

Capacity Building of Key State Functionaries on International Labour Standards: Policies, Programmes and Practices



**Women Employment Concerns
and Working Conditions in Pakistan
(WEC-PK)**



International Labour Organization



Government of Pakistan



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Compiled by: Mr.Ali Sarfraz
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Acronyms

BL	Bonded Labour
CalPERS	California Public Employees Retirement System
CEACR	Committee of Experts on the Application of Conventions & Recommendations
CESCR	Committee on Economic, Social & Cultural Rights
CFA	Committee on Freedom of Association
CNIC	Computerised National Identity Card
CRC	UN Convention on the Rights of Children
CrPC	Criminal Procedure Code
CSA	Civil Services Academy
DVC	District Vigilance Committee
EPZ	Export Processing Zone
FSA	Foreign Services Academy
GATT	General Agreement on Trade and Tariffs
GB	Governing Body
GDP	Gross Domestic Product
GOP	Government of Pakistan
GSP	Generalised System of Preferences
HFCL	Hazardous Form of Child Labour
ICCPR	International Covenant on Civil & Political Rights
ICESC	International Covenant on Economic, Social & Cultural Rights
ILC	International Labour Conference
ILO	International Labour Organisation
ILS	International Labour Standards
IMAC	Independent Monitoring Association for Child Labour
IPEC	International Programme for Elimination of Child Labour
MNC	Multi-National Corporation
NCCWD	National Commission for Child Welfare & Development
NFE	Non-Formal Education
NIPA	National Institute of Public Administration
PEBLIP	Promoting Elimination of Bonded Labour in Pakistan
PESRP	Punjab Education Sector Reform Programme
PPC	Pakistan Penal Code
PRSP	Punjab Rural Support Programme
ROE	Return on Equity
SC	Supreme Court
TRS	Total Return to Shareholders
UN	United Nations
UNHRD	United Nations Human Rights Declaration
WEC-PK	Women Employment Concerns -Pakistan
WTO	World Trade Organisation

Message from Director ILO Pakistan

ILO strives to promote fundamental rights at work place, enhance productive employment, enhance coverage and effectiveness of social protection for all and promote tripartism and social dialogues. Collectively, these four objectives constitute ILO's Decent Work Agenda. Advancing the quality and quantity of economic opportunities for women is central to ILO's strategy and an important component of Decent Work Agenda.

To ILO, gender equality means that men and women have equal human workers rights for work of equal value. And there is fair distribution of responsibilities, opportunities, work-load, decision-making and income-earning. Within this framework, ILO approaches the issues of gender equality using a targeted approach depending on the level of inequality between men and women in a given situation.

Pakistan has made incredible progress over the recent past, and improvement has been visible in many indicators, particularly the women empowerment indicators and labour indicators. Pakistan has ratified 34 ILO Conventions, including those pertaining to gender equality, and is committed to implement these conventions. However, gender inequality in Pakistani society remains pervasive and persistent, with women concentrated in jobs with low security, few occupational choices, low pay, poor working conditions, low status and low bargaining power in the labour market.

Funded by Canadian International Development Agency (CIDA), Women Employment Concerns and Working Conditions in Pakistan (WEC-PK) is a sincere attempt by ILO aimed at promoting women's worker rights, developing women's capacity to participate in the labour market and developing their capacity to participate in the social dialogue process to bargain effectively for social protection.

WEC-PK in collaboration with Ministry of Labour, Government of Pakistan launched an initiative for capacity building and sensitisation of state functionaries about International Labour Standards and key labour issues concerning women such as child labour, bonded labour and gender discrimination at work.

I am glad to inform that through the facilitation of Establishment Division, WEC-PK has organized 18 seminars focusing on International Labour Standards and labour issues at Civil Services Academy (CSA), National Institutes of Public Administration (NIPAs), Foreign Services Academy (FSA) and Secretariat Training Institute (STI). During these seminars training was provided to 739 civil servants on ILS and key ILO themes.

I would like to thank Secretary Establishment Division who conscious of the need to build the capacity of future policy makers of Pakistan gave his complete support and cooperation for arranging the seminars. I would also like to thank the Director Generals of various training institutes for facilitating the organisation of these seminars.

Mr. Donglin Li.

November 2008

Executive Summary

The International Labour Office, in collaboration with Ministry of Labour, Government of Pakistan launched a project titled "Women Employment Concerns and Working Conditions (WEC-PK)", in 2005. Its purpose was to enhance the quantity and quality of women's employment in Pakistan and promote women's fundamental right to decent work. The project engaged key stakeholders such as Ministry of Women Development, leading public sector training institution, and ILO constituents, namely workers and employers federations during the implementation.

WEC-PK designed a training course as its key constituent for the capacity building of future policy-makers of Pakistan. The objective was to build a supportive environment through institutional strengthening. The course was intended to sensitize them about women employment issues and to enable them to take corrective measures for promoting women's economic participation.

The training course introduced ILO's objectives & organisation and national reporting requirements under International Labour Standards. It covered major international conventions and national constitutional framework for protection of human rights. Furthermore, it elucidated key ILO thematic areas: Child Labour, Bonded Labour & Women Employment Concerns. It also demonstrated the links between International Labour Standards and Investment & Trade. The course used case studies, panel discussions and presentations to sensitize participants about multifarious labour issues.

WEC-PK conducted 18 seminars in major public sector training institutes including Civil Services Academy (CSA), Foreign Services Academy (FSA) and National Institute of Public Administration (NIPA), training 739 officers. With a view to get buy in of participants, labour policy practitioners from peer group were engaged for presenting the material. This approach contributed to 98% of participants rating the course favorably.

After discussing the objectives of compilation, this report provides details about the design of each module and describes the methodology adopted for presentation of material. It moves on to present, in respect of each module, a technical summary which touches upon all the aspects of a theme and provides additional information where necessary. Boxes are used to highlight important issues pertaining to a module.

Next section of the report presents feedback of course participants. It exhibits participants' expectations, opinions about sufficiency of duration and aptness of course content, perceptions about strengths & weaknesses of the course and, finally, assessment of modules. Graphical descriptions are used to illustrate the data collected through feedback forms. The final chapter discusses gender profile of the participants and the reasons behind lower female participation in the seminars.

The report contains appendices, which provide additional details about the seminars held, module presenters, course design and feedback form.



OBJECTIVES OF COMPILATION

Objectives of Compilation

WEC-PK project conducted 18 seminars for civil servants undergoing training in premiere training institutes of Pakistan. The programme for future policymakers introduced key labour issues and relevant national & international legal frameworks. Recognising its potential usage, the material presented in various modules has been compiled to achieve following objectives.

Reference Guide

The compilation is a complete record of different aspects of the programme. It includes details of programme design, outline of technical sessions and overhead presentations. Furthermore, it contains the profile of attendees and their feedback used for quality assurance purposes. The compilation, thus, puts together various elements of the programme in one single document, which can be referred to by the attendees for reference purposes.

Use as Curriculum

The programme has become almost a component of the regular curriculum of CSA, the premiere training institute for newly inducted federal officers. Last year, requests for training programme were initiated by CSA rather than WEC-PK project. The keen interest expressed by CSA faculty in the programme underscores their inclination to have this training regularly for the officers. The compilation will, thus, provide relevant material and presentations to CSA faculty to conduct the programme on their own after conclusion of WEC-PK project.

Quality Assurance Methodology

The WEC-PK developed a comprehensive quality assurance methodology to ascertain the quality of the programme. Feedback was collected at the conclusion of each seminar about content, duration, expectations, and quality of presenters. The compilation contains the form template used for collecting participants' feedback and perception of the course. The quality assurance methodology can be adopted for similar programmes initiated by ILO.

Course Design Methodology

The compilation provides a description of the course methodology including format of presentations that can be adopted as a generic architecture for future training programmes of similar genre. In addition to providing the details of thematic areas, the architecture comprises of duration of modules, their placement in the schedule and the number of breaks between them.

Reference for Future Programmes

The compilation can be used as reference for similar programmes not only in Pakistan but also in other developing countries. The material included in the compilations is fairly generic, besides Pakistan-specific material. The generic material can be utilised by similar programmes for training appropriate stakeholders. Pakistan-specific material, such as case studies pertaining to brick kiln workers or agriculture workers in Sindh, provides a glimpse into the kind of case studies that should be included in a programme.

The feedback of programme participants can constitute the basis for redesigning content and duration of similar training programme. Specifically, the compilation can help the designer to identify what worked and what did not work in terms of both duration and content.

Presenter Profile

WEC-PK adopted a unique approach in the selection of presenters. Apart from engaging subject matter experts, the presenters were selected primarily from the peer group with practical experience in issues covered in the programme. The compilation includes profile of the presenters who covered various modules of the training. These profiles can serve as a reference for the selection of presenters for future programmes.

Performance Measurement

An objective of this compilation is to document two important data sets, which can be used for internal assessment and performance evaluation. First, it provides data about participants' gender profile. This data can be analysed in line with ILO's policy on gender equality and mainstreaming. Second, the report contains a summary of satisfaction level of all the participants, including grading of various modules. This data can be used for evaluation of WEC-PK programme.



OVERVIEW OF COURSE & METHODOLOGY

Overview of Course & Methodology

The employment status and conditions of working women in Pakistan present a deplorable picture. Illiteracy, lack of vocational training, and limited access to resources, apart from other disabling factors deter the economic empowerment of women.

Keeping in view the grim state of female employment in Pakistan, the International Labour Office, in collaboration with Ministry of Labour, Government of Pakistan launched a project titled “Women Employment Concerns and Working Conditions (WEC-PK)”. Other implementing agencies included Ministry of Women Development, leading public sector training institutions, key ILO constituents, namely workers and employers federations, and other related departments.

The project's objectives were to enhance the quantity and quality of women's employment in Pakistan, and promote women's fundamental rights to decent work.

The first and most important step of WEC-PK project was the design of a programme to build a supportive environment through institutional strengthening of key Government agencies. The purpose was to make aware all the stakeholders about the problems of women workers at their workplace, and to enable them to take corrective measures for eliminating bearing effects on women's economic participation. The specific objectives of the programme were to:

- Provide better understanding and insight to the future policymakers about ILO and its various interventions including bonded labour, child labour, women employment concerns and working conditions in the country
- Create a knowledge reservoir on these issues at the top notch training institutes for future reference purpose
- Create inclination among policy makers toward these international commitments on priority basis

Course Overview

WEC-PK designed a three-day course, titled “International Labour Standards, Policies, Programmes and Practices”, for the participants of various training institutes; in few cases, an abridged version of the course was used because of time limitations. The course covered major ILO thematic areas in various modules of 40 minutes each. The details of the course schedule are provided in the Annexure.

Each session of the course started with an introductory module about the organization and philosophy of International Labour Organisation (ILO). The purpose was to provide information about the structure, decision-making processes and, most importantly, philosophical evolution of ILO's agenda in response to emerging labour issues.

The next module covered major international conventions on human rights including United Nations Declaration of Human Rights and national constitutional framework with respect to human rights. The module was structured to present international legal framework in juxtaposition with the national laws to demonstrate the linkages between them.

The second half of the first day introduced International Labour Standards (ILS) and its primary subjects. It covered fundamental conventions, primary conventions, adoption process and obligations of the states ratifying the conventions. The module concluded with the details about the monitoring and supervision system of ILO.

The topic of bonded labour was covered in three modules; First module discussed national & international legal regime and landmark judgments of superior judiciary to stop the practice in Pakistan; Second module contained a panel discussion presenting alternative viewpoint of brick kiln owners; and last module presented existing situation of bonded labour in brick kilns and agriculture and the national plan of action to eliminate it in various industrial sectors of Pakistan.

The issue of Child labour was divided in two parts. First part presented the scale of the problem and examined socio-economic causes of child labour. It listed relevant ILS conventions and presented national response to curb the practice. The second part covered ILO's best practice project for elimination of child labour-Sialkot Model.

The next module presented women employment concerns and working conditions and relevant ILO conventions & national policy for economic empowerment of women. It highlighted the issue of gender discrimination and examined gender profile of labour force in Pakistan, noting positive & negative trends international trends of women employment. The module contained a business case to support the cause of gender diversity.

The last day of the course analysed links between trade & investment and enforcement of International Labour Standards. The first module demonstrated how non-compliance of ILS could limit direct foreign investment. The second module exhibited links between labour standards and non-tariff barriers to trade. These modules were followed by a panel discussion on cessation of business relationship between SAGA sports, a Sialkot based football manufacturer and NIKE Inc, a US based corporation due to child labour issues and working conditions.

Overview of Course & Methodology

Methodology

In order to gain the buy in of participants, a number of presenters were selected from the peer group i.e. senior civil servants with an experience in managing labour-related policy issues. It was hoped that the approach would have a stronger impact on the opinion of the participants. The presenters were facilitated in designing the module by providing relevant background material and documents.

Participants were provided background material so that they can familiarize themselves with key ILO themes. These documents included:

-
- Time for Equality at Work - Global Report of ILO 2003
- A Global Alliance against Forced Labour - Global Report of ILO 2005
- An Employment Strategy for Poverty Reduction in Pakistan Background paper for the Pakistan Development Forum 2005
- Text of fundamental ILO conventions
- National Policy and Plan of Action for Abolition of Bonded Labour
- Bonded Labour Act
- Bonded Labour System Rules
- Case Study of Darshan Maseeh Court Decision

Various tools were employed to make the course interesting and absorbing. The modules were presented through audio-visual equipment using Microsoft power point. The speakers used the tool as a means for guiding the discussion rather than reading out the presentation. These presentations were followed by question and answer sessions. However, the participants were encouraged to ask any questions during the presentation.

Each presentation, in general, introduced a key labour issue and its causes, national and international response to rectify the situation and recommendations for action. The presentations were augmented by panel discussions to enliven the debate. These discussions attempted to deepen the understanding of complexities by presenting various viewpoints. The panelists were carefully selected to ensure that participants were exposed to entire spectrum of thinking on a particular theme. These sessions were highly interactive with participants engaging in discussions with the panelists as well as among themselves.

Case Study methodology is popular pedagogical tool for engaging participants in discussions and eliciting multiple views on a topic. The programme adopted this tool to enrich the discussion on ILO themes. In case of some modules, after presenting the background material on a particular theme, the participants were divided into five to six groups and tasked to take a certain position on an issue. Invariably, the groups took different positions and defended their viewpoint through peer discussion. The exercise ending with a presentation on actual decisions or outcomes of an issue increased their grasp on a particular theme.

Finally, sub-groups of participants were asked to present ILO Global Reports to the whole group. These sub-groups were given the choice to select any ILO Global Report and provided all the necessary materials & guidance to prepare the presentations. A question and answer session followed the presentations with further discussion on the selected issue covered in the Global Report.

The programme used feedback forms to collect opinions & suggestions of the participants at the end of the course. They were asked whether or not their expectations were met, and whether or not the content and duration of course was appropriate. In addition, they graded each module as “very good”, “good” or “average” that helped in the selection of presenters for subsequent sessions. Furthermore, their suggestions were solicited to improve effectiveness of the course



ILO ORGANIZATION & PHILOSOPHY

ILO organization & philosophy

The capacity building training commenced with an introductory module on International Labour Organisation (ILO). It traced ILO's history & philosophical evolution, and its structure & organisation. The main emphasis of the module was to sensitize the participants as to how the strategic objectives of ILO took their shape since its inception.

History of ILO

In 1919, the Treaty of Versailles that ended World War I created ILO. Its creation reflected the belief contained in the preamble of its constitution that universal and lasting peace can only be accomplished if it is based upon social justice.

The Constitution of ILO was drafted between January and April 1919, by the Labour Commission constituted by the Treaty of Versailles. The Commission was composed of representatives from nine countries: Belgium, Cuba, Czechoslovakia, France, Italy, Japan, Poland, the United Kingdom and the United States. Its deliberations resulted in the establishment of a unique tripartite organization bringing together representatives from all the stakeholders: Government, Employers & Workers.

The first International Labour Conference was held in Washington, United States in October 1919. It adopted six International Labour Conventions dealing with important labour issues of work hours in the industry, unemployment, maternity protection, night work for women, and minimum age & night work for young persons in industry.

