

Scoping study relating to child labour in domestic work in Pakistan

DRAFT - Terms of Reference for Consultant

1. BACKGROUND AND RATIONALE

The International Labour Organization (ILO) through the Asia Regional Child Labour (ARC) Project¹ aims to reduce vulnerability to child labour and enhance protection of children from exploitation. The project is implemented in six countries, including Pakistan, and assists constituents and other stakeholders to eliminate child labour through the following three outcomes/objectives:

1. Building a credible knowledge base on the causes and drivers of child labour and effective interventions to address them
2. Aligning legislation and policies with international conventions on child labour, forced labour and trafficking in persons and enforcing and implementing
3. Developing and applying a holistic approach to eradicating child labour, particularly its worst forms, in selected regions of each country.

In Pakistan, on the basis of stakeholders' consultations, specific sectors were identified as priorities for the elimination of child labour, namely garbage/rag picking, auto mechanic/repair industry, manufacturing of bricks, begging, domestic work, small hotels and shops, agriculture, and bangles making.

The current Terms of reference relates to child domestic labour in Pakistan.

Child domestic work (CDW) refers to situations where children perform domestic tasks, not in their own home but in the home of a third party or 'employer'. Child labour in domestic work (CLDW) denotes those situations which are unacceptable, either because of the child's age, or the circumstances under which domestic work is carried out, as defined by ILO Conventions No. 138 and No. 182 and national legislation (see Panel 1 on child labour definition). These children work behind closed doors in the privacy of people's homes and this lack of visibility greatly increases the potential for exploitation and abuse. This is a high-risk situation for the child. Violence and abuse (of many different kinds) can take place behind closed doors, unnoticed by the outside world.

Child labour in domestic work falling under the specific conditions described in ILO Convention No.182 is considered within the Worst Forms of Child Labour (WFCL) and Pakistan proscribed it under the Child Employment Act 1991 through a Gazette notification issued on July 30, 2020. Child Domestic Labour proscribed under 1991 Child Employment Act valid for Islamabad Capital Territory (ICT) banned Child Domestic Labour in ICT.² The Punjab Domestic Work Act 2019 prohibits the employment of persons under the age of 15 years in a household in any capacity. The Act allows light work in a household for the persons aged 15 and under 18 years. Light work is part-time in nature and is not likely to harm health, safety and

¹ The ARC project is funded by Funded by Foreign Commonwealth and Development Office, (UK), the Asia Regional Child Labour (ARC) Project

² <https://voicepk.net/2021/05/20/bill-bars-domestic-workers-below-16-years-of-age-in-islamabad/#:~:text=Minors%20below%20the%20age%20of,National%20Assembly%20on%20May%2018.>

education. The Act provides that no person under the age of 18 years shall be engaged in a domestic work. The Islamabad Capital Territory Domestic Worker Bill 2021 passed by the National Assembly on May 18, provides that children below the age of 16 years are barred from employment as domestic helpers and household staff in the Islamabad Capital Territory (ICT)³.

Notwithstanding government efforts, child labour in domestic work is not uncommon.

Several studies have been conducted on child labour in domestic work; however, the knowledge is fragmented and hampers national efforts to eliminate child labour.

These terms of reference relates to comprehensively synthesize evidence on child labour in domestic work to inform practice and policies and to identify relevant knowledge gaps.

2. OBJECTIVES

The proposed research will have the following objectives:

1. Provide rigorous evidence on the existence and possible magnitude of child labour in domestic work, its gender dimension, and on the characteristics and conditions of work, main hazards and exposure to violence and socio-economic environment where child labour occurs.
2. Identify relevant knowledge gaps;
3. Identify what are the main factors at family and community that push children into child labour in domestic work, and what are those that prevent it;
4. Identify the main factors for employers hiring the children for domestic help;
5. Review national efforts to address child labour in domestic work, and identify best practices and remaining gaps;
6. Provide recommendations on how to eliminate and prevent child labour in domestic work and to address knowledge gaps.
7. Produce, present and disseminate a report on child domestic labour to provide guidance for policy design and implementation as well as action by stakeholders in the sector.

3. METHODOLOGY

The research will be conducted using a qualitative approach, comprising a background review and key informants interviews.

Guiding research questions are listed in Annex 1, however they might be revised according to the results of the literature review and of key informants' interviews.

