. Complaint Cells are also operational in the Ombudsmen offices at the Federal and Provincial levels.</p> <p>The observations of the Committee are noted for future compliance. The Provinces are requested to take immediate measures for protection of children involved in these two industries.</p> <p>Child Protection Bureaus are working in the provinces to tackle the issue of street children. The bureaus have their own schools with residential facilities.</p> <p>The report follows.</p>
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Annex-II: Measures To Combat Bonded /Forced Labor

To deal with the problem more effectively, the Government of Pakistan has developed a National Policy and Action Plan for Abolition of Bonded Labor and Rehabilitation of Freed Bonded Laborers. The Plan was approved by the Cabinet on September 5, 2001. The Action Plan envisages the following measures to deal with the problem of bonded labor:

Relief Package for Freed Haris in Sindh: *Freed Haris living in relief camps in Sindh set up by some NGOs need immediate relief measures to meet their urgent basic needs. They need proper shelter, food, health services, drinking water, etc. A Committee comprising representatives of the federal and provincial governments and NGOs working in haris' camps will be constituted to prepare a relief package for the freed haris/bonded laborers.*

Awareness Raising: *Campaign for raising awareness and legal literacy will be undertaken through i) mass-media including electronic and print media; ii) Vigilance Committees for the purpose of community mobilization particularly in villages and agriculture sector; and iii) by holding special events like seminars etc.*

Registration of brick kilns: *All Brick Kilns would be registered with a view to bring them in the ambit of relevant labor laws. This would reduce the element of exploitation in these establishments.*

Involving Social Partners: (Trade unions, employers' bodies, NGOs and CBOs) in carrying out programmes for the rehabilitation of freed bonded workers.

Rendering counselling and advocacy: To needy bonded workers by establishing free legal aid cells with the assistance of Bar Councils.

Organizing vocational training programme: For the freed bonded workers intending to provide opportunities to help them change their profession and for their children.

Creating self-employment opportunities: Through micro credit schemes.

A Fund for Education of Working Children and Rehabilitation of Freed Bonded Laborers has also been established with an initial contribution of Rs.100 million by the Federal Government (Pakistan Baitul Mal). Another amount of Rs.2 million has been transferred from the Workers Welfare Fund. The provincial Governments, contribution to the Fund is worth Rs.12 million (Balochistan=Re.1 million; NWFP= Rs.2 million; Punjab = Rs.5 million and Sindh = Rs.4 million). From the Bonded Labor Fund so far following five projects have been under taken:

- Providing free legal aid services to the bonded laborers in NWFP
- Providing free legal aid services to the bonded laborers in Punjab
- Construction of 75 houses for freed *hari* families (Ex bonded laborers) in district Dadu, Sindh. **(Project completed in March 2007)**
- Providing free legal aid services to the bonded laborers in Balochistan
- Providing free legal aid services to the bonded laborers in Sindh

The ILO's Special Programme of Action to Combat Forced/Bonded Labor was also initiated in Pakistan. Under this Programme, the ILO provided technical assistance to eradicate structural problems of forced and bonded labor. The Programme seeks to (i) undertake a series of purposive studies to prepare the ground for a full national survey envisaged in the National Policy for Abolition of Bonded Labor; (ii) provide advisory services to ensure that Laws on Bonded Labor are consistent with International Human Rights Treaties, including the ILO Instruments on forced and compulsory labor; (iii) provide training on Human Rights and bonded labor concerns to the District Nazims, members of Vigilance Committees, judicial and law enforcement officials and others concerned; (iv) assist the Government in developing a partnership with the stakeholders, employers and workers to secure a more harmonious labor relationship; (v) provide advice on creation of high-level national body to combat forced labor ensuring large-scale public support; and (vi) launch certain demonstration projects to test the feasibility of approaches adopted to tackle the problem.

The Province of Punjab initiated a project titled "**Elimination of Bonded Labor in Brick Kilns (EBLIK)**" during 2009 in two districts with the total cost of PKR: 123.367 Million. Major achievements of the project are:

- i. The project established 200 Non Formal Education (NFEs) centres at Brick Kilns in Lahore & Kasur districts in which approximately 6803 learners are studying.
- ii. Rs. 61.254 million microcredit (interest free) disbursed among 3132 workers of the brick kilns in Lahore & Kasur districts and Rs. 46.478 million recovered through revolving process.
- iii. List of 5762 Bricks Kiln workers prepared and 3257 CNICs issued by NADRA in both districts.
- iv. Veterinary staff of the project visited 172 Brick kilns and provided treatment to 410 animals, out of which 57 serious cases were referred to local veterinary Hospital.
- v. Health & Hygiene campus organized with help of Basic Health units (BHUs). In these Campuses 1250 workers provided with advice, treatment, medicines and Hygiene kit.
- vi. United State of America acknowledges Pakistan's Efforts to Combat Human Tracking and Punjab Government efforts for the elimination of Bonded Labor in Brick Kilns Project.

A project, titled “Strengthening Law Enforcement Responses and Action against Internal Trafficking and Bonded Labor in Sindh and Punjab Provinces of Pakistan” has also been started by the ILO with the assistance of US Department of State in 2010. The project is proving instrumental in sensitizing the implementers to take effective steps for eradication and rehabilitation of the bonded labor, engagement with the brick kiln owners to institute practices towards the elimination of bonded labor, establishing linkages between Pakistan Brick Kiln Owners and INGOs, initiatives to extend social protection services to the brick kiln owners and efforts to link brick kiln workers with social safety nets.

Submission to the competent authorities of Conventions and Recommendations adopted by the ILC (article 19 of the Constitution)

Pakistan

Observation, 2011

The Committee asks the Government to report on the measures taken to submit to Majlis-e-Shoora (Parliament) the instruments adopted by the Conference at 16 sessions held between 1994 and 2011 (81st, and 82nd, 83rd, 84th, 85th, 86th, 88th, 89th, 90th, 91st, 92nd, 94th, 95th, 96th, 99th and 100th Session). The Committee, in the same way as the Conference Committee, urges the Government to take steps without delay to submit the 34 pending instruments to Parliament.

Comments

The issue was placed before the tripartite meeting held in the Ministry of Human Resource Development at Islamabad on 10.08.2012. The meeting was informed that the subject before 18th Constitutional Amendment was with the defunct Ministry of Labor and Manpower. It was decided to take up the matter after scrutiny of the available record.

Appendix 12: Compliance Report on Equal Remuneration Convention (C 100)**Key Requirements of Convention**

Having decided upon the adoption of certain proposals with regard to the principle of equal remuneration for men and women workers for work of equal value, which is the seventh item on the agenda of the session.

Article 2

Each Member shall, by means appropriate to the methods in operation for determining rates of remuneration, promote and, in so far as is consistent with such methods, ensure the application to all workers of the principle of equal remuneration for men and women workers for work of equal value.

This principle may be applied by means of:

- a) National laws or regulations;
- b) Legally established or recognized machinery for wage determination;
- c) Collective agreements between employers and workers; or
- d) A combination of these various means.