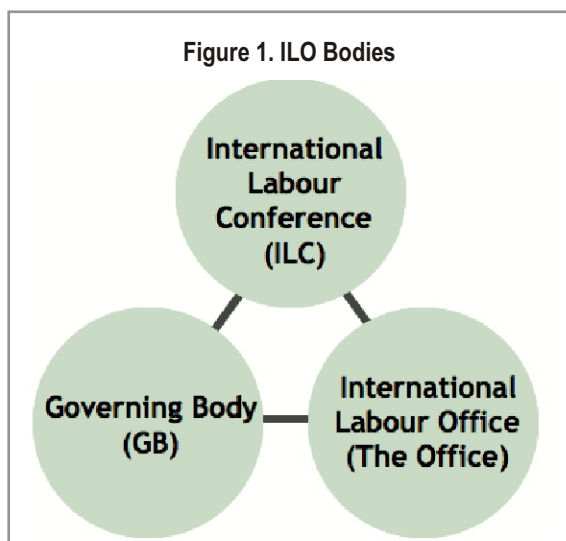
The ILO was located in Geneva in 1920 with France's Albert Thomas as the first Director of the International Labour Office, which is the Organization's permanent Secretariat. Under his leadership and initiative, ILO started at an accelerated pace adopting 9 International Labour Conventions and 10 Recommendations during 1919-20.

In 1926, International Labour Conference established a supervisory system on the application of ILO standards. A Committee of Experts composed of independent jurists was constituted for examining government reports and presenting its own report each year to the Conference.

ILO during Depression and WW II

During the Great Depression with its concomitant massive unemployment, ILO was confronted with formidable challenges as the organisation Workers' and Employers' representatives confronted each other on work hours without any results. However, the organisation received a fresh boost when the United States, which had stayed out of the League of Nations, became a Member of the ILO in 1934.

ILO's headquarters was temporarily moved to Montreal, Canada in May 1940 for reasons of safety after the break out of WW II.



In 1941, the Philadelphia meeting of the International Labour Conference attended by representatives of governments, employers and workers from 41 countries, in 1944 adopted the Declaration of Philadelphia that still constitutes the Charter of the aims and objectives of the ILO. In 1946, the ILO became a specialized agency of the newly formed United Nations. In 1948, the International Labour Conference adopted Convention No. 87 on freedom of association and the right to organize.

ILO in Post-War Years

During 1948-1970 the number of member states doubled and the organization took on its universal character; Industrialized countries became a minority among developing countries; the budget grew five-fold and the number of officials quadrupled. Apart for its growth, ILO won the Nobel Peace Prize on its 50th anniversary in 1969.

During 1970-73, the ILO made further advances in the development of standards and mechanisms for supervising their application, particularly the

Philadelphia Declaration

In 1944, the International Labour Conference, meeting in Philadelphia, USA, adopted the Declaration of Philadelphia, which redefined the aims and purpose of the Organization.

The Declaration embodies the following principles:

1. Labour is not a commodity.
2. Freedom of expression and of association are essential to sustained progress. Poverty anywhere constitutes a danger to prosperity everywhere.
3. 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.

ILO organization & philosophy

promotion of freedom of association and the right to organize and expanded technical cooperation with developing countries. The organization averted damage to its existence and programmes, despite the loss of one quarter of its budget following US withdrawal from 1977-1980.

In the 1990s, during the post cold war era, ILO emphasized the importance of social justice at the heart of international economic and social policies. Furthermore, activities and resources were decentralised away from the Geneva headquarters.

Since the beginning of the new millennium, ILO has shifted focus on making decent work a strategic international goal and promoting fair globalization. It emphasizes on work as an instrument of poverty alleviation and its role in helping to achieve the Millennium Development Goals, such as cutting world poverty in half by 2015.

Structure

The ILO has a unique tripartite structure because workers' and employers' organisations have an equal say with the Governments in shaping policies and regulations. ILO achieves its work through three main bodies all of which comprise government, employer and worker representatives.

International Labour Conference

The 180 member States of the ILO meet at the International Labour Conference in June of each year, in Geneva. Each member state has delegates from Government, Employers and Workers. Technical advisors assist the delegations, which are usually headed by Cabinet Ministers.

Employer and worker delegates can freely express themselves and vote according to instructions received from their organizations. They sometimes vote against each other or even against their government representatives.

The Conference establishes and adopts international labour standards and is a forum for discussion of key social and labour questions. It also adopts the ILO's budget and elects the Governing Body.

The Governing Body

The Governing Body is the executive council of the ILO and meets three times a year in Geneva. It takes decisions on ILO policy, programmes and the budget. It also elects the Director-General.

The composition of the GB is provided in the figure. Major industrial nations hold ten permanent government seats. 18 Government representatives are elected at the Conference every three years, taking into account the geographical distribution. The employers and workers elect their own representatives respectively.

The International Labour Office

The International Labour Office is the permanent secretariat of the International Labour Organization. Headed by a Director General, who is elected for a five-year renewable term, it is the focal point for ILO's overall activities.

The Office employs some 1,900 officials of over 110 nationalities at the Geneva headquarters and in 40 field offices around the world. In addition, some 600 experts undertake missions in all regions of the world under the programme of technical cooperation.

Figure 2. ILC Membership

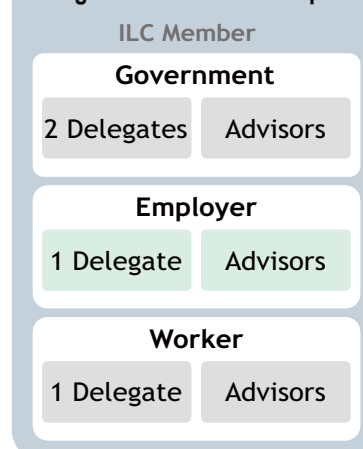


Figure 3. Governing Body Membership



"The primary goal of the ILO today is to promote opportunities for women and men to obtain decent and productive work, in conditions of freedom, equity, security and human dignity."

ILO Director-General Juan Somavia

ILO's Philosophy

ILO's creation arose from security, humanitarian, political and economic considerations, which are clearly articulated in the preamble of its constitution. The dreadful condition of workers, with no concern for their health, their family lives and their advancement was less and less acceptable. The second motivation was political. Without an improvement in their condition, the workers, whose numbers were ever increasing as a result of industrialization, would create social unrest, even revolution. The third motivation was

ILO organization & philosophy

economic. Because of its inevitable effect on the cost of production, any industry or country adopting social reform would find itself at a disadvantage vis-à-vis its competitors.

Over the years these considerations have taken shape in response to international social, political, and economic environment. Grounded in these fundamental considerations, ILO's primary goal has evolved to "Decent Work" in the 21st century. To meet this goal, ILO focuses on four strategic objectives

- Promote standards and fundamental principles and rights at work.
- Create greater opportunities for employment and income.
- Enhance the coverage and effectiveness of social protection.
- Strengthen tripartism and social dialogue.

ILO has initiated a number of high priority programmes to meet its strategic objectives. These international focus programmes cover the following areas:

- Promoting the Declaration.
- Eliminating child labour.
- Crisis response and reconstruction.
- Skills, knowledge and employability.
- Boosting of employment through small enterprise development.
- Safety and health at work and the environment.
- Socio-economic security.
- Social dialogue, labour law and labour administration.



INTERNATIONAL CONVENTIONS ON HUMAN RIGHTS AND NATIONAL CONSTITUTIONAL FRAMEWORK

International conventions on Human Rights and National Constitutional Framework

This module introduced the concept of human rights along with the concept's conceptual underpinnings. After this, it attempted to explain how these fundamental rights were enshrined and protected in the codified international law and our own constitution.

Fundamental Human Rights

The most difficult question regarding human rights, perhaps, is how to define them. Whilst the concept seems prima facie straightforward, perhaps the most remarkable fact about the definition of human rights is that there is no single agreed upon definition. 'Human rights' is an idea that crosscuts innumerable disciplines of human knowledge and is owned by no single subject. For example, in the recent decades, the doctrine of human rights has become an integral part of the subjects of law, political science, history, sociology, diplomacy, international relations, philosophy, religion and even business and commerce.

Nonetheless, there are certain essential characteristics of any notion of human rights. Because the human rights are fundamental and exist a priori, they reign supreme to any legislation, regulations or municipal law.

These rights are essentially different from legal rights. Legal rights are the ones that, for them to be in force and existence, are dependent on a provision of municipal law, legislation or constitution. The basic human rights, on the other hand, are not dependent on any legal act by a lawgiver, a legal instrument or any provision. Similarly, legal rights need to be granted by someone to someone. The giver, whilst doing so, may qualify, amend or modify any legal right. The human rights don't need to be granted as such. Unlike human rights, legal rights have to be stated precisely and are subject to broad or narrow interpretation by courts and practitioners. Natural Law theory defines human rights as universal rights that are inherent in the nature of the world, and not contingent on human actions or beliefs.

Characteristics of Human Rights

- Human rights are fundamental in nature and are therefore prior to any of the human attributes, like race, sex, origin etc.
- Human rights are bestowed upon the human beings by virtue of the latter's being as such. A human being does not have to do anything to be entitled to or qualify for a human right.
- The existence of human rights trickles from the human nature. These rights
- They are not artificial and do not need to be imposed.
- They are always there and require only to be acknowledged.

Taxonomy of Human Rights

There are as many ways to classify human rights as there are to define them. An important and widely used classification is based on positivist legal theory. This theory is based on the presumption that it is the 'state' that accords, respects or violates the human rights of its citizens. Human rights can therefore be divided into positive and negative rights depending upon whether a particular human right obliges the state to perform a positive act or merely refraining from a particular interference respectively.

Negative human rights have originated mainly from the Anglo-American legal tradition, in which all is allowed unless prohibited. The state is expected to respect fundamental rights of its citizens and to interfere only when essential. These rights include the right to life and security of person; freedom from slavery; equality before the law and due process under the rule of law; freedom of movement; and freedoms of speech, religion and assembly.

Positive human rights mainly follow from the Rousseauian Continental European legal tradition and denote rights that the state is obliged to protect and provide. Examples of these include the rights to education, to a livelihood, to legal equality.

The ways to classify human rights have evolved with time. There are, as well, certain modern classifications of human rights. For instance, Karl Vasak, in 1980s, suggested that evolution of the doctrine of human rights be viewed in terms of generations. In his taxonomy, first-generation human rights include classic civil and political rights (right to life and political participation); second-generation human rights include economic, social and cultural rights (right to subsistence etc.); and third-generation human rights include post-modern solidarity rights (right to peace, right to clean environment etc.).

International Law & Human Rights

Human rights, howsoever new and modern they may seem are not new to human history. It seems that as civilizations grew, developed and came of age, they developed their own notions and concepts of human rights that somehow relate to our modern understanding of fundamental human rights.

We find earliest recorded references to human rights in pre-historic Code of Hammurabi (1780 BC), in the Cylinder of Cyrus (539 BC) as to the ancient Persian Empire and as to India, in the peace of Kalinga, effected by Ashoka (265 BC). Similarly, the advent of Islam in 8th

International conventions on Human Rights and National Constitutional Framework

century AD ushered into massive packages of human rights for slaves, women, the poor and downtrodden and the conquered.

It is not wrong to argue that in the modern history, the foundation of the edifice of human rights was cast on Magna Carta (1215). It was for the first time, perhaps, in the recorded human history that a king was subordinated to the rule of law and rights of people, and the element of arbitrariness in regal decision-making was fettered.

United Nations Human Rights Declaration (UNHRD)

The doctrine of human rights or humans having certain rights because of their being humans did not gain intellectual, theoretical, legal and political momentum until the middle of last century. It was immense loss of human life, property and brutality and atrocities on unprecedented scale during the Second World War that humanity's conscious was jolted out of the slumber of apathy. It was in this backdrop of blood of millions that an understanding that human blood should not be shed mercilessly and that there must be something about humans that must be respected at all times and costs, gained currency in international decision making circles.

Thus, in the aftermath of WWII, the General Assembly of the newly born United Nations, on December 10, 1948 at Palais de Chaillot, Paris, adopted a declaration (A/RES/217), which enunciated some basic principles about human rights, dignity and respect. This resolution was to gain a significance of historic proportions in the coming years. We know it as United Nations Declaration of Human Rights (UNDHR).

Principles of UNHRD

- The right to life, liberty and security of every person;
- The right to have an education'
- The right to be employed gainfully, paid holidays, protection against unemployment and social security;
- The right to participate fully in cultural life;
- Freedom from torture or cruel, inhumane treatment or punishment;
- Freedom of thought, conscience and religion; and
- Freedom of expression and opinion.

The significance of UNDHR was not hidden from its lobbyists and architects. Its passage from the UN General Assembly was widely celebrated and it was considered, a bit optimistically, a giant step towards peace and respect for human dignity at a global level. A jubilant Eleanor Roosevelt remarked, "It is not a treaty...[In the future, it] may well become the international Magna Carta".

The essence of UNDHR lies in the universal recognition of human dignity and its preservation by all means, in all circumstances and at all costs. As regards the text, there are a total of thirty articles that outline, define and enunciate people's rights. Although UNDHR comprised of only definitions of universal human rights, enunciation of principles and was only a statement of a global aspiration, this declaration not only provided a basis for future growth of the doctrine of human rights, but also addressed a wide range of human rights. The rights that this document put on a formal footing are as relevant today as they were when the declaration was drafted.

Interestingly, there is no match between the significance of UNDHR in the history of international human rights law and the legal status it carried in the first place. It was only a resolution of the United National General Assembly, which was passed by simple majority in house. There were therefore no signatories and no resulting binding obligations. But as indicated earlier, this document has attracted immense moral and political force ever since. The fact that this document remains the most translated document in the world, perhaps, testifies to UNDHR's significance.

International Bill of Human Rights

The UNDHR and ideas that it introduced in the international legal, political and diplomatic discourse kept on gaining force and momentum. In 1968, for instance, United Nations International Conference on Human Rights resolved that the UNDHR "constitutes an obligation for the members of the international community" to all persons.

However, the UNDHR's being non-binding on international community, its major weakness, necessitated more consolidated instruments for further recognition and better enforcement. In due course, the inertia gained by the UNDHR gave birth to two more international legal instruments of huge import, namely, the International Covenant on Economic, Social and Cultural Rights (ICESC) and International Covenant on Civil and Political Rights (ICCPR). These two covenants together with the UNDHR are collectively referred as The International Bill of Human Rights.

The ICESC is multilateral treaty adopted by the UN General Assembly on 16 December 1966. As of today, there are 115 state parties that are obliged by the covenant to work towards the granting of economic, social, and cultural rights to individuals. This covenant covers second-generation social and cultural rights, developing further many themes contained originally in the UNDHR. Interestingly, although the US President Jimmy Carter signed the covenant in 1977, the US Senate has thus far failed to ratify it.

In addition, a nascent enforcement mechanism has also been provided, which, however, is more or less vigilance rather than an enforcement system. The Committee on Economic, Social and Cultural Rights (CESCR) is the body of independent experts that monitors implementation of the International Covenant on Economic, Social and Cultural Rights by States parties. All parties are obliged to submit

International conventions on Human Rights and National Constitutional Framework

regular reports to the Committee on how the rights are being implemented. But if the rights are not respected by State parties or violated, the covenant provides no coercive solutions. More importantly, there is no provision enabling the Committee to entertain complaints by individuals against State parties.

Similarly, the ICCPR is another very significant United Nations treaty based on UNDHR. It was created in 1966 and entered into force on 23 March 1976. This covenant calls for enforcement and respect of first generation classic civil and political rights of individuals by State parties. Human Rights Committee of the United Nations monitors the enforcement of these rights in signatory states. In contrast with the ICESCR, the Committee's receipt of individual complaints against human rights' abuse by State parties for further probes and recommendations is a possibility under one of the optional protocols of the covenant.

Constitutional Protection of Human Rights

This section highlights those provisions of the Constitution of Islamic Republic of Pakistan 1973 which relate to defining, safeguarding and enforcing fundamental human rights in Pakistan. It is pertinent to mention that the Objectives Resolution that defines the aim, object and scope of the constitution unequivocally upholds the "principles of democracy, freedom, equality, tolerance and social justice, as enunciated by Islam", and declares further that in Pakistan, these principles "shall be fully observed".

Article 2A incorporates the Objectives Resolution into the Constitution as its substantive and operative part. As to the legal status of this 'incorporation', it has been held to be a part of the grundnorm of the constitution. Since the constitution is in face the grundnorm for all the secondary legislation, the importance of Objectives Resolution as a guiding, and perhaps binding, principle cannot be over-emphasized.

There are further sets of general principles and guiding rules laid down in the constitution that uphold the primacy of human rights whilst the remainder of constitution is interpreted and subordinate legislation is effected. Article 3, for instance, enjoins the state to eliminate all forms of exploitation. Article 4, which is due process clause, affords protection of law to all. It provides that no action detrimental to life, liberty, body reputation or property of citizens is permissible unless sanctioned by law. It has been consistently held that law in this clause is only the positive law made by a legitimate and constitutionally acknowledged lawgiver and no other. All forms of customary, traditional or tribal law that could potentially violate life, liberty, body or property of citizens has been held to be invalid by this provision. Another set of guiding principles is provided in the Principles of Policy in the constitution.