The research will adhere, as much as possible, to the definition of child labour based on national and international standards (see Panel 1. below)

³ <https://www.dawn.com/news/1572655>

Panel 1. Child labour definition based on international labour standards

In accordance concerning child labour and international standards, as set by the 20th International Conference on Labour Statisticians (ICLS) in the Resolution to amend the 18th ICLS Resolution concerning statistics of child labour:⁴

- **Working children** are defined as children aged 5 to 17 years engaged in any activity to produce goods and to provide services for use by others or for own use.
- **Child labour** is work within the SNA production boundary performed by children below the minimum age and work, which, by its nature and circumstances in which is carried out, is likely to harm the health, safety or morals of children (**hazardous work**). The minimum age shall be designated on the basis of national laws or regulations.
- **Hazardous work** by children is statistically defined in terms of the engagement of children in activities of a hazardous nature (designated hazardous industries and occupations), or as work under hazardous conditions, for example, long hours of work in tasks and duties which by themselves may or may not be of a hazardous nature for children (hazardous work conditions) or work at night. Designated hazardous industries and occupations shall be designated on the basis of national laws or regulations, where they exists. Similarly, long hours and night work may be determined on the basis of the national law.
- **Light work** is work that is not likely to be harmful to child's health or development and does not prejudice child's school attendance, participation in vocational orientation or training programmes, or their capacity to benefit from the instruction received. Light work shall be designated on the basis of national laws or regulations, where they exists.

The definitions above shall, however, be adapted to the national legislation as countries enjoy some flexibility concerning i) the minimum age of admission to employment; ii) the exception of some categories of work or employment and provisions for light work; iii) the list of hazardous occupation and activities.

BACKGROUND REVIEW

The background review will aim at providing an overview of child labour in domestic work based on the knowledge already available; it will also identify key knowledge gaps related on child labour in domestic work.

The background review will involve an analysis of the sector, a literature review on child labour in domestic work and a review of interventions to address child labour in domestic work in Pakistan.

Characterizing the sector

An analysis of the sector of domestic work will allow understanding its structure and functioning, the social context and the locations (geographical areas of origin and destination, etc.) where child labour occurs, and of the stakeholders involved.

The analysis of the sector will include the labour force composition (internal and international migrant workers, temporary or casual workers, etc.), the sector practices (labour procurement practices, including the role of private/recruitment agencies and online recruitment platforms, and working conditions, compliance and due diligence practices) and regulatory and oversight mechanisms, aiming at identifying key factors and major players influencing child labour in domestic work .

⁴ https://www.ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/meetingdocument/wcms_647347.pdf

Literature review

Research papers, studies and reports using quantitative, qualitative or mixed methods methodologies on child labour in domestic work will be considered, including those produced by research organizations, government authorities, social partners, civil society organizations and private sector institutions.

The review shall cover information regarding the presence and extent, characteristics and causes of child labour in domestic work. Within this framework, efforts shall be directed towards identifying characteristics and factors specific to children's engagement in domestic work, including poverty and lack of economic stability and of employment and livelihood opportunities, lack of education, cultural and social construct. Areas of focus will be migration dynamics and the link between households' indebtedness and child labour in domestic work.

All studies to be considered, whether qualitative, quantitative or mixed methods, must satisfy at least one of following criteria:

- Ensure the study design, methods, and procedures are sufficiently transparent and ensure an independent, balanced, and objective approach to the research;
- Provide the necessary information to reproduce or replicate the study;
- Provide sufficient description of the sample, the intervention, and any comparison groups;
- Use appropriate and reliable conceptualization and measurement of variables;
- Research submitted to a peer-review process;
- Adhere to quality standards for reporting (i.e., clear, cogent, complete, credible).

In line with the research questions in Annex A, the literature review will explore:

- Prevalence/presence of child labour in domestic work
- Background characteristics, aiming at identifying characteristics specific to children's involvement in domestic labour
- Attitudes towards child labour in domestic work (of children, parents, employers and communities, government, civil society actors)
- Recruitment patterns/ practices, including the role of private/recruitment agencies and online recruitment platforms
- Work modality and working arrangements
- Time-intensity
- Remuneration and payment patterns (modality and flow of payment)
- Exposure to hazard, violence and abuse
- Health impact
- Impacts on school attendance, education, learning skills and future prospects

Review of interventions

Building on recent existing national reviews of laws, policy and programs, a review of the policy and legal framework to eliminate child labour in domestic work will be conducted.