Findings of the Monitoring Bodies under the respective convention

Findings of the monitoring bodies on the reports submitted by the Government of Pakistan on the implementation of relevant conventions are conveyed to the Federal Government and no findings have so far been conveyed to the Labor & Human Resource Department, Government of the Punjab by the Ministry of Human Resource Development, Government of Pakistan. However, copy of the findings on this Convention as obtained from the office of Punjab Board of Investment and Trade (PBIT) is placed at **Annexure-A**. When this issue was discussed with the Central Labor Advisor, Ministry of Human Resource Development, Government of Pakistan on telephone, he pointed out that report to the observations on this Convention may have not been required during the Year, 2012 and as such the same has not so far been forwarded to the ILO Office, Geneva. However, status of compliance on conventions mandatory for GSP Plus as reported during meeting of the Task Force set up by Prime Minister under the Chairmanship of Senior Minister for Commerce held on 18.01.2013 is placed as **Annexure-B**, wherein it is mentioned that ***“Reports have been submitted to the International Body.”***

Reservations & its evaluation whether it is incompatible with the objective and purpose of the Convention

The findings / observations of the Committee of Experts of the ILO have been examined and a reply to the same has been prepared (**Annexure-C**) with the proposal to send the same to the Ministry of Human Resource Development, Government of Pakistan for submission of consolidated final report to the quarter concerned as and when required.

Existing Framework (Provincial) Laws/Policy**Minimum Wages Ordinance, 1961**

to provide for the regulation of minimum rates of wages for workers employed in certain industrial undertakings.

Preamble: Whereas it is expedient to provide for the regulation of minimum rates of wages for workers employed in certain industrial undertakings, and for matters ancillary thereto;

Definition: In this Ordinance, unless there is anything repugnant in the subject or context "worker" means any person including an apprentice employed in any industry to do any skilled or un-skilled, intellectual, technical, clerical, manual or other work, including domestic work, for hire or reward but does not include:

- (i) Persons employed by the Federal Government or a Provincial Government;

- (ii) Persons employed in coal mines in respect of whom minimum wages may be fixed under the Coal Mines (Fixation of Rates of Wages) Ordinance, 1960 (XXXIX of 1960); and
- (iii) Persons employed in agriculture.

Pakistan Minimum Wages For Unskilled Workers Ordinance, 1969

To fix the minimum rates of wages for unskilled workers employed in certain commercial and industrial establishments in West Pakistan.

Preamble: Whereas it is expedient to fix the minimum rates of wages for unskilled workers employed in certain commercial and industrial establishments in West Pakistan;

Definitions: In this Ordinance, unless the context otherwise requires; “worker” means any person employed in a commercial or industrial establishment.

Minimum Wages Rules, 1962

Rule 15 Rates of Wages: In fixing minimum wages, the principle of equal remuneration for men and women workers for work of equal value shall be applied.

Gaps in effective implementation of the Convention / Laws / Policy

No gaps have been identified in the existing legislation.

Remedy / Action required for removal of Gaps

Remedial action is not required as no gaps have been identified.

Reporting requirements under respective conventions

As per constitution of ILO, the periodical reports on the application of ratified conventions are submitted by the member state and as such this responsibility rests upon Government of Pakistan. Similarly, subsequent comments on the observations of different committees of experts of the monitoring agency are also furnished by the Government of Pakistan. As stated in Para III, reply to the findings / observations of the Committee of Experts for the implementation of this Convention has been prepared to the extent of Province of Punjab and has been proposed to send it to the Ministry of Human Resource Development, Government of Pakistan for submission of final report in consolidated form to the International Body (ILO) as and when required.

Coordination with Federal Government required for implementation of the convention

The Labor & Human Resource Department, Government of the Punjab was in liaison with the Ministry of Labor & Manpower, Government of Pakistan to address the reporting requirements and subsequent comments on these reports on the application of International Labor Standards / ILO Conventions to the extent of Province of Punjab. After 18th Constitutional Amendment, the Ministry of Human Resource Development, Government of Pakistan has been assigned this responsibility and the Department is in coordination with the said Ministry for implementation of the relevant conventions and timely reporting in future.

Annexure-A: Reports/Comments by International Labor Organization (ILO) Treaty-Reporting Body With Regard To Pakistan

Committee of Experts on the Application of Conventions and Recommendations (CEACR)

Once a country has ratified an ILO convention, it is obliged to report regularly on measures it has taken to implement it. Every two years governments must submit reports detailing the steps they have taken in law and practice to apply any of the eight fundamental and four priority conventions they may have ratified; for all other conventions, reports must be submitted every five years, except for conventions that have been shelved (no longer supervised on a regular basis). Reports on the application of conventions may be requested at shorter intervals. Governments are required to submit copies of their reports to employers' and workers' organizations. These organizations may comment on the governments' reports; they may also send comments on the application of conventions directly to the ILO.

When examining the application of international labor standards the Committee of Experts makes two kinds of comments:

- Observations and
- Direct Requests

Observations contain comments on fundamental questions raised by the application of a particular convention by a state. These observations are published in the Committee's annual report. Direct requests relate to more technical questions or requests for further information. They are not published in the report but are communicated directly to the governments concerned.

The **pending** "Observations" and Direct Requests in relevant conventions/treaties are as under:

Labor Rights (9)

11	Convention concerning Equal Remuneration of Men and Women Workers for Work of Equal Value, No 100 (1951)	Ratified 11 Oct 2001	No reservation on record
<p>Observation (CEACR) - adopted 2011, published 101st ILC session (2012)</p> <p>Legislation. The Committee recalls its previous comments stressing that provisions intended to give effect to the Convention should give full expression to the principle of equal remuneration for men and women for work of equal value, and asking the Government to continue its efforts to put in place legislation giving effect to the Convention and to ensure that the draft Employment and Service Conditions Act is in full conformity with the Convention. It also recalls that the principle of equal remuneration for men and women for work of equal value applies to both the public and private sectors. The Committee notes from the Government's report under the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) that the draft Employment and Service Conditions Act will be sent to the provinces for consideration. <i>The Committee asks the Government to provide information on the measures taken to ensure that legislation giving effect to the Convention provides for equal remuneration for men and women for work of equal value, allowing comparisons of jobs which are of an entirely different nature, but which are nevertheless of equal value, and that the equal remuneration principle applies both in the public and private sectors, as well as to all aspects of remuneration, as broadly defined in Article 1(a) of the Convention. It also asks the Government to provide information on any progress made toward the adoption of the draft Employment and Service Conditions Act, and a copy of the Act, as soon as it is adopted.</i></p> <p>Minimum wages. The Committee recalls its previous comments that the tripartite nature of the Provincial Minimum Wages Board, while important, does not in itself ensure that wage rates for categories of work predominately performed by women are not set at lower levels than the rates for work predominately performed by men, where the work performed by men and women is, in fact, of equal value. The Committee notes that the Government reiterates that the same wages apply to the same job for men and women. The Committee recalls that there is a tendency to set lower wage rates for sectors predominantly employing women, and due to such occupational segregation,</p>			

particular attention is needed in setting sectoral minimum wages to ensure that the rates fixed are free from gender bias. The fact that the same wages apply to the same jobs for men and women is not sufficient to ensure that the wage determination process is free from gender bias. ***The Committee therefore asks the Government to provide information on how it is ensured that the setting of minimum wages is free from gender bias, and to indicate any steps taken in this regard in cooperation with employers' and workers' organizations, in order to promote and ensure the principle of equal remuneration for men and women for work of equal value. The Committee also asks the Government to provide copies of the minimum wage notifications currently in force, and to indicate in which of the occupational groups covered women tend to be predominantly employed.***