Justiciable Rights

Various substantive constitutional provisions define, create and safeguard fundamental human rights in this country. These rights are summarized in table below:

International conventions on Human Rights and National Constitutional Framework

Table 1. Fundamental Human Rights

Article No	Details
8	This article declares void all laws that are inconsistent with the fundamental rights of individuals.
9	This article provides that no one will be deprived of life and liberty except in accordance with law. Life includes all forms of life, even the unborn. And liberty is not only liberty of movement but even, for instance, freedom to enjoy all faculties, work, earn, or to pursue any avocation etc.
10	This article provides safeguards against arbitrary arrest and detention. It provides that every person arrested has to be produced before the court within 24 hours of arrest.
11	This article abolishes slavery of all forms in unequivocal terms. Similarly, forced labour is also prohibited expressly.
12	This article provides safeguards to defendants in trials. It prohibits the operation of retroactive laws that are detrimental to a defendant.
13	This article allows the defence of double jeopardy to defendants. It acknowledges the defendant's right to remain silent thereby thrusting the full burden of proof onto the prosecution
14	This article affords to all protection from torture meant to exact evidence.
15	This article guarantees freedom of movement within and out of Pakistan
16	This article provides freedom of assembly, subject to 'reasonable restrictions' that might be imposed for the sake of public order.
17	This article guarantees freedom of association to the citizens.
18	This article provides freedom of trade, business and profession subject to exception of lawfulness. However, the government may regulate a profession or a branch of commerce or industry, and create and maintain a commercial monopoly it deems necessary for public good.
19	This article grants the freedom of speech to all individuals subject to certain restrictions such as threats to integrity, security and defence of Pakistan, relations with foreign states, public order, decency, glory of Islam, public morality, contempt of court or incitement to an offence.
20, 21 & 22	Article 20 allows the freedom to profess a religion of one's choice to all citizens and to manage religious institutions. However a religion that involves threat to public morality, order or comprises of unlawful acts does not enjoy protection under this article. The remaining articles provide that no tax on basis of religion shall be imposed unless it is to be spent on the promotion and preservation of the same religion.
23&24	These articles guarantee the property rights to the citizens and delimit the state's right to seize property of subjects and citizens
25	This article guarantees equality of all citizens before the law and affords them equal protection of law. However, it provides space for the state to positively discriminate for children and women.
26	This article calls for non-discrimination in respect of access of all citizens to public places.
27	This article provides safeguards against discrimination in recruitment into public services. However, it provides space for the state to positively discriminate in favour of certain under-developed sections of population.
28	This article grants the citizens right to preserve and support any distinct language, their culture, and script and to make institutions for these purposes.

Non-Justiciable Rights

In addition to above concrete provisions of law that create, define and delimit fundamental rights of citizens, there is another set of guiding, but non-binding, principles that aim at setting the future course of state and governments in Pakistan. This is called the 'Principles of Policy'. These principles are not justiciable and, thus, cannot be enforced by courts and remain guiding statements and enunciations for all administrations in Pakistan.

There are many references to human rights of citizens in the Principles of Policy; and at times, one can easily notice the seeds of even most modern third generation human rights in these principles.

A brief survey of human rights related themes is contained in Articles 34 to 38. The Principles in Article 34, call for full participation of women in all spheres of life and the state is made duty bound in this behalf; Article 35, ask the state to do all it can to protect the institutions of marriage and family and promote the welfare of the mother and the child;

Article 37, makes the state duty bound to ensure good working conditions for labour, provision of education, technical education and inexpensive justice; Article 38, entrusts the state with the task of providing employment, basic necessities of life including food, shelter, health facilities and social & economic justice.

Enforcement Mechanism

It is evident that mere enunciation and definition of human rights is meaningless if the legal instrument does not provide effective, cost-efficient, easy, swift and potent mechanisms to enforce these rights. True to this, the Constitution of 1973 provides many ways and means

International conventions on Human Rights and National Constitutional Framework

for the superior courts to ensure that the state does honour and respect citizens' fundamental rights enshrined in it.

The task of ensuring that fundamental rights of people are safeguarded and protected from violation by state, its agencies and functionaries is primarily entrusted to the provincial High Courts by the constitution. Article 199, which is a broad package of powers and authority, empowers the High Courts in this behalf.

This article, rooted in ancient common law writs in English courts, invests the High Courts with their original writ jurisdiction. It grants the High Court the power to conduct a judicial review of executive decisions and the process of making these decisions. This power does not extend to the determination of questions of fact, and therefore, excludes entrance of evidence in proceedings under Article 199. In sum, this article is a constitutional check on arbitrary use of executive power. There are certain conditions that must be met before the writ jurisdiction of a High Court may be invoked by a petitioner. A specific remedy that is adequate, prompt and efficacious must be prayed for. There must be no alternate remedy available to the aggrieved individual, who must himself make the petition before the court.

There are five (5) writs (out of the many classic English writs) that this article allows to be pleaded before a High Court.

The Writ of Prohibition

In this writ, an order directing an inferior tribunal to refrain from doing a particular positive act is sought on the ground that the proceedings before the inferior tribunal or the action prayed or proposed therein is unlawful.

The Writ of Certiorari

In this writ, a declaratory order that renders null and void something that has already been done is sought.

It must be noted that whilst the proceedings before an inferior tribunal are under way, the appropriate remedy lies in the writ of prohibition, whereas after the inferior tribunal has passed its orders or has acted to the detriment of petitioner, the remedy lies in certiorari.

The Writ of Mandamus

In this writ, the petitioner seeks the court to issue a command to a public authority to do a particular act which otherwise is his legal duty to perform.

This writ is based in equity and therefore, relief cannot be claimed as a matter of right.

The Writ of Habeas Corpus

In this writ, the petitioner seeks the court's orders addressed to a public authority to produce before the court a particular individual who is alleged to be in the custody of that public authority. It is only this writ, wherein the condition of the aggrieved person's himself being the petitioner does not apply.

The Writ of Quo Warranto

This writ is in nature of a show cause notice whereby the court asks a holder or a public office to show cause as to the authority whereby he purports to hold that office. Anybody from the public may apply for orders under this writ. Usually, contestants in election dispute resort to the operation of this writ before the High Courts. A point worthy of note in this respect is that the office as to which the eligibility of its holder is challenged must be a creation of statute.

In addition to the High Courts, the Supreme Court is also vested with writ jurisdiction in order to protect citizens' fundamental rights. But this power is not as wide as the High Courts'. Under Article 184(3), the Supreme Court can grant any of the remedies that a High Court can under Article 199, if the issue relates to fundamental rights of citizens and is of public importance as well. This implies that whereas the High Courts can take cognizance of violations of fundamental rights of individuals when the aggrieved individuals knock at its door, the Supreme Court will move under Article 184(3) only when such violations have a general bearing on the public.

Constitutional Writs under Article 199

- Writ of Prohibition
- Court can prohibit an inferior tribunal from doing an act
- Writ of Certiorari
- Court can declare null and void something that has already been done
- Writ of Mandamus
- Court can order an authority to do an act
- Writ of Habeas Corpus
- Court can direct production of a person
- Writ of Quo Warranto
- Court can ask holder to show cause authority to hold office



ILS: WHAT AND HOW?

ILS: What and How?

Purpose

This module discusses ILS, their adoption & enforcement as well as national reporting requirements. The phenomenal growth of global economy fuelled by new technologies, and mobility of capital and human resources has generated benefits for many; however, the fruits of globalisation have not reached millions of people.

In 2001 it was estimated that almost half of the world's population survived on US\$2 or less per day, while some 1.1 billion people were living on US\$1 or less per day. Even in 20 industrialized countries, over 10% of the population on average was living below the poverty line in the mid-1990s.

Inequality has grown at an alarming rate between the world's richest and poorest nations over the last few decades. In 1960, the income gap between the wealthiest and the poorest fifth of world's population was 30 to 1. By 1999, it had increased to 74 to 1. In 1995, average GDP per capita in the richest 20 countries was 37 times the average in the poorest 20 - a gap that doubled in 40 years.

This lopsided development of global economy is neither sustainable nor desirable because it can lead to social instability and conflict. Recognising these threats, the international community has established some basic rules of the game to ensure that globalization offers a fair chance at prosperity for everyone.

The rules of the global economy should be aimed at improving the rights, livelihoods, security, and opportunities of people, families and communities around the world."

World Commission on the Social Dimension of Globalization, 2004

Definition & coverage

The International Labour Organisation has maintained and developed a set of International Labour Standards (ILS) to promote opportunities for decent work and social justice, since 1919.

Drawn up by the ILO's constituents - governments, employers and workers - these standards are legal instruments setting out basic rights at work. They are either Conventions or Recommendations:

1. Conventions are international treaties, which are legally binding, if they are ratified by member states. If they are not ratified, they could represent legal objectives and influence national legislation;
2. Recommendations are non-binding guidelines, providing general or technical guidelines on national policy.

To date ILO has adopted 187 conventions and 198 recommendations.

ILS Subjects

Responding to growing challenges, the issues covered by International labour standards have expanded over the years. The wide range of issues covered by labour standard include:

Table 2. Subjects of International Labour Standard

▪ Freedom of association	▪ Wages
▪ Collective bargaining	▪ Working time
▪ Forced labour	▪ Occupational safety and health
▪ Child labour	▪ Social security
▪ Equality of opportunity and treatment	▪ Maternity protection
▪ Tripartite consultation	▪ Social policy
▪ Labour administration	▪ Migrant workers
▪ Labour inspection	▪ Seafarers
▪ Employment policy	▪ Fishers
▪ Employment promotion	▪ Dock workers
▪ Vocational guidance and training	▪ Indigenous and tribal peoples
▪ Employment security	▪ Other specific categories of workers

Focus areas

The primary focus of ILO is on issues pertaining to child labour, forced labour, work place discrimination and freedom of association. These focus areas pertaining to fundamental rights at work are covered through "fundamental" conventions. The eight fundamental conventions are:

- (i) Freedom of association
- (ii) Right to organize and collective bargaining
- (iii) Abolition of child labour
- (iv) Elimination of worst form of child labour
- (v) Elimination of forced labour
- (vi) Minimum work age
- (vii) Equal remuneration
- (viii) Non-discrimination in employment & occupation

Priority conventions

ILO has also designated another four conventions as "priority" instruments, encouraging member states to ratify them because of their importance for the functioning of the international labour standards system. These conventions pertain to:

- (i) Labour Inspection
- (ii) Labour Inspection (Agriculture)
- (iii) Tripartite Consultation (International Labour Standards)
- (iv) Employment Policy

Pakistan has ratified 34 ILS conventions including all the fundamental conventions.

Benefits of ILS

The standards offer numerous benefits by attempting to create an economic playfield based on social justice and equity.

Safeguarding worker rights

ILS recognise the dignity of workers as human beings rather than as a commodity, which can be purchased for highest profit or lowest price. Work is essential for economic development but crucial to a person's dignity and development as a human being. These standards ensure that economic development is not pursued in isolation for its own sake but to improve the lives of human beings.

Global legal framework

Globalization of world economy has necessitated a joint international effort to meet the goals of providing decent work and social justice. The goal cannot be pursued in isolation because economies are getting more inter-connected owing to growth in trade. Labour Standards constitute an international legal framework that facilitates the pursuance of social justice in unison.

A level playing field

ILS ensure a level playing field in the global economy, dampening the temptation of lowering labour standards in the belief that this could a greater comparative advantage in international trade. Lowering labour standards can only result in low-wage and low-skill workforce, preventing a country from developing more stable high-skilled employment. At the same time, it makes more difficult for trading partners to develop their economies upwards.

Helps economic performance

International labour standards are sometimes viewed as entailing higher costs and thus hindering economic development. A growing body of research indicates otherwise; compliance with international labour standards is positively related to increased productivity and better economic performance.

Poverty reduction strategy

Just like any other market, labour market is more efficient if it is governed by a set of rules. However, in developing countries this market is unorganized. In such cases, labour standards can be employed effectively to fight poverty because a number of conventions pertain to workers in informal economy.

Guidance for policy

ILS reflect the collective wisdom of its constituents on how to tackle a particular labour issue. Stakeholders can take benefit of this collective knowledge by incorporating them in their policies, plans and activities. The standards' legal character allows their incorporation in national legal system and administration.

Adoption Process

ILS are adopted through either single or double discussion procedure. The term "Single" or "Double" refers number of times the issue is put on the agenda of International Labour Conference. Either the Governing Body, or the ILC after a two-thirds vote, can place a suggestion on the agenda of ILC.

Single Discussion Process

Normally all suggestions are considered in double discussion process; single discussion process is used as an exception in cases of special urgency or other special circumstances.

The ILO office puts together a summary report about the laws & practices in different countries on an issue. Based upon the responses, a draft convention is prepared for the consideration of ILC.

Double Discussion Process

After a proposal is included as an agenda item, the ILO Office prepares a report regarding the laws and practices of member states with reference to the suggestion. The report is circulated among member states, and workers' and employers' organizations for comments and is discussed at the International Labour Conference. Subsequently, a second report is prepared with a draft instrument for comments and submitted for discussion at the following Conference, where the draft is amended as necessary and proposed for adoption.

A two-thirds majority of votes is required for a standard to be adopted irrespective of the process. The ILC decides whether a proposal should take form of a convention or a recommendation.

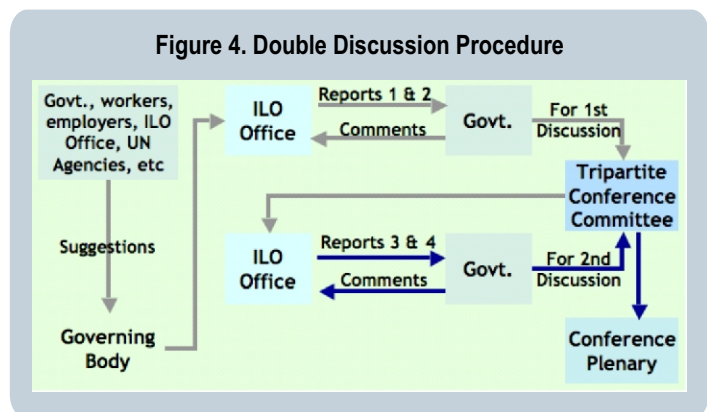
Ratification & its significance

Member states have an obligation to submit all newly adopted instruments to the competent national authorities usually the legislature in 12 months or, exceptionally, 18 months following their adoption. The aim of submission is to promote the implementation of ILO standards and, in the case of conventions, to promote their ratification.

If ratified, the convention becomes legally binding. ILO constitution provides no room for reservations or selective adoption of the conventions. Ratifying countries commit themselves to applying the convention in national law and practice and reporting on its application at regular intervals.

Enforcement

The supervisory mechanism of International labour standards helps ensure that countries implement the conventions they ratify. The ILO regularly examines the application of standards in member states and points out areas where they could be better applied. If there are any



problems in the application of standards, the ILO seeks to assist countries through social dialogue and technical assistance.

The supervisory mechanism consists of regular systems and special system of supervision.

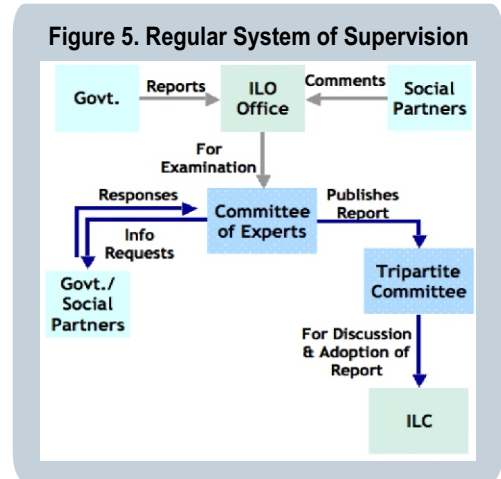
Regular system of supervision

This system pertains to the obligations of the member state to:

- (i) Inform the Director-General on the measures taken to submit their instruments
- (ii) Send copies of the reports to the representative organizations of employers and workers

In case of fundamental & priority conventions, reports have to be submitted once every two years, and in case of all other conventions once every five years.

In case of regular system of supervision, the reports submitted by member states are examined with regard to application of ratified conventions. A committee of experts examines these reports.