The review will analyze the national and provincial legislation relating to child labour aiming at identifying the operational definition of child labour in Pakistan and specific provisions relative to domestic work. The comments of the ILO Committee Experts (CEACR) will offer a valuable source of information on progresses and gaps in the application of International Labour Standards: as such, they will provide indications for the development of the conclusions of the report (see section 5). The review will also consider both policies and programs directly tackling child labour in domestic work, as well as those with a bearing on it, such as

education, social protection, active labour market policies and awareness raising. Provisions for migrant children and households will be also looked at.

The institutional framework will also be looked at in order to identify the role of key institutional actors at all tiers of governance (national, provincial and district level), and their coordination.

KEY INFORMANTS' INTERVIEWS

Building on the background research, stakeholders will be identified. Guiding questions for their identifications are:

- Who are the main actors involved in domestic work (parents, recruitment agencies, etc.)?
- Which institutions (government institutions, employer's and workers' organizations, recruiting agencies, NGO, international organizations, etc.) are involved in the elimination of child labour in domestic work?

A sub-set of stakeholders will be selected, in close consultation with the ILO Country Office and the Research and Evaluation Unit (Fundamentals, ILO HQ), as key informants.

Key informants can provide critical information concerning the availability of information on child labour in domestic work as well as knowledge gaps hampering policy response.

Interviews with key informants will aim at:

- Gathering additional information on the availability of data and research on child labour in domestic work;
- Gathering a better understanding of the factors affecting child labour in domestic work both from the demand (employers) and the supply (parents and former child labourers) side:
 - Key informants interviews with employers will aim at building a better understanding of the factors influencing the demand of child work: interviews will therefore target both employers resorting to children's work/child labour and employers who do not resort to children's work/child labour.
 - Key informants interviews with parents will aim at understanding households' dynamics regarding children's involvement in domestic work.
 - Key informants interviews with former child labourers will aim at understanding the activities performed by children and the working conditions, the nature of the children's relationship with their employers, the extent and nature of direct surveillance of children by employers, exposure to dangers and hazards, the interplay of CLDW with school attendance, and the reasons for involvement in CLDW.
- Gathering additional information on interventions addressed to eliminate child labour in domestic work;
- Complete the analysis of child labour in domestic work and of interventions to tackle it, carried out in the previous desk research;
- Obtain inputs from the stakeholders on perceived critical knowledge gaps to tackle child labour in domestic work.

The background review and the interviews with key informants shall be considered part of an iterative process, where the background review informs the development of survey tools, and interviews with key informants allow to refine the background research, by gathering additional information on child labour in domestic work, on the sector and on interventions and on perceived knowledge gaps to tackle child labour in domestic work.

4. ETHICAL CONSIDERATIONS

Conducting research on child labour calls for serious ethical considerations to protect interviewees and interviewers, as outlined in the ILO Ethical considerations when conducting research on children in the

worst forms of child labour.⁵ Given the current circumstances, measures relating to the COVID pandemic are particularly relevant.

Participants should not be harmed in any way as a result of their participation. To this end, ethical principles will be respected during the conduct of the study. Also, the participant's consent will be obtained before the questionnaire is administered. Under no circumstances will the individual economic or financial data collected be used for tax, economic or social control purposes, nor for research purposes by administrative, political, police, military or judicial authorities. All members of the collection team will undertake measures to keep the information collected confidential.

The final data will also be anonymised to prevent individual information from being identifiable.

5. REPORT: CHILD LABOUR IN DOMESTIC WORK

Building on the background review and on the interviews with key informants, a report will be developed on child labour in domestic work, addressing the research questions included in Annex A. The final report will not exceed 40 pages, excluding annexes.

It is suggested to structure the report around the following themes:

- Executive summary
- Introduction
- Domestic work in Pakistan
- Child labour in domestic work in Pakistan: emphasis shall be on factors specific to children's involvement in domestic labour, including both demand and supply side
- Government's law and interventions with implications for child labour in domestic work
- Conclusions

The concluding chapter will draw conclusions on the availability and breadth of information available from existing research, and will identify key data gaps that hampers interventions.