Awareness raising and training. The Committee notes the Government's indication that various training programmes are being initiated in collaboration with the ILO, and employers' and workers' organizations; in particular, the Skill Development Council provides training on gender and women in various trades. The Government also indicates that the National Vocational and Technical Training Commission (NAVTEC), the Technical Education and Vocational Training Authority (TEVTA) and other provincial organizations are working in the field to strengthen the capacity of female workers so that their remuneration does not remain less than that of men. ***The Committee asks the Government to provide more detailed information on the training activities provided by the Skill Development Council, the NAVTEC and the TEVTA, including the number of courses and participants, disaggregated by sex, and the results achieved in terms of participants finding appropriate employment. It also asks the Government to provide examples of the training materials used as regards the principles of equal remuneration for men and women for work of equal value. Further, please indicate any activities specifically implemented for employers, and whether any of these activities have addressed the issue of objective job evaluation.***

Cooperation with employers' and workers' organizations. The Committee had previously noted that the Government had closely cooperated with the employers' and workers' organizations in the preparation of the Labor Protection Policy (2006), and that as a follow-up to this policy, the Government had started studies on a number of important issues, including the links between working and living conditions and productivity, labor protection in the informal economy, and the effectiveness of the labor administration. It notes the Government's indication that the studies were forwarded to the provinces for implementation and legislation. However, the Government does not indicate whether the issues relating to the principle of equal remuneration for men and women for work of equal value have been examined in the context of these studies. ***The Committee asks the Government to provide information on how it is ensured that, when the provinces implement and legislate in respect of the studies, issues relating to the principle of equal remuneration for men and women for work of equal value are effectively addressed, with the cooperation of employers' and workers' organizations.***

Statistical information. The Committee notes the Government's indication that statistical information on the levels of remuneration of men and women working in the different sectors of the economy is rarely collected by the relevant authorities. ***Recalling that statistical information on the levels of remuneration of men and women working in the different sectors of the economy is needed to allow an adequate assessment of the nature and extent of the remuneration gap between men and women, as well as to monitor progress with regard to promoting and ensuring respect for the principle of equal remuneration, the Committee asks the Government to take steps to compile and analyse such statistical information.***

Enforcement. The Committee notes the Government's indication that the provincial wages inspectors and payment of wages authorities have dealt with cases relating to wages and payment of wages to the workers in general, and it is proposed that a study in this regard may be initiated in consultation with the ILO. The Government also states that no court of law or tribunal has given a decision involving the question of principle relating to the application of the Convention. The Committee also recalls the comments from the Pakistan Workers' Federation (PWF) stressing the need to amend the relevant legislation with a view to ensuring its effective enforcement by the labor inspection services, to which no reply has been provided by the Government. ***The Committee asks the Government to provide information on any cases dealt with by the competent bodies including the labor courts, concerning the application of the principle of equal remuneration for men and women for work of equal value, as well as any progress made with regard to initiating the study concerning the principle under the Convention. It once again encourages the Government to take appropriate measures with a view to strengthening the mechanisms to enforce the principle of equal remuneration for men and women for work of equal value, including the provision of training for the labor inspectorate and for judges, as well as awareness-raising activities for the general public, and to indicate the measures taken in this regard.***

Annexure-C: Equal Remuneration of Men and Women Workers for Work of Equal Value Convention No. 100 (1951)
Report / Comments from the Labor & Human Resource Department, Government of the Punjab on the observations of Committee of Experts on Applications of Conventions and Recommendations (CEARC) of the International Labor Organization (ILO)

The Constitution of Islamic Republic of Pakistan guarantees safeguard against discrimination in services and ensure promotion of social justice in the society.

Article 25: Equality of citizens

- 1) All citizens are equal before law and are entitled to equal protection of law.
- 2) There shall be no discrimination on the basis of sex.

Article 27: Safeguard against discrimination in services

- 1) No citizen otherwise qualified for appointment in the service of Pakistan shall be discriminated against in respect of any such appointment on the ground only of race, religion, caste, sex, residence or place of birth:

Provided that, for a period not exceeding forty years from the commencing day, posts may be reserved for persons belonging to any class or area to secure their adequate representation in the service of Pakistan:

Provided further that, in the interest of the said service, specified posts or services may be reserved for members of either sex if such posts or services entail the performance of duties and functions which cannot be adequately performed by members of the other sex:

Provided also that under-representation of any class or area in the service of Pakistan may be redressed in such manner as may be determined by an Act of Majlis-e-Shoora (Parliament)

- 2) Nothing in clause(1) shall prevent any Provincial Government, or any local or other authority in a Province, from prescribing, in relation to any post or class of service under that Government or authority, conditions as to residence in the Province, for a period not exceeding three years, prior to appointment under that Government or authority.

Comments on the specific observations of the committee are as under:

S No.	Observations of the monitoring body (ILO)	Comments
1.	Legislation: The Committee asks the Government to provide information on the measures taken to ensure that legislation giving effect to the Convention provides for equal remuneration for men and women for work of equal value, allowing comparisons of jobs which are of an entirely different nature, but which are nevertheless of equal value, and that the equal remuneration principle applies both in the public and private sectors, as well as to all aspects of remuneration, as broadly defined in Article 1(a) of the Convention. It also asks the Government to provide information on any progress made toward the adoption of the draft Employment and Service Conditions Act, and a copy of the Act, as soon as it is adopted.	The Minimum Wages Ordinance, 1961 and Minimum Wages for Unskilled Workers Ordinance, 1969 provide for the regulation of minimum rates of wages for unskilled and different categories of skilled workers in industrial and commercial undertakings. The definition of worker includes any person employed in any industrial or commercial establishment or industry to do any skilled or unskilled, intellectual, technical, clerical, manual or other work etc. for higher or reward irrespective of caste, creed, sex and religion. Rule 15 of the Minimum Wages Rules, 1962 gives effect to the intent of the Convention as under: - Rule 15. Rates of Wages. – In fixing minimum wages, the principle of equal remuneration for