Committee of experts on the application of conventions & recommendations (CEACR)

The committee consists of 20 persons with eminent qualifications in the legal field. They are appointed by the Governing Body upon the proposal made by the Director General for an initial period of three years, which can be renewed. Their role is to provide an impartial and technical evaluation of the state of application of international labour standards. They can also request additional information from government and other additional partners. The CEACR presents its report to conference committee on application of standards.

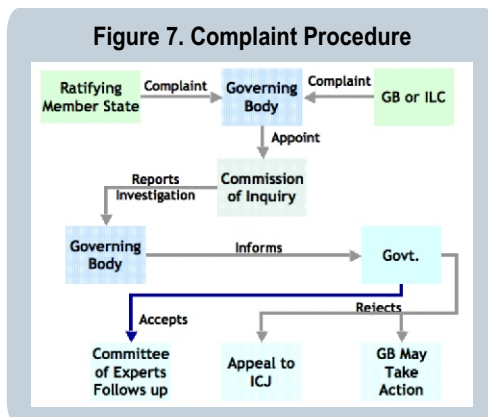
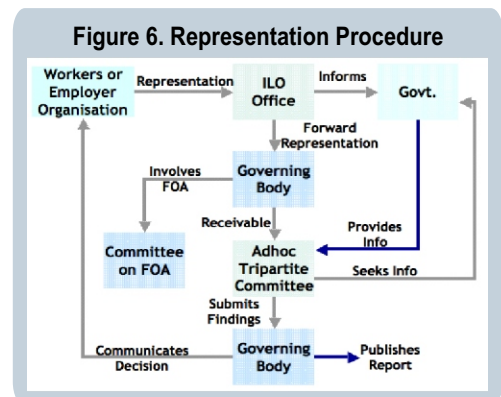
Conference committee on the application of standards

The committee consists of 180 members consisting of members from the three groups of delegates and advisors. They are charged with the examination and discussion of the CEACR Report and making specific recommendations to governments for meeting the standards.

Special System of supervision

The special system of supervision follows various procedures:

- (i) Representations
- (ii) Complaints
- (iii) Freedom of Association Procedure



Representation

A representation can be made by any national and international employers' and workers' organization. They have to be made in writing and must emanate from an industrial organization of workers or employers. It is essential that the complaints concern a member of ILO and refer to a ratified convention. The representation should indicate in what respect the member has not ensured effective observance of the convention within its jurisdiction.

A three-member committee of the Governing Body after examining government's response and representation submits report to GB. The GB may

Complaint

A complaint may be filed against a member state for not complying with a ratified convention by another member state, which has ratified the same convention, or a delegate ILC or GB. Upon receipt of a complaint, the Governing Body may form a Commission of Inquiry, consisting of three independent members, which is responsible for carrying out a full investigation of the complaint, ascertaining all the facts of the case and making recommendations on measures to be taken to address the problems raised by the complaint. A Commission of Inquiry is the ILO's highest-level investigative procedure; it is generally set up when a member state is accused of committing persistent and serious violations and has repeatedly refused to address them.

To date, 11 Commissions of Inquiry have been established. When a country refuses to fulfill the recommendations of inquiry of commission, the GB can recommend to ILC to take such action as may be deemed necessary to secure compliance.

Freedom of Association Procedure

Committee on Freedom of Association (CFA) examines complaints about violations of freedom of association, whether or not the country concerned had ratified the relevant conventions. Complaints may be brought against a member state by employers' and workers' organizations. The CFA is a Governing Body committee, and is composed of an independent chairperson and three representatives. If it decides to receive the case, it establishes the facts in dialogue with the government concerned. If it finds that there has been a violation of freedom of association standards or principles, it issues a report through the Governing Body and makes recommendations on how the situation could be remedied. Governments are subsequently requested to report on the implementation of its recommendations.

Global Report

Another instrument used by ILO to effect compliance is Global Report. It focuses on one core labour right per year. If a country is mentioned, this is particularly embarrassing. The report is discussed in a special sitting of the Conference.

Consequences of Non-Compliance

The failure of ratifying states to live up to their obligations under the ILO conventions can have serious consequences. These may include sanctions and trade boycott if so recommended by ILO or the relevant UN treaty bodies. In the current globalized world with inter-dependent economies, such enforcement can seriously hurt the economic interests of the economy besides creating global embarrassment for the country.



BONDED LABOUR

Bonded Labour

Forced labour is a global phenomenon; at least 12.3 million people around the world are its victims, as per ILO estimates. It can take different forms, including debt bondage, trafficking and other forms of modern slavery. The victims are the most vulnerable sections of the society kept under bondage by illegal tactics and paid little or nothing. Since its inception, ILO has worked to tackle forced labour and the conditions that give rise to it. The module discusses the root of the issue and international & national efforts to curb the practice.

Concept

Bonded labour is one of the most serious violations of human rights and is equated to slavery and slavery like practices. It is a type of forced labour under which a debtor enters into an agreement with a creditor to the effect that in consideration of an advance (Peshgi) or in pursuance of any social obligation, or for any economic consideration received by debtor would render, by himself, or through any member of his family, labour to creditor either without wages or for nominal wages; or would forfeit freedom of employment or adopting other means of livelihood, or forfeit right to appropriate or sell at market rate any of property or product.

The definition of bonded labour lends itself to legal complexity because it contains all the elements of a standard contract: offer, consideration and acceptance. Yet it violates the fundamental human rights because of element of bondage.

Roots of Problem

In Pakistan, the phenomenon exists primarily in the informal or unrecorded economy of the country. It is linked directly to poverty, social stratification, widespread unemployment, lack of effective social protection and entrenched cultural practices. Extreme poverty fuels bonded labour because, in the absence of social security net, labour has no alternative but to rely on the advances from employers to meet their immediate needs. These advances turn into huge debt over the years, because their low wages are not enough to satisfy the advances. The self-perpetuating cycle of poverty, low wages and debt mires labour into bondage. Successive Governments have not taken any concrete steps to provide relief to bonded labourers because of their feeble political voice. The problem is further compounded because illegal nexus between feudal/brick kiln owners and police ensures that laws are not implemented. The bonded labourers, on the other hand, are too poor & illiterate to access justice through the courts.

International Law

The abolition of forced labour can be traced to elimination of slavery which itself was motivated by modern eastern & western philosophy. A major body of international law exists on the abolition of forced labour starting with the Slavery Convention. United Nations and International Labour Organisation are two major bodies that are repository of international law

“We will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for Human Rights”

Secretary General in UN Larger Freedom Report

Slavery Convention

The Slavery Convention of 1926, which was ratified by Pakistan in 1955, prohibited slavery. It defined slavery as “the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised”. UN expanded this definition by including serfdom in its ambit. Serfdom was defined as “a condition in which tenants by law, custom or agreement are bound to live and labour on land belonging to another person and to render some determinate service to such other person, and is not free to change his status”.

UN Regime on Forced Labour

United Nations is one the main bodies that are repository of international law on forced labour.

Universal Declaration of Human Rights

Article 4 of the declaration prohibits slavery and slave trade and states that no one should be held in slavery or servitude.

International Convention on Civil and Political Rights

The convention prohibits slavery and slave trade in all its forms. It further says that no one should be held in servitude or required to perform forced or compulsory labour.

UN Supplementary Convention on the Abolition of Slavery

This convention adopted in 1957 further expanded the definition of slavery to include debt bondage as “condition arising from pledge by

debtor of his personal services or those of a person under his control as security for a debt". Bonded labour is a derivation of traditional forms of agricultural serfdom.

Although UN conventions covered different facets of bonded labour, yet they lacked any monitoring mechanism, and hence were not as effective in the eradication of the menace. This short-coming has been addressed in ILO conventions which apart from prohibiting the practice of bonded labour also prescribe monitoring mechanisms for the implementation of the obligations by ratifying states.

ILO Regime on Forced Labour

The issue of bonded labour has been on the agenda of the ILO since its inception. It is one of the earliest human rights issues tackled by ILO with specific instruments. Apart from other relevant conventions, conventions No. 29 & 105 deal directly with the subject.

Other ILO Conventions

Forced or compulsory labour is considered as one of the worst forms of child labour in the Worst Forms of Child Labour Convention, 1999 (No. 182).

ILO convention 95 on protection of wages contains enabling provisions which make it obligatory upon states to ensure the payment of wages in tangible manner.

Darshan Masin vs the State (PLD 1990 SC 513)

"We plead for protection and bread for our family, we are brick kiln bonded labour. We have been set at liberty through the court and now three amongst us have been abducted by our owners. Our children and women are living in danger. We have filed complaint. No action taken. We are hiding like animals without protection or food. We are afraid and hungry.

Please help us. We can be contacted through Counsel Asma Jahangir. Our state can be inspected. We want to live like human beings. The law gives no protection to us."

Darshan Masih Case, telegram 30 July 1988

ILO Forced Labour Convention 1930 (No. 29)

In 1930, ILO adopted convention 29 which was ratified by Pakistan in 1957. It prohibits forced labour which is defined as "all work or service ... exacted ... under the menace of any penalty and for which the said person has not offered himself voluntarily". Certain exceptions are provided for work required by compulsory military service, and normal civic obligations. The convention also requires that the illegal extraction of forced labour be made punishable as a penal offence, and that ratifying states ensure that the relevant penalties imposed by law are adequate and strictly enforced.

ILO Abolition of Forced Labour Convention 1957 (No. 105)

This convention made further proposals to abolish certain forms of forced labour. Adopted in 1957, Convention no. 105 was ratified by Pakistan in 1960.

This fundamental convention prohibits forced labour as a means of political coercion; as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system; as a method of mobilizing labour for purposes of economic development; as a means of labour discipline; as a punishment for having participated in strikes; and as a means of racial, social, national or religious discrimination. The convention excludes compulsory military service, work in case of emergency, minor communal service and compulsory work after conviction from its ambit.

Monitoring Mechanism

All these conventions are monitored under the ILO monitoring system.

National Legal Regime

Forced labour is prohibited in Pakistan under law & constitution.

Constitution

The constitution of Islamic Republic of Pakistan 1973 prohibits all forms of forced labour. Article 11(2) of the constitution prohibits all forms of forced labour and traffic in human beings.

Supreme Court Judgment, 1988

It is pertinent to mention the landmark Supreme Court decision of 1988 that brought the Government out of complacency and motivated the promulgation of Bonded Labour System (Abolition) Act 1992. In 1988, the Court took notice of incidence of bonded labour practices in brick kilns on a telegram message of Darshan Masih and declared all advances as illegal. The core point in the judgment of the Supreme Court, announced on March 15, 1989, was the decree against the jamadari system. The Supreme Court also directed the Federal Government to prepare a self-contained code defining clearly the term forced labour and protect the fundamental rights guaranteed under Islamic injunctions.

The Bonded Labour System (Abolition) Act 1992

The Act was enacted with a view to fulfill the obligations under the judgment of the Supreme Court. The Act abolishes the debt-bondage and forced labour in all forms regardless of age, sex, race, colour, and religion. It sets all bonded labourers free and extinguishes all bonded debts. It requires that no person shall make any advance under the bonded labour system or compel any person to render any bonded labour.

Strict punishments have been prescribed for offences which can be imprisonment for a term of two to five years or a fine or both. Recovered fine is to be used to make payment to the bonded labourer at the prescribed rates. The Act also provides for the establishment of Vigilance Committees at the district level and makes district administration responsible for the implementation of the law. The Act also provides for the establishment of a fund for the rehabilitation and welfare of the freed labour. The fund was started with an endowment of Rs. 100 million.

Legal Impact of Bonded Labour (Abolition) Act 1992

- Defines and abolishes bonded labour system
- Frees and discharges every bonded labourer
- Prohibits making advances or compelling any person to render any bonded labour
- Makes any custom, tradition, practice, contract, or other instrument for bonded labour void and inoperative
- Extinguishes liability to repay bonded debt
- Makes decree for recovery of bonded debt to be satisfied
- Vacates every attachment for recovery of any bonded debt

Other Legal Provisions

There are certain legal provisions in the penal code (PPC) and the criminal procedure code (CrPC) that can be used to provide relief to bonded labour. Nonetheless, these provisions constitute part of law for the elimination of bonded labour. They include Section 339 PPC which prohibits illegal restraint and confinement; section 374 PPC prescribes punishment for unlawful compulsory labour; Section 100 CrPC gives power to search for person wrongfully confined and section 552 CrPC gives power to compel restoration. However, these provisions are rarely used, if at all.

Amendments in Sindh Tenancy Laws

The situation of bonded labourers in Sindh deteriorated still further in 2002 when the High Court of Sindh dismissed 94 petitions for the release of bonded labourers declaring that they were disputes between landlords and haris over debts and should be settled under the Sindh Tenancy Act 1950. However, the Court made no reference to the Bonded Labour System (Abolition) Act 1992. In response to the national and international pressure, Sindh Tenancy Act 1950 was amended so that the Bonded Labour System (Abolition) Act 1992 would take precedence.

Federal Shariat Court Judgment

The law abolishing forced labour was challenged by eight brick kiln owners of the Punjab in the Federal Shariat Court, which can set aside any law repugnant to Islam and Sunnah.

They contended that bonded debt (peshgi) was a valid contract and bonded labour system as provided by the act were repugnant to the teachings of Islam. They also challenged the vires of sections which regulated the working of brick kilns. They claimed that when a worker borrowed money from his employer, he was obliged to repay it through his wages.

Setting aside the petition of kiln owners, the Federal Shariat Court in its judgment in October 2005 observed that the law was a beneficial statutory dispensation which advocated the Islamic canons of human dignity and the fundamental rights of the workers.

Response of Courts

Pakistan is bound by national & international law to eradicate bonded labour from all facets of its economy. However, this legal commitment has not translated into firm implementation. Although courts have set free workers and families in illegal detention but no one

has been prosecuted under the law. Even when employers admit keeping workers in bondage, the court does not prosecute the offender under the Act.

A review of the number of cases presented before the courts of various provinces makes it abundantly clear that the enforcement of law has been lukewarm at best.

Punjab

Out of 143 cases taken up by the Punjab Sessions Courts during period between 2000-05, nearly 87% complainants were set free. An upsurge of cases was observed in the Sessions courts with the amendments in Criminal Procedure Code which gave power to Sessions courts to issue directions that a person illegally or improperly detained in public or private custody within such limits be set at liberty (Habeas Corpus). During the same period, Lahore High Court took up 322 cases setting 66% complainants free.

Orders of Sessions Judge Peshawar

Joint statement of respondents 1 and 2 recorded. According to them, the detainees are working with them as labourers. They are free where they want to go and they will not create hurdles in their way provided they pay the amount outstanding against them. Detenues present in court also affirmed the said fact and undertaken that they will pay the outstanding amount due against each individual. In view of the above situation, I direct Irshadullah, Bailiff, to go to the spot and submit his report by releasing the detainees from the clutches of the respondents after payment of money due against them.

NWFP

HR Petition No. 110/4/1998

In late 1998, a court ordered the release of 14 bonded labourers held at a brick kiln in Rawalpindi District, owned by Altaf. The 14 consisted of seven adults (four men and three women) and seven children... all considered by the court to be in bondage. The owner of the kiln claimed that they owed him 73,000 Rupees (about US\$1,400). The local police refused to carry out the "recovery notice" which the court had issued, calling for the release of 14 detainees. Eventually, the court dispatched its bailiff to carry out the releases, and these occurred at night.

In Sessions Courts, only 15 cases were reported during 2002-05. Whereas in Peshawar High Court, from 1998 to 2003, 12 writ petitions were filed and all were dismissed.

Sindh

In Sindh Sessions Courts, a total of three cases were reported from District Sanghar only and 43 persons were set free. In Sindh High Court, only five cases were reported to Hyderabad bench only from October 2004 to August 2005, involving 133 persons.

Situation Analysis

According to Pakistan Institute of Labour Education and Research (PILER), the number of bonded labourers in Pakistan range from 6-8 million. Numerous industries are afflicted by bonded labour. However, the practice exists primarily in the agricultural sector in Sindh, mostly controlled by landlords; brick kilns and carpet weaving in Punjab; and coal mines in Balochistan.

The practice of debt bondage in Pakistan is commonly known as Peshgi system. It is argued at times that the families, which are considered to be in bonded labour, are specialized in the relevant skills and they bargain advance payments with their employers. It is the family that demands advances in return of their services. This is the case where the whole family is involved in a particular type of work. In such a system, it becomes difficult to identify them as bonded labourers in the true sense of the terminology and reach them for their rehabilitation.