6. DELIVERABLES

- 1) Annotated outline;
- 2) List of key informants, guidelines and survey tools for interviews with key informants;
- 3) Draft report on child labour in domestic work;
- 4) Final report on child labour in domestic work.

7. CONTRACT DURATION

XX working days within a period of four months from the date of signing the agreement.

8. SPECIFIC ROLES / RESPONSIBILITIES

The consultant will work in regular consultation and guidance with National Project Coordinator, ARC Project, with technical support extended by Chief Technical Adviser (CTA) of the ARC project and ILO-FUNDAMENTALS-HQ and will undertake the following:

- Conduct a desk review as described in section 3 of this terms of reference;
- In consultation with ILO, refine research questions on the basis of the results of the desk review;
- Develop research tools (see Annex-1 for guidance on research questions) and finalize them on the basis of ILO's feedback;

⁵ ILO (2003). Ethical considerations when conducting research on children in the worst forms of child labour.

- Draft a list of key informants for key informants' interviews and finalize it in consultation with ILO;
- Prepare a draft report and finalize it on the basis of comments and inputs from the ILO
- Undertake travel (as needed) in consultation with and prior approval of NPC-ARC Project
- Manage necessary logistical arrangements including communication, data processing, analysis, report writing, photocopying, traveling, scheduling meetings/interviews with key informants among others
- Participate and contribute to relevant meetings/workshops organized by the project
- Support the ILO in presenting the key findings of the assessment to a group of selected tripartite officials
- Any other activity suggested by the project as appropriate and within the scope of this assignment

9. RESPONSIBILITIES OF THE ILO

- Share/connect with the relevant available resources and stakeholders (as appropriate)
- Review the deliverables and extend technical support for their refinement and finalization
- Review, extend technical support and approve the draft and final

10. CONSULTANT QUALIFICATIONS

The following qualifications are necessary for successful meeting the terms of the consultancy contract:

- Ph.D. or Masters in Economics, Public Policy, Development Studies or related discipline with five years of relevant experience;
- Experience in conducting research (quantitative and/or qualitative) and report writing on child labour and child work/child protection/education;
- Understanding of gender dimensions will be an added value;
- Excellent command of English;
- Proven experience and track record of timely and high quality completion of assignment
- Knowledge of and previous work experience with the ILO will be added advantage
- Previous work experience with UN and/or International Development Partners

11. SOURCES OF FUNDING

ARC Project, ILO Office for Pakistan

12. SUBMISSION OF QUOTATION AND SELECTION

While submitting the quotation, the applicant shall provide the following details:

- One page profile reflecting relevant qualification and experience
- Brief research proposal (not more than 3 pages)
- Financial Proposal (in Pak Rupees)- detailing professional/ fee per day and other variable expenses

Interested applicants are requested to send the quotation to islamabad@ilo.org on or before **Monday 5th July, 2021** by 17:00 (Pakistan standard time).

The project will select an appropriate consultant best meeting the desired competencies and experience to carry out the assignment. The selection will also be based on a transparent process including assessment of technical and financial (value for money) proposals

ANNEX I. CHILD LABOUR IN DOMESTIC WORK: PRELIMINARY RESEARCH QUESTIONS

Prevalence

What is the prevalence of child labour and hazardous work in domestic work in Pakistan (national or sub-national level)?

Characteristics of domestic work

1. What are the characteristics of domestic work in Pakistan? What is the size of the workforce involved in the sector and what are its characteristics?
2. What are the recruitment practices for domestic work? How children are recruited?
3. What are the characteristics and attitudes of the employers resorting to child labour for domestic work?

Background characteristics of households with children involved domestic work

4. What are the background characteristics of households that supply child labour to domestic services in Pakistan?
 - 4.1. Socio-demographic profile: who is affected by child labour? What are their socio-demographic characteristics (age, sex, ethnicity, and other relevant socio-demographic variables)?
 - 4.2. Areas and communities: In what regions of the country are children engaged in child work, child labour and/or hazardous work in the domestic work sector? What are the characteristics of these regions (poverty, inequality access to basic service, access to social services, etc.)? Which communities are most affected by child labour? What are their characteristics?
 - 4.3. Migration dynamics: Are there migration dynamics related to child labour in domestic work? Are children engaged in domestic work, child labour and/or hazardous domestic labour working in regions where they normally live? Have children travelled/migrated from other regions or other countries? Do children travel with their families? Are they unaccompanied?
5. What are the factors (social, economic, and cultural, industry) that push/prevent children to work in domestic services?
6. What is the relation between child labour in domestic work and household's indebtedness?