		men and women workers for work of equal value shall be applied.
2.	<p>Minimum Wages: The Committee therefore asks the Government to provide information on how it is ensured that the setting of minimum wages is free from gender bias, and to indicate any steps taken in this regard in cooperation with employers' and workers' organizations, in order to promote and ensure the principle of equal remuneration for men and women for work of equal value. The Committee also asks the Government to provide copies of the minimum wage notifications currently in force, and to indicate in which of the occupational groups covered women tend to be predominantly employed.</p>	<p>Copies of Notifications of minimum rates of wages fixed by the Government of Punjab w.e.f. 1st July, 2012 are enclosed as Annexure A & B. It is evident from the Notification that principle of equal remuneration for men and women workers for work of equal value has been maintained.</p>
3.	<p>Awareness raising and training: The Committee asks the Government to provide more detailed information on the training activities provided by the Skill Development Council, the NAVTEC and the TEVTA, including the number of courses and participants, disaggregated by sex, and the results achieved in terms of participants finding appropriate employment. It also asks the Government to provide examples of the training materials used as regards the principles of equal remuneration for men and women for work of equal value. Further, please indicate any activities specifically implemented for employers, and whether any of these activities have addressed the issue of objective job evaluation.</p>	<p>A separate authority with the name and style of Technical Education and Vocational Training Authority (TEVTA) has been established under TEVTA Act 2011 with an objective to impart technical & vocational education & training in the province of Punjab. There are 367 training institutes of different types imparting trainings in various trades & technologies to prepare skilled force to meet the needs of economy. The details in this respect are placed at Annexure A, B & C.</p> <p>Besides the detail of institutions and enrolled students as mentioned in Annexures A, B & C, there are 10043 apprentices enrolled in different trades till December, 2012, who are acquiring practical as well as theoretical training in the concerned industrial units and apprenticeship training institutes respectively.</p>
4.	<p>Cooperation with employers' and workers' organizations: The Committee asks the Government to provide information on how it is ensured that, when the provinces implement and legislate in respect of the studies, issues relating to the principle of equal remuneration for men and women for work of equal value are effectively addressed, with the cooperation of employers' and workers' organizations.</p>	<p>Under Section 3 of the Minimum Wages Ordinance, 1961, a Punjab Minimum Wages Board having tripartite composition has been established. Under Sections 4 & 5 of the said Ordinance, the Board recommends minimum rates of wages for different categories of skilled and semi-skilled workers and the Government notify the said rates after its prior promulgation for seeking comments from the stakeholders and detailed discussion in the Board in the light of the comments received and keeping in view the principle of equal wage for men and women for work of equal value.</p>
5.	<p>Statistical Information: Recalling that statistical information on the levels of remuneration of men and women working in the different sectors of the economy is needed to allow an adequate assessment of the nature and extent of the remuneration gap between men and women, as well as to monitor progress with regard to promoting and ensuring respect for the principle of equal remuneration, the Committee asks the Government to take steps to compile and analyze such statistical information.</p>	<p>The Government ensures to protect the rights of workers regarding financial exploitation. Payment of wages below the rate of minimum wages fixed by the Government to any worker, whether men or women, is an offence punishable under the relevant statutes.</p>
6.	<p>Enforcement: The Committee asks the Government to provide information on any cases dealt with by the competent bodies including the labor courts, concerning the application of the principle of equal remuneration for men and women for work</p>	<p>The Authorities under the Payment of Wages Act, 1936 and Minimum Wages Ordinance, 1961 are appointed by the Government of Punjab in each district to deal with the cases of non-payment of wages, illegal deduction from wages, less payment of wages etc. The labor</p>

<p>of equal value, as well as any progress made with regard to initiating the study concerning the principle under the Convention. It once again encourages the Government to take appropriate measures with a view to strengthening the mechanisms to enforce the principle of equal remuneration for men and women for work of equal value, including the provision of training for the labor inspectorate and for judges, as well as awareness-raising activities for the general public, and to indicate the measures taken in this regard.</p>	<p>laws ensure payment of minimum level of wages to all the workers without any discrimination. The worker aggrieved from any sort of discrimination in respect of wages as fixed by the Government may approach the Authority individually or through the Inspector of Factories for enforcement of his right.</p>
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Appendix 13: Compliance Report on Discrimination (Employment and Occupation) Convention (C. 111)

Key Requirements of Convention

Considering that the Declaration of Philadelphia affirms that all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity, and

Considering further that discrimination constitutes a violation of rights enunciated by the Universal Declaration of Human Rights.

Article 2

Each Member for which this Convention is in force undertakes to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof.

Findings of the Monitoring Bodies under the respective convention

Findings of the monitoring bodies on the reports submitted by the Government of Pakistan on the implementation of relevant conventions are conveyed to the Federal Government and no findings have so far been conveyed to the Labor & Human Resource Department, Government of the Punjab by the Ministry of Human Resource Development, Government of Pakistan. However, copy of the findings on this Convention as obtained from the office of Punjab Board of Investment and Trade (PBIT) is placed at **Annexure-A**. When this issue was discussed with the Central Labor Advisor, Ministry of Human Resource Development, Government of Pakistan on telephone, he pointed out that report to the observations on this Convention was not requirement for the Year, 2012 and as such the same has not so far been forwarded to the ILO Office, Geneva. However, status of compliance on conventions mandatory for GSP Plus as reported during meeting of the Task Force set up by Prime Minister under the Chairmanship of Senior Minister for Commerce held on 18.01.2013 is placed as **Annexure-B**, wherein it is mentioned that ***“Reports have been submitted to the International Body.”***

Reservations & its evaluation whether it is incompatible with the objective and purpose of the Convention

The findings / observations of the Committee of Experts of the ILO have been examined and a reply to the same has been prepared (Annexure-C) with the proposal to send the same to the Ministry of Human Resource Development, Government of Pakistan for submission of consolidated final report to the quarter concerned as and when required.

Existing Framework (Provincial) Laws/Policy

Industrial and Commercial Employment (Standing Orders) Ordinance, 1968

This law regulates employment in the industrial and commercial establishments particularly terms and conditions of employment *inter alia* guarantee certain benefits i.e. bonus, gratuity, provident fund, group incentive scheme and group insurance etc. without any kind of discrimination.

National Labor Policies time to time announced by the Government of Pakistan and recently announced National Labor Policy, 2010 declares the government's commitment to create jobs and promote such industrial culture favorable to the employment opportunities without discrimination on account of race, caste, creed or sex.

Gaps in effective implementation of the Convention / Laws / Policy.

No gaps have been identified in the existing legislation.

Remedy / Action Required for removal of Gaps

Remedial action is not required as no gaps have been identified.

Reporting requirements under respective conventions

As per constitution of ILO, the periodical reports on the application of ratified conventions are submitted by the member state and as such this responsibility rests upon Government of Pakistan. Similarly, subsequent comments on the observations of different committees of experts of the monitoring agency are also furnished by the Government of Pakistan. As stated in Para III, reply to the findings / observations of the Committee of Experts for the implementation of this Convention has been prepared to the extent of Province of Punjab and has been proposed to send it to the Ministry of Human Resource Development, Government of Pakistan for submission of final report in consolidated form to the International Body (ILO) as and when required.

Coordination with Federal Government required for implementation of the convention

The Labor & Human Resource Department, Government of the Punjab was in liaison with the Ministry of Labor & Manpower, Government of Pakistan to address the reporting requirements and subsequent comments on these reports on the application of International Labor Standards / ILO Conventions to the extent of Province of Punjab. After 18th Constitutional Amendment, the Ministry of Human Resource Development, Government of Pakistan has been assigned this responsibility and the Department is in coordination with the said Ministry for implementation of the relevant conventions and timely reporting in future.

Annexure-A: Reports/Comments by International Labor Organization (ILO) Treaty-Reporting Body With Regard To Pakistan

Committee of Experts on the Application of Conventions and Recommendations (CEACR)

Once a country has ratified an ILO convention, it is obliged to report regularly on measures it has taken to implement it. Every two years governments must submit reports detailing the steps they have taken in law and practice to apply any of the eight fundamental and four priority conventions they may have ratified; for all other conventions, reports must be submitted every five years, except for conventions that have been shelved (no longer supervised on a regular basis). Reports on the application of conventions may be requested at shorter intervals. Governments are required to submit copies of their reports to employers' and workers' organizations. These organizations may comment on the governments' reports; they may also send comments on the application of conventions directly to the ILO.