Brick Kilns in Punjab

The practice of bonded labour continues in the brick kilns of Punjab. With almost 5000 brick kilns in the province, Punjab has over half a million men, women and children working there. The majority work as makers of unbaked bricks-patheras; followed by those doing the work of kiln stacking and unloading-bharai and nikasi walas; and of baking-jalai walas. With the exception of salaried jalai workers, payment to other labour is by piece rate on the basis of 1000 bricks.

Women, children and migrants, in general, and traditional "low-caste" family labour, in particular, continue to characterize labour in the brick kilns. Even though Muslims make up the majority of the workforce, Christians also supply a significant proportion of family labour, especially in Punjab. Afghan refugees have also replaced some of the traditional migrant labourers.

Over the past year, there have been a series of court cases in which the courts have ordered the release of bonded brick kiln workers. Almost without exception, however, these cases have been brought to court after refusal of local government officials to take action.

Agriculture in Sindh

In the agricultural sector, bonded labour remains relatively under reported. In Sindh, experts estimate that 0.8-1.0 million hari families cultivate land under sharecropping. An estimated 0.7 million haris are Muslim and 0.1 million are non-Muslim in Sindh. Most non-Muslim haris live in Umerkot, Mirpur Khas, Sanghar, Tharparkar and Badin districts. The settled haris have inherited their tenancy status through long-term residence on the same piece. They are generally well aware of their rights and able to negotiate fair terms. However, the nomadic haris from the minority community are in very vulnerable positions: prone to high levels of indebtedness and living in conditions that approximate bondage (i.e., without freedom of movement and completely dependent upon the landlord in terms of basic requirements and choice of occupation).

The share-cropping arrangements of non-Muslims Haris degenerate to debt bondage as they resort to loans to pay for seeds, fertilizer and other requirements before their first harvest. In many cases, the challenge is to not just to free them from shackles of slavery, but also to ensure their continued freedom, as cases of abduction of former bonded labourers are common.

In September 1998 a camp at Matti housing with hundreds of freed bonded labourers, was the target of a night-time raid by one wealthy landlord who abducted 87 people. Protests both within Pakistan and internationally ensured that on this occasion the authorities responded promptly, and within a few days the victims were recovered by the police. However, despite serious assaults committed during the raid and the seriousness of the abductions themselves, no-one has been charged by the Police

National Plan of Action

The scourge of bonded labour persists in Pakistan despite the legal protection provided to bonded labourers. Realising the massive scale of this problem the Government has designed a national plan to tackle it.

National Policy

Pakistan is probably one of the very few countries in the world with a national policy and plan on bonded labour approved by the Cabinet. The main elements of this policy approved in 2001 are:

- Political commitment of government to eliminate bonded labour
- Adherence to all international instruments, covenants, conventions and protocols whether ratified or not which protect fundamental human rights.
- Endeavor to eliminate bonded labour through concerted, coordinated and integrated efforts aimed at poverty reduction programme

The Ministry of Labour has formulated an action plan to eliminate bonded labour. The plan addresses the problem through long-term initiatives focusing on training of freed labour, employment generation, schooling for the children of bonded workers, and fully protective social safety net.

Elements of National Action Plan

- Surveys for situation analysis
- Strict implemented of laws
- Mobile monitoring teams in partnership with social partners.
- Complaint cells will be established in the districts.
- Coordinating between the Provincial Home Departments and Ministry of Labour.
- Periodical inter-Ministerial and inter-Provincial meetings for policy reviews.
- Relief Package for freed Haris in Sindh
- Restructuring of Vigilance Committees
- Registration of brick kilns
- Awareness Raising
- Creation of Legal Aid Cells

National Committee for the Abolition of Bonded Labour

This committee has been constituted for the abolition of bonded labour and their rehabilitation. The main functions of the committee are to review the implementation of relevant laws; monitor the working of the District Vigilance Committees; and address the concerns of national and international bodies on bonded/forced labour related issues.

Bonded Labour Fund

A fund for education of working children and rehabilitation of freed bonded labourer was established with an initial contribution of Rs.100 million in 2000. Main functions of the fund are:

- Training of freed bonded labour
- Provision of legal and financial assistance to bonded labour.
- Support the activities of vigilance committees to eliminate bonded labour
-

Under the action plan, the Ministry of Labour has developed guidelines for Provincial Governments, Districts and Civil Society

Organisations for operationalising the NPPA fund. Three projects have already been approved for funding. Two projects are for setting up legal aid services in NWFP and Punjab and one for rehabilitation of freed bonded labourers in Sindh.

District Vigilance Committees (DVCs)

The DVCs which were created by the Bonded Labour (Abolition) Act 1992 remained largely inactive. However, after the approval of national policy, they were restructured in the light of the devolution plan, especially in Punjab. The national plan outlined that DVCs would be given adequate powers under the law and held accountable for their performance. The DVCs are required to meet at least once every month and coordinate with Provincial Home Departments and Ministry of Labour.

Given the crucial role of civil society organizations in combating this menace, they have been adequately engaged in the committees.

The DVCs are responsible to perform the following functions:

- Conduct enquiries, inspect premises, process complaints and take appropriate action against violators
- Advise the district administration on matters relating to the effective implementation
- Promote the welfare of freed bonded labourers by securing and protecting their economic interests through NGOs and Philanthropists
- Urge academic and vocational training institutions to prepare programmes for freed bonded labour and their children

Composition of DVC

- District Nazim (Chairperson)
- District Coordination Officer (Vice Chair person)
- DPO or his representative (not below DSP)
- EDO (Community Development)
- EDO (Law)
- EDO (revenue)
- Head of Prosecution (Criminal Investigation Agency)
- President bar Association
- President Press Club
- Three female, one male, one worker and one minority councillors
- One employer
- One workers' representative
- One NGO rep
- District Officer Labour (Secretary)

Research

With the technical assistance of ILO, the Government has carried out research in various sectors to assess and determine the extent of the problem in various sectors. These studies cover the situation of bonded labour in brick kilns, agriculture sector, marine fisheries, mining, carpet weaving, glass bangles, tanneries, construction & domestic work.

Advocacy & Capacity Building

In order to bring about an attitudinal change in the society about bonded labour, the Government has carried out a number of training programmes to sensitize all the stakeholders with the assistance of ILO. These awareness programmes have been held at Government training institutes such as CSA, NIPA and Districts.

Establishment of Legal Aid Service Unit

These units have been established with the assistance of bar councils & bar associations to render counseling and advocacy services to needy bonded labourers. Their main functions are to:

- Act as focal point within Departments of Labour for activities on bonded labour.
- Document the complaints of bonded labour
- Produce reports on trends of complaints based on sectors and geographical regions
- Help investigation and redressal of complaints

Revision of Minimum Wage

Low wages in brick kilns meant that the labourers had no savings and were trapped in endless debt. In order to improve this situation, the minimum wages of Patheras has been raised from Rs.221 to Rs.295 per 1000 bricks with effect from July 1, 2006. However, minimum wages in farming sector have not been regulated because of the issue of enforcement.

Registration of Brick Kilns

The National Policy required Provincial Labour Departments to register brick kilns in their respective jurisdictions. In Punjab, a drive has

been started to register brick kilns in under Factories Act. The registration will enable the extension of the protection of labour laws to the brick kiln sector.

Table 3. Brick Kilns in the Punjab

Total brick kilns in Punjab	3,685
Previously Registered	1,103
New registration	1,628
Total Registration	2,731
Under Process	954

Issuance of Computerised National Identity Cards (CNICs)

A large number of bonded labourers were without CNIC which lead to their political and legal disenfranchisement. A long-standing demand of the brick kiln workers and their representatives was the issuance of the CNICs. In order to empower the vulnerable workers Labour Department, Punjab is spearheading an effort to facilitate acquisition of CNICs by brick kiln workers. So far 7359 brick kiln workers have been issues CNICs through special campaigns.

Schools at Brick Kiln Clusters

Illiteracy is one of the major causes of perpetuation of poverty in bonded labour families. A child worker loses 30% of life earnings due to lack of education. In this regard, Punjab Government has planned opening of schools at brick kiln clusters through Literacy Department. Sites in 27 districts have been identified for special schools projects.

Special Projects

Survey on bonded labour

Under ILO's International Programme of Assistance for Bonded Labour, a Bonded Labour Research Forum was been established in July 2002 to carry out research on bonded labour.

Rehabilitation Package for Haris

The Government of Sindh in collaboration with the Asian Development Bank and under an ILO Project is working on the relief package for haris living in camps.

Social Labeling

The concept of social labeling of products is becoming popular with large corporations. The labeling certifies that no child labour or bonded labour has been used in the manufacturing of certain product.

Based on this concept, the Labour & Human Resource Department Punjab has signed a cooperation agreement with Total-Parco Pakistan. This is first ever alliance of corporate sector with government to combat bonded and child labour.

In this regard, Labour department will verify that the materials, especially bricks, being supplied for all new Total outlets are free of child and bonded labour.

PEBLIP

Promoting Elimination of Bonded Labour in Pakistan (PEBLIP) is an ILO programme, which has been launched with the assistance of Netherlands. Major emphasis of this initiative is on building the capacity of the government sector to mainstream bonded labour issue at the development and policy levels.

Key stakeholders like training institutions of the government, Labour Ministry and departments, NGOs, trade unions and employers bodies

will engaged during this project. Furthermore, the bonded labourers will be facilitated to get relief through the courts and steps will be taken for their rehabilitation. The project focusing on Lahore and Kasur districts has been conceptually approved and is being planned for next ADP.

Way Forward

Until late 1990s, the issue of bonded labour was masked by inaction due to vested interests and denial by national actors. Lack of empirical knowledge, weak institutional capacity and acceptance of this age-old system made it difficult to carry out any meaningful programme.

There has been considerable improvement since then due to intervention of the courts and assistance by ILO. The conditions of brick kiln workers has improved in the last decade, also noted by ILO, but, in practice, peshgi and jamadari system continues and there are persistent complaints of violation of basic rights of workers. Ambiguities in law and weak enforcement mechanism make it even more difficult to provide relief to bonded labourers. In the absence of reliable data about the magnitude of the problem, the Government finds it difficult to implement a meaningful plan. Even the SC has observed that the Government has not taken concrete efforts to eliminate this problem.

A number of steps need to be taken to eliminate bonded labour:

- Formalisation of non-formal sector through registration
- Develop partnership with responsible businesses e.g. social labeling
- Integrate programmes and institutional mechanism to give a concerted push to bonded labour
- Provide targeted subsidy to needy families including stipend to all children of brick kiln workers to attract to schools
- Amend relevant laws to ease enforcement in the light of industry practices.
- Activate DVCs and make them an effective forum
- Redouble efforts for the registration of brick kilns
- Facilitate acquisition of CNIC by the bonded labourers
- Develop literacy centres at brick kilns clusters

Observations of Supreme Court

- SC observed that Police had not paid due attention to the bonded labour problem. Police was directed to proceed against the delinquent employers
- The Parliament was asked to review the existing law and make appropriate changes because implementation was difficult
- The Chief Secretaries were asked to launch a campaign in their respective provinces to eliminate bonded labour.
- Registration of all brick kilns was ordered
- Brick kiln owners were directed to keep a record of their workforce and provide it to the respective Labour Officers.
- The Labour Officers were directed to visit the brick kilns from time to time and report any incidence of bonded labour to the authorities.

Human Right case No, 5091 of 2006



CHILD LABOUR

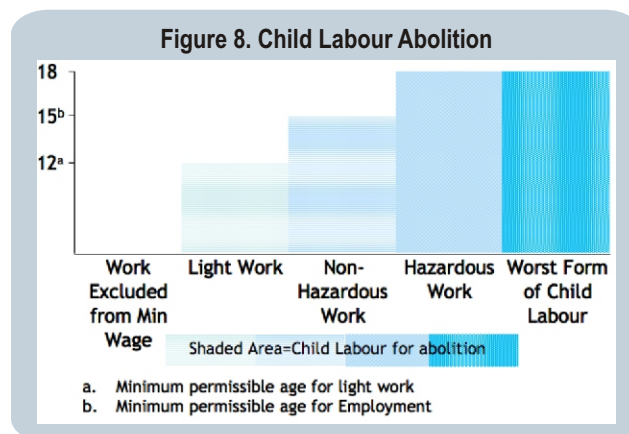
Child Labour

This module discusses various types of child labour, myths associated with the phenomenon and international & national law & programmes to eliminate child labour. ILO estimates that nearly 200 million children are engaged in child labour. The causes of child labour are complex which is why the phenomenon persists even where it has been declared illegal. Although total elimination of child labour is a long-term goal, worst forms of child labour must be confronted immediately. Nearly three-quarters of working children are engaged in this kind of labour, including trafficking, armed conflict, slavery, sexual exploitation and hazardous work. The effective abolition of child labour is one of the most urgent challenges of our time.

What is Child Labour?

It is important to draw distinction between legitimate work performed by children and child labour because all work performed by children under the age of 18 does not fall in the category of child labour. Millions of young people undertake, paid or unpaid work, which is legitimate and appropriate for their age e.g. light garden or household chores. Child labour targeted for elimination includes “work that deprives children of their childhood, their potential and dignity, and is harmful to their physical and mental development”. This work can be divided into three categories:

- (i) Labour that is performed by a child who is under the minimum age specified for that kind of work as defined by national legislation, and that is, thus, likely to impede the child's education and full development
- (ii) Hazardous work that jeopardizes physical, mental or moral well being of a child, either because of its nature or because of the conditions in which it is carried out
- (iii) The worst forms of child labour, which are categorised as slavery, trafficking, debt bondage and other forms of forced labour, forced recruitment of children for use in armed conflict, prostitution & pornography and other illicit activities



Scale of the Problem

The scale of child labour is enormous and its elimination a daunting challenge. As per ILO's Global Report 2006, despite 11% decrease in child labour and 24% in hazardous form of child labour (HFCL) over the last four, there are still 218 million child labourers with 126 million engaged in HFCL.

In Pakistan, a survey conducted in 1996 by the Federal Bureau of Statistics, found 3.3 million of the 40 million children (in the 5-14 years age group) to be economically active on a full-time basis. Of the 3.3 million working children, 73% were boys and 27% girls. Child labour in rural areas was about eight times greater than in urban areas.

Rural children were mostly engaged in the agricultural sector (74 per cent), whereas in urban areas, most working children (31 per cent) were employed in the manufacturing sector. The survey found working conditions to be worse in urban areas than in rural areas. The survey data indicates that enrolment is negatively correlated with the involvement of children in economic activity. Various sectors afflicted by child labour include: power loom, glass bangle, coal mining, rag picking, surgical instruments, tannery, deep-sea fishing and domestic labour.

Table 4. Prevalence of HFCL in Pakistan

Sectors	Districts	BLS Estimates
Tanneries	Kasur	717
Surgical	Sialkot	5133
Glass bangles	Hyderabad	9584
Coal Mines	Chakwal	357
Deep Sea Fishing	Gwadar	2478*
Rag pickers	Rwp/ISB	3500*

* Through Rapid Assessment

Child Labour Myths

Elimination of Child labour requires a change in the mindset of the stakeholders. This mindset is shaped by numerous myths, which must be discredited through education and training because they are representative of reality. The prevalent myths about child labour are:

- It is necessary to fight poverty because it adds to family income
- It is a process towards development of a nation
- Children prefer Labour over education
- Employing children is a service to poor families/children
- Labour imparts skills to children
- Child Labour is essential in export sector only

Factors Contributing to Child Labour

Complex socio-economic factors contribute to the continuation of practice of child labour in Pakistan. These factors can be bifurcated into internal factor, specific to the family of a child labourer, and external factors, encompassing societal norms & values.

Internal Factors

- Poverty and economic difficulties of families
- Higher than average family size
- Poor Family values
- Low level of education
- Low parental skill level

External Factors

- Large population with high population growth rate
- Social exclusion of minority population limiting employment opportunities with sustainable pay for work for adults
- Strong peer groups, external influences and material values
- Socio-economic dislocation (economic crisis, political and social transitions)
- Lack of opportunities of child education

ILS & Child Labour

ILO has adopted two conventions for elimination of this menace. They have been designated as fundamental conventions, given their importance and centrality in achieving the strategic objectives of ILO.

Minimum Age for Economic Activity

The Minimum Age Convention 1973 (No. 138) enjoins that national legislation should fix minimum age at which children can enter into different kinds of work. The age may vary depending upon national social and economic circumstances. The general minimum age for admission to employment should not be less than the age of completion of compulsory schooling and should not be less than 15 years; but 16 years is the general minimum age to which countries should aspire. The convention mentions that developing countries may make exceptions to this and apply a minimum age of 14 years. Non-hazardous and light work that is compatible with a child's schooling may be allowed from age 12. Children who engage in work before attaining the minimum age specified for it are classed as child labourers.