Characteristics of the work performed by children in domestic work

7. What type of work do children perform in domestic services?
 - 7.1. **Task:** What type of tasks do children perform? What is the degree, if any, of gender specialisation? How do children's tasks differ from those of adult workers?
 - 7.2. **Payment:** what is the payment scheme? Are children paid for their work? How (cash, in kind, as part of the parent salary)? How much do children earn? Is it below the minimum wage?
 - 7.3. **Duration and time:** How many hours do children engage work in domestic services? At what times of day and week do they work? (Morning/ afternoon/night; school day/weekend)?
 - 7.4. **Exposure to hazards and abuse:** What is the children's exposure to physical, psychological and/or sexual abuse in the workplace?
 - 7.5. **Threat or menace of penalty:** Are children working under the threat or menace of penalty?
 - 7.6. What **occupational safety and health issues** (injuries and illnesses) have resulted from children's involvement in these tasks?
 - 7.7. **Working arrangements:** What is the degree of formality of the work children perform?

Interplay with education

8. What is the interplay between child labour in domestic work and education?

- 8.1. What is the school attendance and school performance (attendance, highest level of education attained, drop out, repetition) of children engaged in child labour in domestic work?
- 8.2. What are the barriers and challenges (from the demand and supply sides) that children face in accessing education?

Interplay with social development

9. What is the interplay between child labour in domestic work and social development?
 - 9.1. Do children engaged in child labour in domestic work participate in socially valuable activities? Are they stigmatized or socially excluded? Do they establish positive peer relations?
 - 9.2. Are children engaged in child work/child labour in domestic work isolated or separated from their family?

Attitudes, social acceptance and awareness

10. What is the attitude towards domestic labour?
 - 10.1. What is the level of awareness about child labour in domestic work? What is the attitude towards child labour in domestic work of parents, employers/exploiter, recruiters, communities, local and national governments, civil society organizations? Is domestic child work a traditional practice? Does awareness of child labour in domestic work influence the supply (parents) and the demand (employers) of children in domestic work?
 - 10.2. Does media influence attitudes towards child labour in domestic work?
 - 10.3. What is the level of awareness of policies with a bearing on child labour in domestic work and of operational grievance mechanisms them among parents and children?

B. ASSESSING THE NATIONAL RESPONSE TO CHILD LABOUR IN DOMESTIC WORK

Government efforts

11. What government efforts may affect child labour in domestic work?
 - 11.1. Legal framework: what is the legal framework relative to child labour? Does national legislation contain provisions relevant to child labour in domestic work?
 - 11.2. Enforcement: What enforcement and monitoring mechanisms exist to ensure children do not work in domestic services? How effective is the labour inspection in enforcing the law on child labour? Do labour inspectors come to these areas? Target? Routine? Unannounced? Protocols of action in case they find children?
 - 11.3. Grievance mechanisms: do grievance mechanisms exist? How effective are they with respect to child labour in domestic work?
 - 11.4. Which policies affect child labour in domestic work?
 - 11.4.1. Education: are schools available in the regions from where children in domestic work come from? Are there education interventions (early education, interventions to increase school access and quality, remedial education and vocational training) in those regions? Are there education interventions specifically targeting migrant children? Do education interventions contain specific provisions for migrant children?
 - 11.4.2. Social protection measures: Are there social services children can be referred to? How effective are these services in addressing the root causes of child labour, withdrawing children from child labour (including moving to safe work children above the minimum age), reintegrating them into education and remediating the effects of child labour? Do migrant households/children access social protection interventions?

- 11.4.3. Migration policies: are there policies aiming at promoting the integration of migrants (for example, language skills training, transfers of professional credentials, protection against discrimination)?
- 11.4.4. Did national efforts to tackle child labour peak/earn momentum following Pakistan's access to the EU Generalised Scheme of Preferences?
- 11.4.5. As a result of the direct and indirect actions, have children shifted to other types of work or other sectors?
- 11.5. What are the community /societal level mechanisms available (if any) to bring the issue to light?
- 11.6. Are there mechanisms in place to ensure that accurate data on child labour (or lack thereof) are available?

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