When examining the application of international labor standards the Committee of Experts makes two kinds of comments:

- Observations and
- Direct Requests

Observations contain comments on fundamental questions raised by the application of a particular convention by a state. These observations are published in the Committee's annual report. Direct requests relate to more technical questions or requests for further information. They are not published in the report but are communicated directly to the governments concerned.

The pending "Observations" and Direct Requests in relevant conventions/treaties are as under:

Labor Rights (9)

13	Convention concerning Discrimination in Respect of Employment and Occupation, No 111 (1958)	Ratified 24 Jan 1961	No reservation on record
<p>Observation (CEACR) - adopted 2011, published 101st ILC session (2012)</p> <p>Legislation. Prohibition of discrimination. The Committee had previously recalled the importance of adopting non-discrimination and equality legislation in order to give effect to the Convention, and that constitutional protection alone, while being important, may not be sufficient in terms of granting effective protection against discrimination in employment and occupation. The Committee had also asked the Government to provide information on the measures taken with a view to including provisions on non-discrimination and equality in employment and occupation in the draft Employment and Service Conditions Act. The Committee notes the Government's indication that the draft Employment and Service Conditions Act will be sent to the provinces for consideration. It also notes the Government's continued reference to the Constitution of Pakistan, that all citizens have equal opportunities in private and public employment, and that the provisions of the law are fully implemented. The Government again states that there is no complaint on record from any industrial or commercial undertaking regarding discrimination in employment and occupation. The Committee recalls that for the purpose of achieving the objectives of the Convention, it is essential to acknowledge that no society is free from discrimination thus continuous action is required to address it and that the absence of complaints of discrimination is not an indication of an absence of discrimination but rather may be a reflection of the absence of an appropriate legal framework. It also recalls that the Convention aims at the protection against discrimination in employment and occupation of all workers, both citizens and non-citizens. <i>The Committee asks the Government to take steps to ensure that the Employment and Service Conditions Act includes provisions expressly defining and prohibiting direct and indirect discrimination, in all aspects of employment and occupation, for all workers, on at least all the grounds set out in Article 1(1)(a) of the Convention. It also asks the Government to continue to provide information on any progress made in the adoption of the draft Employment and Service Conditions Act, and to provide a copy of the Act as soon as it is adopted.</i></p>			

Equality of opportunity and treatment between men and women. The Committee recalls its previous request for information concerning the National Gender Reform Plan, which according to the Government provides for measures to increase women's employment in the public sector, and the 10 per cent quota system in government employment at the federal level. It notes that the Government's report does not contain any detailed information in this regard. ***The Committee once again requests the Government to provide more detailed information on the implementation of the public sector quota system, including statistical information on the distribution of men and women in the different government departments, jobs and positions.***

The Committee notes that according to the Labor Force Survey 2010–11 the labor force participation rate (refined) was 68.7 per cent for men and 21.7 per cent for women (70 per cent for men and 27.6 per cent for women in the rural area; and 66.4 per cent for men and 10.7 per cent for women in the urban area). The Committee notes that the gender differential as regards labor force participation continues to be high, both in the rural area and the urban area. With regard to the employment status of men and women, the Committee notes that the percentage of women in the category of unpaid family workers remains high in 2010–11 (63.4 per cent). Women remain concentrated in unskilled elementary occupations or craft and related trade work. In this context, the Committee notes the observations by the Pakistan Workers Federation (PWF) in their communication dated 30 July 2010 stressing the need for measures to enable women to move from the informal to the formal economy, including extending social security and minimum wages, and training and education for rural women. The Government reiterates in general terms that the labor standard is implemented equally for all workers without any discrimination based on sex and that all citizens without any discrimination have equal access to employment in a factory and to vocational training institutions. ***The Committee asks the Government to provide detailed information on the specific measures taken to promote and ensure women's equality of opportunity and treatment in employment and occupation in the public sector, and the specific measures taken to enable women to move from the informal to the formal economy, as well as statistical information indicating the progress made in enhancing their participation in the labor market both in rural and urban areas. Recalling that vocational training and education have an important role in determining the actual possibilities of gaining access to employment and occupation, it also asks the Government to provide information on any measures taken or envisaged to promote equal access of women and girls to education and training at all levels, including in the context of the National Education Policy, as well as up-to-date statistical information in this regard.***

Sexual harassment. The Committee recalls its previous request for information on the effective implementation of the Protection against Harassment of Women at the Workplace Act, 2010. It also recalls the observations by the PWF referring to some shortcomings in the implementation of this Act. The Government replies that committees are to be established at the workplace to implement the Act. The Committee notes that the preamble to this Act refers to the protection of women from harassment at the workplace, while the definition of "complainant" means a woman or man who has being aggrieved by an act of harassment (section 2). ***The Committee asks the Government to provide information on any measures taken or envisaged under the Protection against Harassment of Women at the Workplace Act so as to protect men and women equally against sexual harassment. It also asks the Government to provide information on the practical application of the Act, including the number and nature of workplace committees established, and its impact on preventing and addressing sexual harassment. Please also provide information on the number of complaints lodged with the Ombudsperson or with the Inquiry Committee, pursuant to section 8 of the Act, as well as the remedies provided and sanctions imposed. The Committee also requests information on measures taken or envisaged to raise awareness on sexual harassment, both quid pro quo and hostile environment, in the public and private sectors.***

Discrimination against minorities. The Committee recalls that the 5 per cent quota for employment of minorities in federal government employment according to the Cabinet decision of 20 May 2009, is to apply to any person who is "a non-Muslim" as defined in article 260(3)(b) of the Constitution, which includes a person belonging to any of the Scheduled Castes. It notes that the Government does not provide any further details on the progress made in implementing the 5 per cent quota. ***The Committee once again asks the Government to provide information on the progress made in implementing the quota for employment of minorities including those belonging to any of the Scheduled Castes in federal government employment, including statistical information on the number of minority members employed, disaggregated by sex and minority group, and according to government departments, jobs and positions. The Committee also asks the Government to provide information detailing who is considered to belong to the Scheduled Castes, including whether they are non-Muslim.***

The Committee had asked the Government to provide information on any developments with regard to the reconstitution of the National Commission for Minorities. It notes that the Government's report

does not contain any information in this regard. ***The Committee therefore once again asks the Government to provide information on any developments with regard to the reconstitution of the National Commission for Minorities. It also asks the Government to continue to provide information on the implementation of schemes and programmes to promote and ensure equality of opportunity and treatment for minorities in training and education, and also to provide information on any other measures taken to promote access of minorities to employment and occupation, including self-employment.***

Discrimination based on social origin. In its previous comments, the Committee had recommended that a prohibition of discrimination based on social origin, including caste, be included in the legislation. The Committee notes the Government's general statement that the Constitution ensures equal rights to all citizens including minorities, and persons belonging to different castes and social origin. ***Recalling the persistent de facto segregation and discrimination against Dalits, and the need to take effective measures toward the elimination of such discrimination in employment and occupation, the Committee asks the Government to take measures to promote and ensure non-discrimination and equality of opportunity and treatment in employment and occupation, irrespective of social origin, including caste, through legislation and other appropriate measures, and to provide specific information in this regard.***