Worst Form of Child Labour

The adoption of Worst Form of Child Labour Convention 1992 (No. 182) helped to focus the spotlight on the urgency of action to eliminate, as a priority, the worst forms of child labour. This kind of labour is divided in two different groups:

- (i) By definition, which includes slavery, or practices similar to slavery, and use of children for pornography and illicit activities such as drug trafficking. This form is prohibited for all persons under the age of 18 because it violates children's basic human rights
- (ii) By condition, which encompasses hazardous work that is likely to harm the health, safety or morals of children. Hazardous work may be conducted in legitimate sectors of economic but that is nonetheless damaging to the child worker. The boundaries of

hazardous work are not always easy to draw, especially when the harm being done to children is not obvious in the short term. Hazardous work had already been singled out in Convention No. 138 as requiring a minimum age for admission of 18 years or older. Its identification as a worst form of child labour added impetus to the drive to eliminate it.

Current Policy Response

Confronted by the issue of child labour, the Government of Pakistan (GOP) has adopted international law and framed a legal regime to control the problem. In addition, various projects have been initiated with the assistance of ILO and practical steps are being taken to eliminate the problem.

- Pakistan has ratified ILO Conventions on Minimum Age, Worst Form of Child Labour & Abolition of Forced labour, and is a signatory of UN Convention on the Rights of Children (CRC)
- The employment of children under the age of 14 has been banned in various sectors of the economy, and 38 hazardous forms of child labour have been banned by the Employment of Children Act 1991
- Any work done against advances has been declared as bonded labour and has been banned by the Bonded Labour System (Abolition) Act, 1992.
- Severe punishments have been prescribed for trafficking by the Prevention and Control of Human Trafficking Ordinance 2002 that applies to all children aged 18 years or less.
- In 1994, an MOU was signed between GOP & ILO on International Program for Elimination of Child Labour (IPEC) whereby a National Steering Committee (NSC) was established which coordinates and oversees all the programs linked to the elimination of child labour.
- The GOP has formulated a comprehensive policy called National Policy to Combat Child Labour (NPCL) 2000
- GOP is steadily increasing budgetary allocation for education and has initiated programmes such as Punjab Education Sector Reform Programme (PESRP)
- The Government of Pakistan has established a fund for the education of working children and rehabilitation of freed bonded labour with an initial endowment of Rs. 100 million (approximately equivalent to US\$ 1.6 million)
- Punjab Rural Support Programme (PRSP) has started projects to eliminate child labour
- The National Commission for Child Welfare and Development (NCCWD) has initiated a national pilot project aimed at withdrawal of children from hazardous employment and their rehabilitation through formal education. Under the project, Pakistan Bait-ul-Mal has now set up more than 80 centers to rehabilitate children working in hazardous occupations by imparting non-formal education (NFE).

IPEC in Soccer Ball Industry, Sialkot

Problem

ILO-IPEC Study of 1996 revealed that almost 7,000 children presenting 17% of the work force were involved in stitching of soccer balls.

Industry

Most of the soccer ball industry was concentrated in Sialkot and surrounding areas meeting almost 70% of the world demand.

Programme

The Sialkot Chamber of Commerce and Industry, IPEC, UNICEF, Save the Children UK and Government of Pakistan started a partnership programme. The programme was facilitated by international associations of sporting goods industry.

Programme Elements

Voluntary participation of soccer ball manufacturers was solicited in monitoring; mass campaign was started to raise awareness; affected children and their families were supported by imparting technical training; micro-credit was provided to the families; and UNICEF organised provision of universal education.

Results

The child drop out reduced to 0.7% from 34% and primary school enrollment increased to 97% from 73%

An Independent Monitoring Association for Child Labour (IMAC) was set up which monitors almost 3500 stitching units and had carried out almost 113,000 inspections till February 2007. IMAC maintains a database of manufacturers who meet the established criteria.

IPEC in Pakistan

IPEC has designed and funded a number of programmes to address child labour issues in Pakistan. The sectors where initial IPEC interventions were made included carpet weaving, auto workshops, leather tanning, street children, beggars, and child domestic workers.

Since 1997, IPEC has been designing broader types of intervention to eliminate child labour. The first major project, which was funded by the US Department of Labour, was initiated in Sialkot to eliminate child labour in the soccer ball industry.

Currently, ILO is running a number of projects and core action programmes for elimination of child labour.

Required Policy Response

The interventions by the Government have achieved some success in reducing the employment of children, but much more needs to be done to tackle this complex issue. Some of the policy options, which merit consideration, are:

- A school referral system may be started to link vulnerable children with grants
- Poor parents may be supported with district based micro-credit opportunities and social safety nets
- Education Policy must be tuned to promote education as combination of learning and acquiring skills for future employment
- Stronger linkages should be established among schools, vocational institutions & markets
- The number of vocational training institutions should be increased
- Education system should facilitate enrolment of child laborers identified by trade unions and civil society organizations
- Services should be made available to child labourers at district-level
- District governments should be engaged in the drive to eliminate child labour
- Training of District Government staff should be carried out to enhance their capacity
- Media should be used effectively to raise awareness of stakeholders



GENDER EQUALITY AT WORK

Gender Equality at Work

Discrimination of women at work place manifests itself in almost every country irrespective of the sophistication of economy. This phenomenon engenders loss of enormous economic potential besides degrading the dignity of female workers. Gender equality at work is a key element of ILO's strategic agenda. This module presents relevant ILS for gender mainstreaming, gender profile of labour force in Pakistan, international trends in female employment, a business case in support of women's economic empowerment and national plan of action to remove gender inequality.

ILS & Equality at Work

To address the problem of inequality at work, ILO has adopted two important conventions, which have been ratified by Pakistan. Discrimination (Occupation & Employment) Convention, 1958 (No. 111)

Discrimination at work can take many shapes. It can be based on sex, colour, religion, political opinion, national extraction or social origin. It has the effect of nullifying or impairing equality of opportunity or treatment in employment or. Hence, this convention covers all the manifestations of discrimination listed above.

The ratifying states undertake 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.

Equal Remuneration Convention, 1951 (No. 100)

This convention addresses inequality of remuneration among men and women workers for work of equal value. Remuneration includes ordinary or basic wage or salary and any additional emoluments whatsoever payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising out of the worker's employment.

The convention asks ratifying states to pursue a policy to achieve equal remuneration for men and women workers for work of equal value. It demands that rates of remuneration be established without discrimination based on sex.

Gender Profile of Labour Force

Gender profile of labour force in Pakistan highlights the need for major intervention at multiple levels to increase equality at work.

Although Pakistan has roughly equal male and female population aged 10 & above, yet only 20.4% women constitute the civilian labour force. Female workers face difficulties in finding job because only 28% are literate, as opposed to their male counterpart, who is 59% literate.

Out of the total employed persons, 80.3% are male and 19.7% are female. This translates to male labour force participation rate of 72.2% and female labour force participation rate of 19.3%, reflecting lower participation rates due to lack of opportunities and skills. Furthermore, the unemployment rate is higher among women, 9.9% as opposed to 6.5% for men.

Women are generally employed in the lower paid sectors and at lower levels of hierarchy. More than two-thirds of the total employed women work in the lower paid agriculture sector as compared to about one-third of the employed men. Similarly, out of the total employed persons in the occupation group of legislators, senior officials & managers, 97% are males & only 3% are females.

A majority of women work as unpaid family helpers reflecting lesser opportunities of gainful employment. Out of the total employed male persons, only 19.3% are in the employment status category of unpaid family helpers whereas out of the total employed female persons, 58.1% are unpaid family helpers.

Global Pattern of Gender & Employment

In developed countries, most new employment has been in part-time jobs, while in developing countries, women have gone mainly into the informal sector and home-based work. Women continue to be mainly responsible for the "care economy". If the value of the unpaid and invisible work done by women were included, global output would be 50 per cent higher.

Some women have breached "glass walls" and "glass ceilings", the horizontal and vertical barrier to opportunities, but majority of them experience the effects of the so-called "sticky floor" on the bottom rungs of their occupation. More women are creating their own businesses, which are important sources of employment. But the policy, regulatory and institutional environments are often unfriendly to women entrepreneurs.

Women continue to have less access than men to investments in skills, knowledge and lifelong learning. In a world increasingly

dominated by information and communication technology, gender inequalities lead to new forms of social exclusion.

Positive Trends

There are positive trends indicative of progress towards gender equality at work. 2005 Catalyst Census indicates that the participation of women among the Board of Directors of Fortune 500 companies has increased over the past decade, on average, at a rate of one-half of one percentage point per year.

Since 1995, the number of Fortune 500 companies without any women directors has fallen by almost 50 percent, from 96 to 53.

% age of Women Board Level Positions in Fortune 500 Companies	
Year	%age
2005	14.7
2003	13.6
1995	9.5

The number of Fortune 500 companies that had 25 percent or more women board directors increased almost six-fold, from 11 in 1995 to 64 in 2005. Since 2003, the average number of board seats held per woman has increased from 1.3 to 1.4, indicating that more women are being recruited into the boardroom.

Negative Trends

Despite encouraging signs, one in nine Fortune 500 companies still has no women on its board. Women are significantly underrepresented as chairs of the most powerful board committees such as audit, compensation, and governance, excluding them from key leadership, agenda-setting, and decision-making opportunities. Women occupy only 9.4 percent of top most positions i.e. those higher than vice president, and only eight Fortune 500 companies had a woman CEO by 2005.

Stereotyping & Its Impact

Apart from other factors, women are discriminated because certain stereotypes are associated with them. These prejudices lead to “Glass Ceiling”, a barrier to their access to managerial and decision-making positions.

Stereotypically “caretaking skills” such as supporting and rewarding, are attributed to women, whereas “taking charge” skills such as influencing superiors and delegating responsibility are identified with men. Hence, women are ignored as misfit for the senior positions, which involve “taking charge”.

These stereotypes misrepresent true talents and potential of women. Furthermore, gender-based stereotyping can be devastating, potentially undermining women's capacity to lead, and pose serious challenges to women's career advancement,

Why Women Leave Corporate World?

- Lack of flexibility in setting working conditions including work hours, work place and work processes
- Lack of recognition of contributors
- Lack of challenge
- Exclusion from informal networks
- Exclusion from training opportunities
- Isolation because of fewer number
- Inhospitable corporate culture

Studies suggest that women, robbed of this interpersonal power, must rely more on their hierarchical position within the organizations. However, as women comprise only 15.7% of Fortune 500 corporate officers, their positional power is markedly limited.

Work place discrimination due to stereotyping and limited upward mobility forces women to leave the corporate world. Eventually, this loss of talent hurts the companies because of their failure to retain otherwise talented women within the corporate fold.

Promoting Socio-Economic Empowerment

Socio-economic development of women requires investment in their human capital through formal or non-formal education, skill development through vocational & technical training, and knowledge about family health & nutrition. This investment helps women to allocate time between household work and market work in an optimal manner by utilizing time-efficient modes of working. However, the decision-making regarding the investment in female human capital is influenced by preferences for female education & skill development based upon perceptions of their role in the society & the economy, household income levels and access to education & training.

Mere human capital investment in education and skill development of women does not always translate into their participation in labour markets. Acquired human capital in the form of education and skills, in many cases, remains either under-utilized or unutilized because of societal norms and market imperfections. A concomitant effort must be made in creating conducive market conditions. Specifically, the following factors need to be managed:

- Socio-cultural constraints that shape attitudes towards work.
- Labour market imperfections caused by absence of mechanism for matching jobs with job-seekers
- Rigid working conditions restricting balance between family and career

- Occupational sex segregation
- Discriminatory, exploitative, and generally a non-conducive environment at the work place.
- Lack of collective voice mechanism, negotiation skills, and bargaining power.

Investment in human capital of women and creation of appropriate market enhance female mobility between work and home, and widens job choices & opportunities in the market. Women are able to negotiate terms and conditions of work, which are recognized through monetized wages. Eventually, women gain greater control over their productive and reproductive roles, distribution of earnings & expenditures and ownership of assets -land, property & financial instruments.

Business Case for Equality at Work

Equality at work is not just a social imperative for preserving the dignity of women as human beings; a strong business case supports the cause gender diversity.

Catalyst, a leading research company has demonstrated a strong connection between gender diversity and organizations financial performance. Its ground-breaking research explored link between gender diversity and corporate financial performance. The study was conducted in that second half of 1990's. In order to explore the links, Catalyst sampled 353 of Fortune 500 companies. The sample companies had average revenue of \$ 13.5 Billion and average market value of \$ 21.3 Billion

Women in top management positions ranged between 0-38.3% with an overall average of 10.2%. In top quartile (88 companies) average number of women was 20% whereas in the lowest quartile (89 companies), the average was 1.9%. The analysis was also carried out on the basis of industry and results were similar.

Key Findings

The group of companies with highest representation of women on their top management teams experienced better financial performance than group of companies with lowest women representation.

Average Return on Equity (ROE) of companies in the highest quartile of gender diversity was found to be on average 35.1% higher than that of the companies in lowest quartile. Similarly total Return to Shareholders (TRS) was found to be 34% higher.

Gender Diversity is a characteristic of companies with excellent financial performance. Developing women managers and leveraging their talent by giving decision-making positions is smart business.

Top companies cognizant of gender diversity are putting it at the heart of their corporate HR policy. National Association for Female Executives' (NAFE) consisting of list of Top 30 Companies for Women Executives observed that smartest and most profitable companies are finding innovative ways of developing and advancing their talented women

A survey of these 30 companies found that:

- 93% conduct employee surveys to determine their satisfaction with advancement opportunities
- 90% review compensation data for gender equity.
- 73% have formal compensation policies that reward managers who help women advance
- 70% hold managers individually accountable for helping the company meet its goals regarding women's advancement.

Lessons Learnt

Important lessons can be drawn from the business case and gender policies of top 30 companies for women.

- Increased globalization and shifting demographics dictate that diversity and advancement of women on corporate boards are strategic business imperatives that 21st-century companies cannot afford to ignore.
-
- To ensure long-term sustainability and to represent all company stakeholders, corporate boards must adapt to today's realities

Gender Diversity and Financial Indicators

The following indicators were used by Catalyst to explore the link between gender diversity and financial indicators.

1. Return on Equity (TOE)
Ratio of income (before extra-ordinary items) to average shareholder equity for the year
2. Total Return to shareholders (TRS)
Total return for the company each financial year it reflects the some of stock price appreciation, plus re-investment of dividends declared over the same period

and anticipate tomorrow's marketplace.

-
- Companies must position their boards in the same way they position their businesses. Diverse boards yield a crucial breadth of perspective and expertise, provide role models for future talent, and promote good governance.
-
- Companies must strategically and operationally address the issue of board diversity, seek critical mass and not tokenism. They must understand the potential danger of marginalization and isolation of women on boards.
-
- As historical “outsiders,” women often bring a fresh perspective that can enhance a company's bottom line.
-
- In consumer businesses, the more the company mirrors its markets demographically, the better positioned it is to respond to market needs. It is important to note that women are responsible for 83% of all consumer purchases.

Policy Response for Women Employment Concerns

Addressing the concerns of socio-economic condition of women in Pakistan, Labour Policy 2002 renews its commitment to improve the role and contribution of women in labour force and to provide them equal opportunities for employment. It affirms to make the work places conducive for women workers and has adopted the principle of equal pay for work of equal value, to promote gender equality in terms of the pay/wage system.

The Labour Protection Policy 2006 lists “Equality & Non-Discrimination” in the Basic Rights section of Policy Elements. It declares that GOP is committed to the implementation of ILO Conventions on gender equality. Elimination of discrimination in pay and wage systems is a key component of the new policy.

National Plan of Action for Women, following up on Beijing Declaration and Platform of Action, aims to facilitate women's participation in all spheres of life besides ensuring protection of women's rights within the family and the society.

National Policy for Development and Empowerment of Women calls for elimination of discrimination against women at work place as per Article 11 of UN Convention on Elimination of All Forms of Discrimination Against Women, which has been ratified by Pakistan.

Framework for Socio-economic Empowerment

Pakistan faces the challenge to translate the policy into action. In this regard, the following steps should be taken:

- Gender analyses of labour markets and employment patterns must be carried out to raise awareness about gender concerns in employment promotion.
- Pro-active policies based on gender mainstreaming activities should be promoted.
- Efforts should be made to broaden women's equitable participation at all levels of decision-making. The mainstreaming needs to be complemented with targeted women-specific policies and programmes, and positive legislation.
- Action Plans for more and better jobs for women need to be devised in a rights-based framework. Better jobs should be associated with decent working conditions (monetary & non-monetary) and social protection (old-age pensions, health & medical benefits/ insurance, maternity benefits, disability benefits etc.)
- Awareness should be raised about the socio-economic role and status of women.
- Life-cycle approach should be followed in ensuring labour protection from selection to retirement, at each stage of the work life and beyond.



FOREIGN INVESTMENT & LABOUR STANDARDS

Foreign Investment & Labour Standards

Foreign investment has emerged as a major source of private external flows. Consequently, developing countries have attempted to liberalize their regulatory regime and pursued investment-friendly economic policies for the last two decades to attract these investments. However, mere liberalization of the economy is not enough to attract these funds. Apart from financial and political risk, a number of foreign investors have started looking at factors such as labour practices to fulfill their corporate social responsibility. This module discusses a case which shows how labour standards impact foreign investment.

Importance of Foreign Investment

Pakistan has experienced rapid economic growth over the last five year, with an average growth rate of about 7%. However, sustainability of this growth in future necessitates foreign investment because our national savings are not enough for investment. Furthermore, it triggers technology spill over and development of human capital, creating a more internationally competitive environment. These investments can come in two forms: Foreign Direct Investment & Foreign Portfolio Investment, investment in equity or debt markets. The latter reflects strength & stability of the capital markets and contributes towards economic development.

Purpose of Analysis

How labour standards can impact investment decisions is demonstrated by the decision made by California Public Employees Retirement System (CalPERS), in 2006, regarding the permissible equity markets. CalPERS engaged Wilshire Consulting for analysis of various equity markets in both developed and emerging markets. The purpose was to review opportunities and risks associated with investing in capital markets, and establish a framework for evaluating individual non-US markets to assess their ability to support institutional investment.

CalPERS: Size & Influence

CalPERS manages pension and health benefits of approximately 1.5 million California public employees, retirees, and their families. With more than \$ 250 Billion worth of funds as of 2007, its portfolio has grown over 8 times in last twenty-two years. In comparison, Karachi Stock Exchange has a total listed capital of about \$9 Billion and GDP of Pakistan is about \$124 Billion at existing exchange rate.

Table 5. Value of Assets Held by CalPERS, 2007

Asset Class	Market Value (\$ Billion)
Cash & Cash Equivalents	2.5
Fixed Income (US)	59.7
Fixed Income (International)	7.2
Equities (US)	93.1
Equities (International)	52.6
Alternative Investments	19.2
Real Estate	20.4
Total	254.6

CalPERS is ranked among the top 20 pension funds of the world. As can be seen from its portfolio, it has invested almost \$60 billion or almost a quarter of their portfolio in international markets.

Being one of the largest investors in the world and the third largest purchaser of employee health benefits in the US, CalPERS exerts a lot of influence in the financial markets. In recent years, it has attempted to use its financial muscle to change the way certain things are done in business by demanding that companies disclose information about robustness of IT systems; calling on companies which operate in offshore havens to repatriate to the United States; demanding for the reform in executive compensation, especially Golden Parachutes; suing New York Stock Exchange over allegations that their specialists (floor workers) engage in practices which hurt investors; and banning investment of its funds in nine companies that do business in Sudan until the government of that country halts ongoing genocide

Emerging Markets Characteristics

Wilshire consulting limited its analysis to emerging markets only, designating all the developed countries as permissible markets for equity investments. The main reason for developing an investment framework for emerging markets was that they presented an opportunity for higher than expected returns due to rapid economic growth.

Various characteristics of an emerging market identified by the consulting firm were:

- Lower or middle income economy.
- Faster economic growth rates
- Gross National income per capita is less than 10,000 US Dollars
- Transition from state control to private ownership
- Institutional reforms
- Stock exchange modernization
- Stricter accounting, auditing and information disclosure requirements
- Increasing foreign Inflows
- Protection of property rights
- Establishment of insider trading rules
- Progressive labour practices

A list of 27 emerging markets was drawn up after amalgamating the names of the countries included in three Emerging Market indices; Pakistan was included in the list. Wilshire evaluated these emerging markets using an investment framework and filtered out a list of permissible markets in which CalPERS could invest given its investment policy.

Parameters of Permissible Markets

The parameters of permissible markets used by CalPERS evolved over the years. Historically it used country development and narrowly-defined political risk factors for analysis.

In 2005, the CalPERS Investment Committee eliminated country development as a relevant factor and instead included a Transparency factor and a Productive Labor Practices factor. The introduction of latter was in response to demands of socially responsible investments by the shareholders of CalPERS. Wilshire selected Verite of Amherst, MA, a non-profit research organization, to conduct the research on Productive Labor Practices.

The scoring framework comprised of two main factors: Country Factor & Market Factor. Each factor was divided into a number of categories, which were further divided into sub-categories. The overall score of each country was on a scale of 1-3, and the cut off score for permissible countries was set at 2.0 or above.

Country	Weights%	Market	Weights%
Political Stability (Civil Liberties, Independent Judiciary and Legal Protection, Political Risk)	16.7	Market Liquidity and Volatility	12.5
Monetary & Fiscal Transparency (Freedom of the Press, Monetary and Fiscal Transparency, Stock Exchange Listing Requirements, Accounting Standards)	16.7	Market Regulation/ Legal System Investment Protection	12.5
Productive Labour Practices (ILO Convention Ratification, Laws, Institutional Capacity, Effectiveness of Implementation)	16.7	Capital Marke Openness	12.5
		Settlement/ Transaction Costs	12.5
Total	50%		50%

It is noteworthy that Productive Labour Practices were assigned a substantial weight of 16.7%.

Productive Labor Practices and Investment

The scoring on this category was made on the basis of ratification of ILO's principles, which comprises of labour rights and prohibition of abusive labor practices, and the degree of enforcement of those principles through relevant laws and judicial processes. This category was divided into four sub-categories: ILS ratification, Quality of Enabling Legislation, Institutional Capacity and Effectiveness of Implementation.

Each market was graded with respect to its status on the ratification of eight fundamental ILS. States that had ratified the fundamental conventions were awarded the highest score.

The focus of Quality of Enabling Legislation was to evaluate how well the rights described in fundamental conventions were protected by law. Countries were evaluated on whether laws existed that explicitly protected the right described in the ILS. For each law, in addition to identifying if the law exists, any shortcomings in its adequacy or completeness with reference to the relevant ILO convention was evaluated, along with information about the regulations that implemented the relevant laws.

Institutional Capacity assessed the structure of governmental administrative machinery responsible for enforcing labour laws.

The final sub-category evaluated the effectiveness of procedures for enforcement ILO convention areas. Specifically, the consulting firm looked for evidence with regards to the existence of a clear grievance process, use of complaint procedure by workers and/or unions, imposition of penalties as provided in the relevant law, and the deterrence value of penalties.

Overall Scores

Pakistan scored 1.8 out of a total possible score of 3.0, hence, disqualifying as a permissible country for investments. Interestingly, Pakistan was ranked twenty-sixth out of twenty seven emerging markets on the Country Factor; whereas, it was ranked eighth on the Market Factor. The main reason for low score on the Country Factor was the lowest possible score on both Political Stability and Productive Labour Practices categories. Interestingly, Pakistan shared the lowest score on Productive Labour Practices with India, China & Malaysia, export leaders among the emerging market economies.

Productive Labour Practices Scores

Out of a total score of 40, Pakistan scored 11.9. The highest scoring country nation was Hungary with a total score of 33.9. The scores given to Pakistan on the sub-categories was as under:

Sub-Category	Pakistan's Score	Highest Score
ILO Convention Ratification	3.5	4.0
Laws	3.6	8.8
Institutional Capacity	0.8	4.4
Effectiveness of Implementation	4	17.7
Total Score	11.9	33.9

An analysis of scores of various sub-categories indicates that Pakistan scored relatively very low on both Institutional Capacity and Effectiveness of Implementation. The latter carrying 50% weight of the category pulled down Pakistan's overall score on this category.

Lessons Learnt

Important lessons can be drawn from the investment decision analysis made by one of the biggest pension funds of the world. To attract foreign investment, the Government has to take note of the following:

- Mere attractiveness of the market is not sufficient to attract foreign capital, especially from developed countries.
- Non-implementation of Labour standards can have adverse impact on the economic interests of the country.
- Implementation of laws is more important than the existence of law. There is a tendency in developing countries to promulgate a law in response to national or international pressure, but subsequently the law goes into oblivion.
- Even though ILS are not prescribed as a factor for deciding investments by ILO or World Trade Organisation, but multi-national corporations and private investment funds may factor them while determining their investment strategy.



INTERNATIONAL TRADE COMPETITIVENESS & LABOUR STANDARDS

International Trade Competitiveness & Labour Standards

International Trade, exchange of goods and services across international boundaries, has gained enormous significance in the wake of globalization, industrialization and advances in transportation. It represents major share of GDP in case of most of the countries. Pakistan's total volume of international trade during the FY 2006-07 was about US \$ 47.5 Billion presenting about 38% of GDP. This module presents the impact of labour standards on international trade, especially the export potential of Pakistan. It demonstrates how non-adherence to labour standards can close doors of foreign markets, in the presence of frameworks of free trade.

Why International Trade?

The rationale of international trade is based on the economic theories of comparative advantage. Various models attempt to explain the pattern of trade. These models conclude that trade can benefit if each country exports the goods in which it has a comparative advantage. The opponents of free trade believe that each country should have either balanced trade or net trade surplus with every other country. By implication, they suggest that a country should produce everything it needs. They view dependence on other countries for goods & services as a threat to sovereignty and independence.

Nevertheless, most of the economic thinkers generally agree that free trade enables everyone to consume more. In short-term certain labour groups might suffer but over a longer period everyone benefits.

Trade Frameworks

Traditionally, trade was regulated through bilateral agreements between two nations because every nation had high tariff and non-tariff barriers on international trade. These barriers were raised in the belief that they were necessary for progress and promotion of local industry. With the progress in economic thought, interest in free trade became dominant overtime with a concomitant reduction in tariff and non-tariff barriers. Now international trade takes place under various frameworks which can be divided into following categories:

1. Global
2. Bilateral/Multilateral
3. Generalised System of Preferences
4. Corporate Buyer Requirements

Global Trade Framework

The progress towards global trade started with the General Agreement on Trade & Tariffs (GATT) in Havana Cuba, in 1948. The economic rationale of the agreement was moored in the classical economic neo-liberalism. The agreement, signed by 23 nations including Pakistan, resulted in 45000 tariff concessions and impacted \$ 10 Billion worth of international trade.

Seven rounds of negotiations were held between 1948-1994 to reduce trade barriers. The Uruguay Round (1986-94) expanded the scope of GATT to services, agriculture and intellectual property, and created World Trade Organisation (WTO), which came into existence on January 1, 1995. WTO has almost 151 members, almost all of the 123 nations participating in the Uruguay Round signed on at its foundation, and the rest had to get membership.

Table 9. WTO Agreements

	Goods	Services	Intellectual Property
Basic Principles	General Agreement on Trade & Tariff (GATT)	General Agreement on Trade of Services (GATS)	Trade-related Aspects of Intellectual Property Rights (TRIPS)
Additional Details	Other Goods Agreements and Annexes	Other Service Annexes	
Market Access Commitments	Schedule of Commitments	Market Access Schedule of Commitments (MFN)	
Dispute Settlement	Dispute Resolution		
Transparency	Trade Policy Reviews		

The functions of WTO are:

- Administer WTO trade agreements & trade negotiations forum
- Handle trade disputes
- Monitor national trade policies
- Provide technical assistance and training for developing countries
- Cooperate with other international organizations

There are 60 WTO agreements, annexes, decisions and understandings pertaining to goods, services and intellectual property. Three basic agreements cover the broad areas of trade-goods, services and intellectual property. Additional agreements have been signed to cover specific sectors, and for dispute resolution and review of governments' trade policies.

Multi-country Agreements	
Multilateral Agreements	Bilateral Agreements
North Atlantic Free Trade Agreement (NAFTA) US Canada & Mexico	Bahrain US Free Trade Agreement
South Asia Free Trade Agreement (SAFTA) SAARC Countries	China-Pakistan Bilateral Agreement on Tariffs

Bilateral/Multilateral Agreements

In order to promote bilateral or regional trade, nations enter into agreements to lower tariff barriers for one another. Generally, such agreements are signed among nations which are geographically contiguous. In case of such agreements, each country offers lower tariffs than those offered to Most Favored Nations under the WTO agreements. There are numerous examples of such bilateral or multilateral agreements. These agreements allow smaller countries to deal more effectively with larger countries or larger trading blocks.

Generalised System of Preferences (GSP)

WTO requires member countries to treat imports coming from all other WTO members equally under the so-called Most Favoured Nation (MFN) condition. GSP is a framework of international trade that allows developed countries to reduce the tariffs for least developed countries & developing countries only, without lowering tariffs for other developed countries. However, this system of trade is non-reciprocal i.e. beneficiaries do not need to lower duties for developed countries.

Developed countries can prescribe conditions to include any countries in order to benefit from this framework. Furthermore, the framework is not general with respect to products and can include different product coverage. Currently 34 countries provide GSP EU (25), US, Japan, Canada, Norway, Switzerland, Australia, Turkey, & Bulgaria.

International Trade-Corporate Buyers

Global, regional and bilateral trade frameworks provide an enabling environment for exchange of goods & services, but transactions essentially take place between businesses. Multinational companies can put pre-conditions on their trading partners such as certifications for quality, pre-shipment inspections, process audits etc., even though the transactions may be permissible under the trade agreements. Sometimes MNCs emphasize the implementation of local laws; at other times, they insist that vendors meet the standards of importing countries.

Relationship between Labour Standards & Trade Frameworks

WTO does not deal with labour standards as such. Even though developed countries have made attempts to link WTO agreements with labour standards, but such attempts have been scuttled by firm resistance from the developing countries. In 1996, Ministerial Declaration in Singapore renewed its commitment to promote labour standards without making an explicit link. 2001 Doha Rounds, reaffirmed 1996 Declaration without further discussion on linking labour standards and international trade.

Bilateral and multilateral agreements generally do not make reference to labour standards, following the conventions of WTO agreements.

GSP frameworks generally required developing countries to meet certain labour standards in order to avail the benefits of reduced tariff barriers. US excludes countries on violation of core ILO conventions and other human rights issues. EU GSP+ system gives the benefit of zero duty to vulnerable countries that ratify and effectively implement 16 core human rights & labour conventions and 11 conventions relating to environment and governance.

1996 Ministerial Declaration

"We renew our commitment to the observance of internationally recognized core labour standards... increased trade and further trade liberalization contribute to the promotion of these standards... We reject the use of labour standards for protectionist purposes"

Trade Competitiveness & Labour Standards

Competitiveness is the ability of firms based in a country to get efficient output per dollar of capital per unit of labor. In simpler terms, more

competitive firms have higher productivity, and thus produce higher returns on invested capital. National competitiveness results in more trade and improves the living standards of the citizens.

Even in the absence of restrictions, on account of non-compliance of ILO standards, the competitiveness of a nation is adversely affected if labour standards are not met. Research suggests that more competitive countries have more efficient labour markets. Such competitive markets have following characteristics:

- Flexibility in determining wages
- Equal employment opportunities for women
- Cooperation between employers and employees
- Pay linked to productivity
- Defined process for termination of employment

A direct relation can be discerned between the characteristics of efficient labour markets and ILO conventions. Consequently, an economy can use ILO conventions as a tool to structure the market for efficient and transparent working.

Impact on Pakistan's Trade Potential

Pakistan has always been among the leading group of countries engaged in promoting free international trade. However, it has been a victim of trade barriers because of non-implementation of labour standards. Pakistan failed to qualify for reduced tariffs offered by US because of child labour and laws banning labour unions in Export Processing Zones (EPZs).

Similarly when EU offered GSP+ with zero duty to vulnerable countries, Pakistan once again suffered because it had not ratified following core conventions on:

- Civil and Political Rights
- Economic, Social and Cultural rights
- Torture and other Cruel, Inhuman or Degrading Treatment or Punishment

The impact of loss of trade is substantial. Since 2002, exports of textile garments worth \$ 450 - \$500 million have been lost because of non-inclusion in GSP+ regime. This presents a total trade volume in the range of 12-18%.

The issue buyer's compliance can also result in loss of trade. In most of the cases, the buyers demand that vendors meet certain social regulations for continued orders. A continued ignorance on part of the local vendor causes a halt to future transactions. The most famous case in this regard is NIKE's withdrawal from the Sialkot market.