Discrimination based on religion. The Committee recalls that the ILO supervisory bodies have expressed concern for many years over the impact of the discriminatory legal provisions and administrative measures on the enjoyment of equality of opportunity and treatment in employment and occupation of religious minorities, in particular the members of the Ahmadi minority. It recalls certain provisions of the Penal Code relating to offences relating to religion ("blasphemy laws"); in particular, section 298C of the Penal Code singles out the members of the Ahmadi minority. It also recalls that Muslims applying for a Pakistani passport must sign a declaration to the effect that the founder of the Ahmadi movement is an impostor, which is designed to prevent members of this movement from obtaining passports identifying them as Muslims. The Committee notes with **regret** that the Government does not provide any information in response to the Committee's previous requests concerning the necessary steps to review the discriminatory legal provisions and administrative measures. ***The Committee urges the Government to take decisive action to review and amend the discriminatory legal provisions and administrative measures, and to actively promote respect and tolerance for religious minorities, including the Ahmadi, and to provide information on any progress made in this regard. It also asks the Government to provide information on the employment situation of religious minorities, including those defined in section 260(3)(b) of the Constitution as "a person belonging to the Christian, Hindu, Sikh, Buddhist or Parsi community, a person of the Qadiani Group or the Lahori Group who calls themselves "Ahmadis" or by any other name, or a Bahai". It further asks the Government to provide information on any other measures taken or envisaged to promote equality of opportunity and treatment in employment and occupation for religious minorities, including the implementation of the 5 per cent quota for employment of minorities in federal government employment.***

The Committee is raising other points in a request addressed directly to the Government.

Direct Request (CEACR) - adopted 2011, published 101st ILC session (2012)

Gender equality and the informal economy. The Committee notes the Labor Policy 2010, according to which the Government states that extending labor protection to the country's large and diverse informal economy is a major challenge, and that workers in the informal economy, including home workers and domestic workers, will benefit from improved safety and health arrangements, access to social security arrangements, and the payment of minimum wages, where an employee-employer relation is evident. It also notes the Government's indication that, in order to protect the rights of the home-based workers, most of whom are women, the drafting of a national policy on home-based workers is under way, which will cater to the needs of female workers to make them equal to their male counterparts, and that all the provinces will legislate on issues relating to female home-base workers as the draft national policy is finalized. It further notes that the draft national policy on home-based workers states that the Government shall ratify the Home Work Convention, 1996 (No. 177). ***The Committee asks the Government to continue to provide information on the specific measures taken to enhance the protection of the workers in the informal economy, including home workers and domestic workers, many of whom are women. It also asks the Government to provide information on any progress made concerning the ratification of the Home Work Convention, 1996 (No. 177), and the adoption of a national policy on home-based workers.***

Annexure-C: Discrimination In Respect Of Employment and Occupation Convention No. 111 (1958)

Report / Comments from the Labor & Human Resource Department, Government of the Punjab on the observations of Committee of Experts on Applications of Conventions and Recommendations (CEARC) of the International Labor Organization (ILO)

The Constitution of Islamic Republic of Pakistan guarantees safeguard against discrimination in services and ensure promotion of social justice in the society.

Article 27

Safeguard against discrimination in services

No citizen otherwise qualified for appointment in the service of Pakistan shall be discriminated against in respect of any such appointment on the ground only of race, religion, caste, sex, residence or place of birth:

Article 37

Promotion of social justice and eradication of social evils

The State shall- Enable the people of different areas, through education, training, agricultural and other methods, to participate fully in all forms of national activities, including employment in the service of Pakistan;

Article 38

Promotion of social justice and eradication of social evils.-The State shall-

Secure the well- being of the people, irrespective of sex, caste, creed or race by raising their standards of living, by preventing the concentration of wealth and means of production and distribution in the hands of a few to the detriments of general interest and by ensuring equitable adjustment of rights between employers and employees, and landlord and tenants;

Provide for all citizens, within the available resources of the country, facilities for work and adequate livelihood with reasonable rest and leisure;

Comments on the specific observations of the committee are as under: -

S No.	Observations of the monitoring body (ILO)	Comments
1.	<p>Legislation: The Committee asks the Government to take steps to ensure that the Employment and Service Conditions Act includes provisions expressly defining and prohibiting direct and indirect discrimination, in all aspects of employment and occupation, for all workers, on at least all the grounds set out in Article 1(1)(a) of the Convention. It also asks the Government to continue to provide information on any progress made in the adoption of the draft Employment and Service Conditions Act, and to provide a copy of the Act as soon as it is adopted.</p>	<p>1. <u>Industrial And Commercial Employment (Standing Orders) Ordinance, 1968</u> This law regulates employment in the industrial and commercial establishments particularly terms and conditions of employment <i>inter alia</i> guarantee certain benefits i.e. bonus, gratuity, provident fund, group incentive scheme and group insurance etc. without any kind of discrimination.</p> <p>2. National Labor Policies time to time announced by the Government of Pakistan and recently announced National Labor Policy, 2010 declares the government's commitment to create jobs and promote such industrial culture favorable to the employment opportunities without discrimination on account of race, caste, creed or sex.</p> <p>3. The draft law namely "Employment & Service Conditions Act" was outcome of an exercise carried out by the then Labor and Manpower Department, Government of Pakistan regarding consolidation of labor laws as an objective of the</p>

		<p>National Labor Policy. It is pertinent to mention here that the labor laws like Factories Act, 1934, Shops & Establishments Orders, 1969 and Employment of Children Act, 1991 have specific provisions regarding conditions of work of the workers across the board at the workplaces without any discrimination. However, special provisions have been made under Maternity Benefits Ordinance, 1958 for the benefit of the women employed in commercial and industrial sector.</p>
<p>2.</p>	<p>Equality of opportunity and treatment between men and women: The Committee once again requests the Government to provide more detailed information on the implementation of the public sector quota system, including statistical information on the distribution of men and women in the different government departments, jobs and positions.</p>	<p>Punjab Women Empowerment Package, 2012 as announced on 08.03.2012 contains following provisions to promote and ensure women's equality of opportunity and treatment in employment and occupation in public sector and to enable them to move forward.</p> <ul style="list-style-type: none"> i) Quota for women in public service employment has been enhanced from 5 to 15% in addition to opportunities available on general merit. ii) One woman in all selection and recruitment committees of all departments has been included as member by a notification of Government of Punjab. iii) One additional chance of transfer to all contractual employees in Punjab to the place of residence of spouse in case of marriage. iv) 3 years special age relaxation over and above the prescribed relaxation as a special case to women.
<p>3.</p>	<p>Equality of opportunity and treatment between men and women: The Committee asks the Government to provide detailed information on the specific measures taken to promote and ensure women's equality of opportunity and treatment in employment and occupation in the public sector, and the specific measures taken to enable women to move from the informal to the formal economy, as well as statistical information indicating the progress made in enhancing their participation in the labor market both in rural and urban areas. Recalling that vocational training and education have an important role in determining the actual possibilities of gaining access to employment and occupation, it also asks the Government to provide information on any measures taken or envisaged to promote equal access of women and girls to education and training at all levels, including in the context of the National Education Policy, as well as up-to-date statistical information in this regard.</p>	<p>Chief Minister, Punjab was pleased to announce Punjab Women Empowerment Package, 2012 on 08.03.2012. The package comprises multiple reforms regarding legal, administrative and institutional spheres. It provides new initiatives to safeguard women's rights and is expected to transform the socio-economic status of women by expanding opportunities available to them. Under the provisions of this package, following specific measures to promote and ensure women's equality of opportunity and treatment in employment and occupation in public sector and to enable them to move forward have been taken: -</p> <ul style="list-style-type: none"> i) Amendments in Punjab Land Revenue Act have been made and Provincial Assembly has passed Punjab Land Revenue Bill, 2012 under which inheritance rights of female heirs have been protected. Moreover, Punjab Partition of Immovable Property Act, 2012 has been passed by Provincial Assembly Punjab to avoid inordinate delays in partitioning of joint properties. ii) In case of female heirs, registration fee on mutations has been waived of and stamp duty has been reduced just to Rs. 500/-. iii) In addition to maternity leave admissible to female employee, paternity leave to her spouse for one has also been allowed. iv) Quota for women in public service employment has been enhanced from 5 to 15% in addition to opportunities available on general merit. v) One woman in all selection and recruitment committees of all departments has been included as member by a

		<p>notification of Government of Punjab.</p> <p>vi) Government of Punjab has allowed one additional chance of transfer to all contractual employees in Punjab to the place of residence of spouse in case of marriage.</p> <p>vii) Government of Punjab has granted 3 years special age relaxation over and above the prescribed relaxation as a special case to women.</p> <p>viii) Women friendly environment at work places has been ensured by provision of separate washroom, prayer room in all public sector offices.</p> <p>ix) Buildings Department, Government of Punjab has issued instructions to its lower functionaries to incorporate separate facilities of wash room and prayer room for females in future designing.</p> <p>x) Firs Flagship daycare center has been approved for the babies of female employees of Punjab Civil Secretariat.</p> <p>xi) Government of Punjab has directed all public sector offices (Universities, Colleges, hospitals and other organizations with 5 or more than 5 female employees to establish daycare centers from the existing budgetary allocations.</p> <p>xii) Government of Punjab has purchased 200 buses for distribution in Women Colleges in Punjab.</p>
4.	<p>Sexual harassment: The Committee asks the Government to provide information on any measures taken or envisaged under the Protection against Harassment of Women at the Workplace Act so as to protect men and women equally against sexual harassment. It also asks the Government to provide information on the practical application of the Act, including the number and nature of workplace committees established, and its impact on preventing and addressing sexual harassment. Please also provide information on the number of complaints lodged with the Ombudsperson or with the Inquiry Committee, pursuant to section 8 of the Act, as well as the remedies provided and sanctions imposed. The Committee also requests information on measures taken or envisaged to raise awareness on sexual harassment, both quid pro quo and hostile environment, in the public and private sectors.</p>	<p>Punjab Protection against Harassment of Women at the Workplace Act, 2012 has been passed by the Provincial Assembly Punjab. Under the provisions of the Act <i>ibid</i>, 3 member inquiry committees have been notified in all public sector offices including one female. So far only one complaint was filed which was entrusted to a larger / special committee of S&GAD. The said complaint has been filed. Another complaint was received in the Women Development which has been forwarded to the concerned District Coordination Officer, Khushab for inquiry under the provisions of the Act <i>ibid</i>. As far as appointment of Ombudsperson under this Act, is concerned, Government of the Punjab shall appoint the same shortly.</p> <p>Women Development Department, in order to raise awareness of female has published advertisement in national daily newspaper and also arranged radio programmes. We understand that due to this awareness campaign and changes in rules / regulations, environment in the public sector offices has changed altogether and the attitude of male employees with females has witnessed improvement.</p>
5.	<p>Discrimination against minorities: The Committee once again asks the Government to provide information on the progress made in implementing the quota for employment of minorities including those belonging to any of the Scheduled Castes in federal government employment, including statistical information on the number of minority members employed, disaggregated by sex and</p>	<p>The Punjab Government has reserved 5% quota for Minorities (Non-Muslims) against the total number of posts advertised, including the posts to be filled on the basis of competitive examination to be conducted by the Punjab Public Service Commission, vide Notification No. SOR-III(S&GAD) 1-35/93 dated 27.03.2010. It is pertinent to mention here that the minority candidates are eligible for consideration against all posts, while 5% quota is</p>

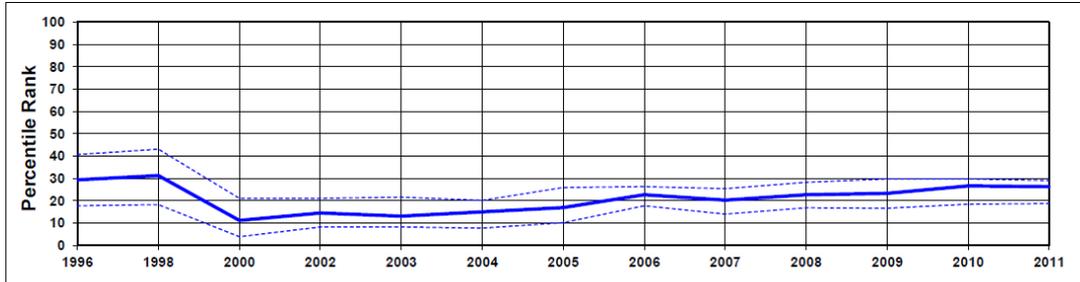
	<p>minority group, and according to government departments, jobs and positions. The Committee also asks the Government to provide information detailing who is considered to belong to the Scheduled Castes, including whether they are non-Muslim.</p>	<p>exclusive for them which is an additional benefit.</p>
6.	<p>Discrimination against minorities: The Committee therefore once again asks the Government to provide information on any developments with regard to the reconstitution of the National Commission for Minorities. It also asks the Government to continue to provide information on the implementation of schemes and programmes to promote and ensure equality of opportunity and treatment for minorities in training and education, and also to provide information on any other measures taken to promote access of minorities to employment and occupation, including self-employment.</p>	<p>The Punjab Government exercises full care to ensure equality of opportunity and treatment of minorities in training and education. During the fiscal year 2008-09, an amount of Rs. 10.909 million was distributed among 838 minority students. During the financial year 2010-11, an amount of Rs. 11.600 million was transferred to TEVTA awarding scholarships to minority students taking technical education and vocational training. During the financial year 2011-12, scholarships of Rs. 11.930 million were distributed among 416 minority students.</p>
7.	<p>Discrimination based on social origin: Recalling the persistent de facto segregation and discrimination against Dalits, and the need to take effective measures toward the elimination of such discrimination in employment and occupation, the Committee asks the Government to take measures to promote and ensure non-discrimination and equality of opportunity and treatment in employment and occupation, irrespective of social origin, including caste, through legislation and other appropriate measures, and to provide specific information in this regard.</p>	<p>The Punjab Government has taken steps to remove discrimination against Dalits in the field of employment and occupation. The Punjab Government has reserved 5% quota for Minorities (Non-Muslims) as defined in the Article 260(3)(b) of the Constitution of Islamic Republic of Pakistan, 1973 against the total number of posts, including the posts to be filled on the basis of competitive examination to be conducted by the Punjab Public Service Commission, vide Notification No. SOR-III(S&GAD)1-35/93 dated 27.03.2010. Hence through this measure, Government of Punjab has not only provided opportunities of Employment of Dalits but to all its minorities by giving them a quota over and above their proportion in population. Furthermore, as an added advantage they can compete for the open merit seats as well, over and above this 5% quota.</p>
8.	<p>Discrimination based on religion: The Committee urges the Government to take decisive action to review and amend the discriminatory legal provisions and administrative measures, and to actively promote respect and tolerance for religious minorities, including the Ahmadi, and to provide information on any progress made in this regard. It also asks the Government to provide information on the employment situation of religious minorities, including those defined in section 260(3)(b) of the Constitution as "a person belonging to the Christian, Hindu, Sikh, Buddhist or Parsi community, a person of the Qadiani Group or the Lahori Group who calls themselves "Ahmadis" or by any other name, or a Bahai". It further asks the Government to provide information on any other measures taken or envisaged to promote equality of opportunity and treatment in employment and occupation for religious minorities, including the implementation of the 5 per cent quota for employment of minorities in federal government employment.</p>	<p>Again the Punjab Government has taken no specific steps for Ahmadis alone. However, various seminars & programmes for awareness of Human Rights and inter-faith harmony have been conducted in various parts of the province from time to time. All the departments working under the Punjab Government are implementing the 5 percent quota for employment of minorities in letter & spirit. Similarly, scholarships worth millions of rupees have been given to the regular minority students. Moreover, free of cost education and lodging in more than 500 institutes of TEVTA is being provided to minority students through a scholarship grant given by HR&MA Department, Government of the Punjab.</p>
9.	<p>Gender equality and the informal economy: The Committee asks the Government to continue to provide information on the specific measures taken to enhance the protection of</p>	<p>The Labor & Human Resource Department, Government of the Punjab has taken initiative for formulation of "Punjab Home Based Workers Policy, 2012" which has been submitted to the</p>

	<p>the workers in the informal economy, including home workers and domestic workers, many of whom are women. It also asks the Government to provide information on any progress made concerning the ratification of the Home Work Convention, 1996 (No. 177), and the adoption of a national policy on home-based workers.</p>	<p>Government for approval. This policy lays down a framework on the key elements relating to legislative and administrative measures necessary to ensure the fulfilment of rights and benefits to the home based workers.</p> <p>The Government of Punjab recognizes its constitutional obligations and is inspired and guided by the principles as enshrined in the relevant articles of the Constitution of Islamic Republic of Pakistan in formulation of this policy i.e.</p> <ul style="list-style-type: none"> • Equality & non-discrimination. • Elimination of exploitation. • Empowerment of home based workers. • Social & economic well-being of the home based workers. • Freedom of association.
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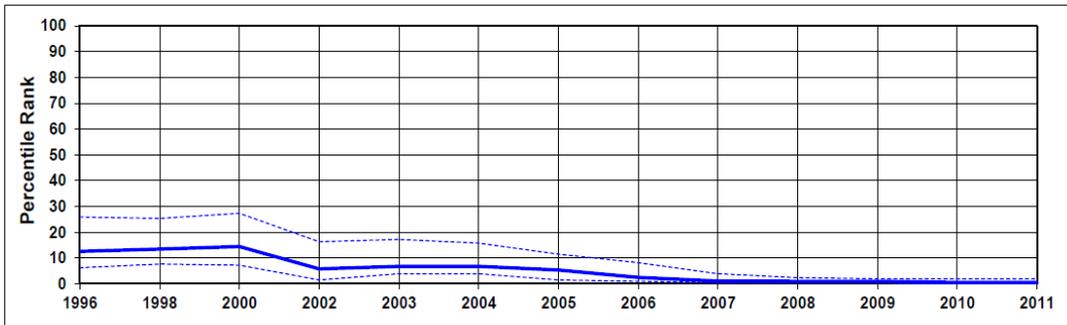
Appendix 14 Worldwide Governance Indicators for Pakistan (1996-2011)

Source: Country Data Report for Pakistan, 1996-2011, World Bank Institute

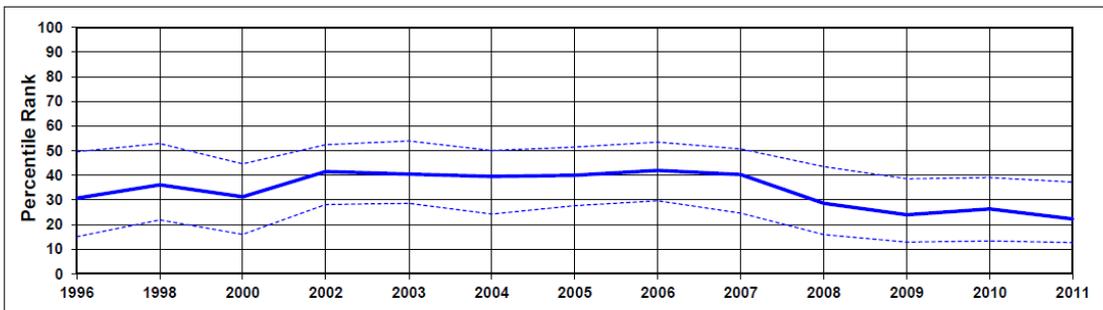
PAKISTAN, 1996-2011
Aggregate Indicator: Voice & Accountability



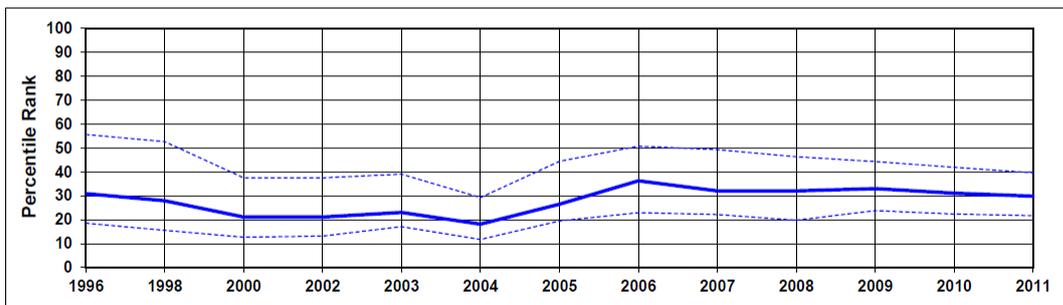
PAKISTAN, 1996-2011
Aggregate Indicator: Political Stability and Absence of Violence



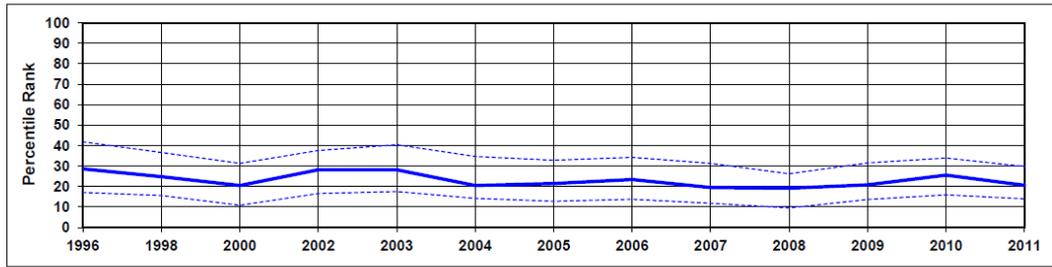
PAKISTAN, 1996-2011
Aggregate Indicator: Government Effectiveness



PAKISTAN, 1996-2011
Aggregate Indicator: Regulatory Quality



PAKISTAN, 1996-2011
Aggregate Indicator: Rule of Law



PAKISTAN, 1996-2011
Aggregate Indicator: Control of Corruption