NIKE and Saga Sports

On November 20, 2006 NIKE Inc, the world's leading designer, marketer and distributor of athletic footwear, apparel, equipment and accessories for a wide variety of sports, announced that it was ceasing orders from hand-stitched soccer ball supplier, Saga Sport Sialkot due to significant violations labour. Thus, the issue that was raised by a LIFE magazine report, in 1996, resulted in huge economic loss.

NIKE mentioned that despite repeated warnings the management of Saga Sports failed to take any action. Therefore, owing to consistent compliance issues including: involvement of children in stitching in homes, worker harassment, wrongful termination of employment and inaccurate wage payments, the company decided to cease business with Saga Sports. Immediately after the cessation of business relation with Sialkot, NIKE started sourcing footballs from China to meet international demand.

This case demonstrates the impact non-compliance can have on international trade. Pakistani businesses in various sectors such as carpets, surgical instruments, garments etc. have suffered on one occasion or another for violating labour standards. Developed countries insist on enforcement of labour standards not just on humanitarian grounds but also on economic grounds. They see unfair labour practices of developing countries as unfair competitive advantage which can result in Increased Imports from the former, eventually leading to lower wages and deteriorating working conditions in developed countries.

Impact of Loss of Trade on Poverty

- \$ 5,000 exports affect one job.
- Total loss of Trade due to exclusion from EU GSP Plus is about \$500 million exports
- Therefore 100,000 jobs are affected.
- Assuming 1 breadwinner per family and 6 members per family, the total number of affected persons is 600,000.
- Most of the affected people include women and children.

Impact of NIKE's withdrawal on Sialkot's Economy

- 4,000 direct workers and 10,000 indirect workers lost employment
- 35,000 vendors loss business
- Immediate loss of exports of approx. US\$ 200 million

Policy Options for Pakistan

Pakistan has made some progress in recent years. After meeting the US GSP conditions, the country has been readmitted in the trade regime. It is gradually moving towards meeting the conditions for inclusion in EU GSP Plus regime by ratifying relevant conventions and amending labour laws. In addition, ILO-assisted projects have been started in collaboration with civil society to improve the conditions of labour in specific sectors. In order to prevent trade barriers, Pakistan needs to pursue a multi-pronged strategy involving the following steps:

- Partner with other countries for stronger influence in WTO in order to avoid linkages between WTO agreements & labour standards
- Lobby in US & EU for inclusion in GSP
- Resist Protectionism in the guise of human rights
- Improve compliance of labour standards to improve productivity of work force and hence competitiveness
- Partner with ILO for training and capacity building
- Build capacity of the industry
- Ensure enforcement of relevant labour laws by strengthening the capacity of district administration
- Educate the industry to bring about behavioral change



FEEDBACK OF PARTICIPANTS



Feedback of Participants

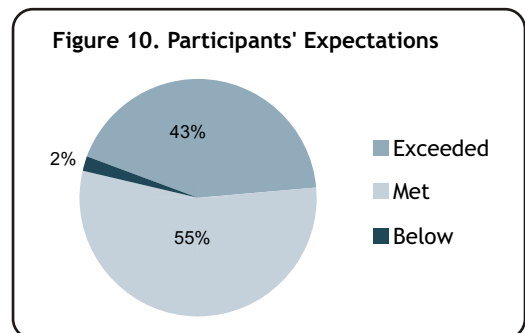
The WEC-PK project used a quality assurance process to evaluate the performance of its most important component, creation of a supportive environment through institutional strengthening of key government agencies. The component comprised of seminars for the training of future policymakers enrolled in top-notch public sector training institutes. At the end of each seminar, a feedback form was used to record the opinion of every participant on various aspects of the course. The feedback summarised in this part of the report is based on the opinions of 241 participants of 9 seminars held at CSA Lahore, FSA Islamabad, NIPA Lahore, NIPA Peshawar and Secretariat Training Institute Islamabad.

Specifically, the participants were asked about their expectations of the seminar, content quality and duration of the seminar, strengths and weaknesses of seminar and suggestions for improvement. The participants were also requested to grade each module using one of the three options-Very Good, Good and Average.

Expectations

Most of the participants expected to get information about the functions and programmes of International Labour Organisation. Some expected to understand the real picture behind labour issues in Pakistan such as child labour and bonded labour. A few expected the session to explore labour-related legal framework in Pakistan and the status of its enforcement vis-à-vis other developing countries.

The participants were asked whether the course met, exceeded or missed their expectations. A majority of participants were of the view that the course either met or exceeded their expectations. 53% of the participants mentioned that the session exceeded their expectations whereas only 2% expressed dissatisfaction.



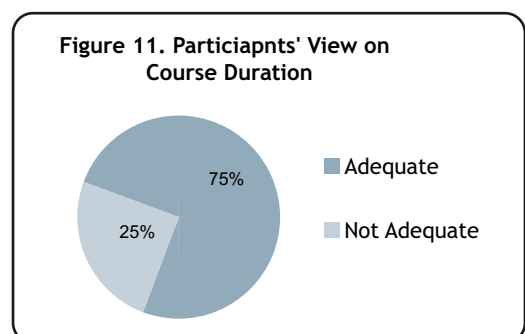
Additional Objectives

Aside from meeting participants' expectations, the seminar was able to accomplish important objectives, as mentioned by one participant that "the seminar has motivated participants to contribute towards achieving the (international labour) standards for progress/economic gain of the country". They felt that the seminar was able to clarify the links between labour standards and economic development and how Pakistan's trade and economic potential is compromised by not complying the standards. Furthermore, it developed familiarization with working conditions in the industrial environment and provided an insight about societal values and norms.

Duration

The participants were invited to give their view on the duration of the course. Almost three-quarters of the participants opined that three days were adequate for the course, however, 25% were of the view that duration of the session should be increased from 3 days to 4-5 days.

Those who wished to have extended session cited various reasons. They thought that some of the modules were compressed because of time limitations and were not adequately covered. At times, they experienced information overload by the presenter without sufficient time for absorption of material. Some were of the view that further discussion was necessary between the participants and visiting experts.

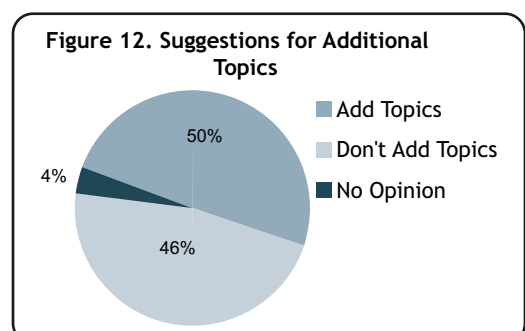


Additional Topics

The participants' suggestions were sought for inclusion of additional topics. About 46% were of the view that no additional topics were required, however, a majority of participants who responded to the question suggested additional topics for the course.

The additional topics suggested for future seminars included social protection of children, policies for safeguarding child rights, status of implementation of labour laws in Pakistan versus other countries, case study on child trafficking to UAE,

success stories in gender mainstreaming initiatives, role of district government



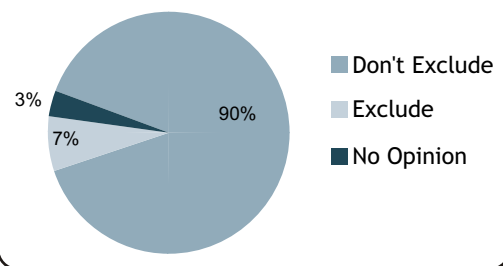
Feedback of Participants

and labour laws, health concerns of labour, old age benefits in informal sector, labour malpractices, links between social & religious values and gender issues and additional topics on gender discrimination. The participants also suggested field visits to complement the material covered in sessions and emphasized that additional case studies should be included in the modules. It was also proposed that representatives of various labour unions should be invited to present their point of view on multifarious issues concerning labour in Pakistan.

Exclusion of Topics

The participants were asked whether they would like to exclude any topic from the session. An overwhelmingly majority of respondents was of the view that the session covered the topics adequately. Their opinion suggests that the thematic areas and material were appropriately selected.

Figure 13. Suggestions for Exclusion of Topics



Strengths & Weaknesses

The participants were asked about the strengths and weaknesses of the seminar. Their responses are summarized as under:

Table 10. Strengths and Weaknesses of the Seminar

Strengths	Weaknesses
<ul style="list-style-type: none"> High quality competent speakers with strong grasp over the topics 	<ul style="list-style-type: none"> Limited of time for question & answer and interactive session
<ul style="list-style-type: none"> Well researched and wide range of topics including information about WTO 	<ul style="list-style-type: none"> Session did not provide an overall plan of action, which connects various modules
<ul style="list-style-type: none"> Open and interactive discussion and representative of viewpoint of all the concerned stakeholders 	<ul style="list-style-type: none"> Omission of labour union representatives from the list of presenters
<ul style="list-style-type: none"> Appropriate presentation of survey data in the context of topic covered in a module 	<ul style="list-style-type: none"> Hard copies of the lectures were not provided
<ul style="list-style-type: none"> The placement of various modules for the session 	<ul style="list-style-type: none"> Repetition of certain material in certain modules

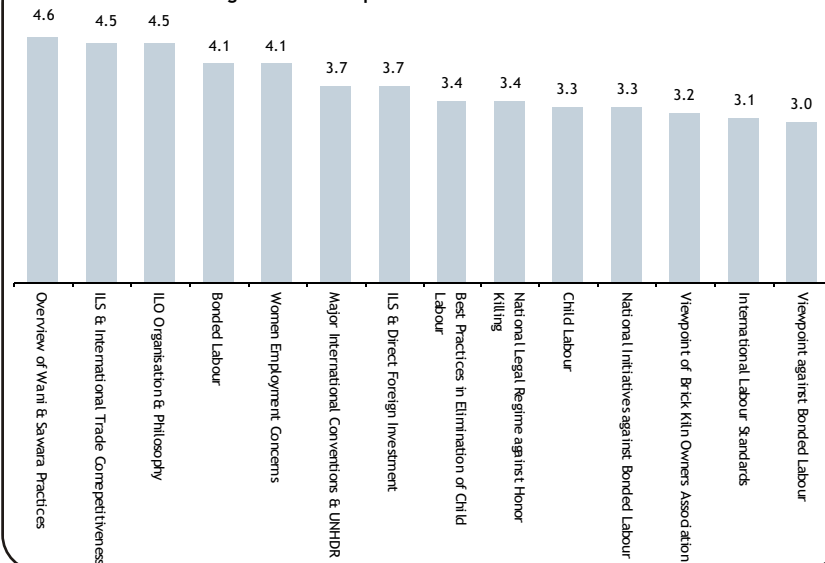
Grading of Modules

The participants were asked to give their assessment of the speakers at the end of each seminar, using one of the three grades: Very Good, Good or Average. These grades were converted into numerical scores by using the following key:

Very Good	=	5
Good	=	3
Average	=	1

Scores of each module were added up for all the sessions and were divided by the total number of participants scoring that particular module to obtain its average score. On average, the participants rated all the modules as either Very Good or Good.

Figure 14. Participants' Assessment of Modules



The study on Wani & Sawara practices scored the highest, whereas the module on Viewpoint of National Coalition Against Bonded Labour received the lowest score. The Appendix contains a list of all the presenters for each module. Some of the presenters were engaged for only one session. Accordingly, the assessment in respect of such speakers was excluded while calculating scores of the modules.



GENDER BALANCE OF PARTICIPANTS

Gender Balance of Participants

WEC-PK has organised 18 seminars for training future policy markers of Pakistan in key labour issues since the beginning of the project. 7 seminars were held at CSA, 6 in different campuses of NIPA, 1 each in Pakistan Academy for Rural Development Peshawar, FSA Islamabad, Bureau for Gender Equality Islamabad, Secretariat Training Institute Islamabad and National Institute of Management Karachi. The table in the appendix provides a list of seminars and the number of participants in each seminar.

A total of 739 participants attended these seminars. Out of these participants 82% were male and 18% were female.

Figure 15. Gender Profile of All Participants

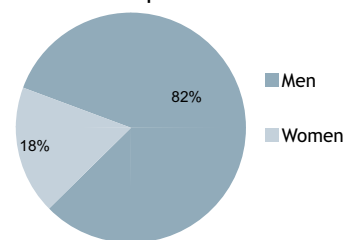
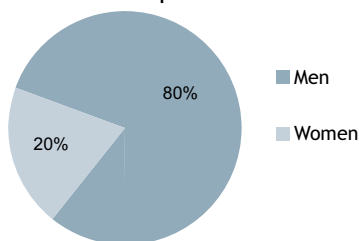


Figure 16. Gender Profile of CSA Participants



Analysis of gender profile of participants who attended seminars held at CSA indicates that out of 335 participants 20% were female. CSA Lahore trains freshly inducted federal officers selected through central superior services examination (CSS), which is a national examination held annually by Federal Public Services Commission.

The examination is open to all men & women, meeting the requirement of age and education, and the selection is based purely on merit. The WEC-PK programme had no choice in the selection of seminar participants because only those officers who were selected through CSS Examination could participate in the programme. Consequently, the female participation could not be

increased for the courses offered at CSA.

Similarly out of 180 officers, who attended capacity building seminars at various campuses of NIPA, 17 were female.

NIPA trains mid-career federal government officers, selected by the Establishment Division, before promotion from Grade 19 to Grade 20. The gender balance of officers undergoing training at NIPA, invariably, reflects the gender profile of employees of Federal Government. The National Commission on the Status of Women reported in 2003 that the Federal Government employed 5.4% women in all Grades (1-22).

Figure 17. Gender Profile of NIPA Participants

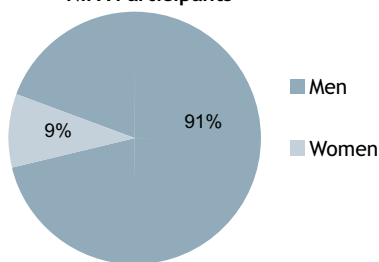
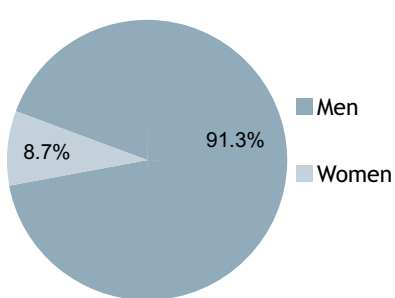


Figure 18. Women in Senior Government Positions



However, the situation was slightly better in senior scale with 8.7% women employed as officers (Grade 16-22).

WEC-PK course was open only to the officers selected by Federal Government for NIPA training and, hence, could not increase the number of female participants on its own volition. This constraint placed on the programme meant that female participation mirrored the gender profile of civil service officers.



APPENDICES

Appendix 1

(Programme for Three Day Seminar)

International Labour Standards & Human Rights: Policies, Programmes and Practices

Day One

0830 hrs	Recitation
0835 hrs	Welcome, Course Objectives and Overview; and ILO: Organization and Philosophy
0910 hrs	Major International Conventions on Human Rights (including UNDHR) and National Constitutional Framework w.r.t Human Rights
0950 hrs	Q & A
1010 hrs	Tea Break
1030 hrs	International Labour Standards: What and How? National Reporting Obligations
1110 hrs	Bonded Labour: National Legal Framework & international conventions
1150 hrs	View point of Pakistan Brick Kiln Owners Association
1230 hrs	National Policy and Plan of Action Against Bonded Labour
1300 hrs	Q & A
1330 hrs	Close of the Day

Day Two

0830 hrs	Recap of Day-1 and Overview of Day-2
0840 hrs	National Legal Regime against Honor Killing
0920 hrs	An Overview of Wani and Swara practices in Pakistan
1000 hrs	Q & A
1020 hrs	Guest Speaker
1100 hrs	Q & A
1110 hrs	Tea Break
1120 hrs	Child Labour Problems, myths and Human Resource Development: Some Policy Options
1150 hrs	ILO Best Practices in elimination of child labour- Sialkot Model
1230 hrs	Equality at Work Place Women Employment Concerns and Working Conditions
1300 hrs	Close of the day

Day Three

0830 hrs	Recap of Day-2 and Overview of Day-3
0840 hrs	International Trade Competitiveness and International Labour Standards
0920 hrs	International Labour Standards and implications for Direct Foreign Investment - CalPER Case Study
1000 hrs	Q & A
1020 hrs	Tea Break
1050 hrs	Panel Discussion on SAGA Case Study
1200 hrs	Filling out Evaluation Forms
1230 hrs	Concluding Remarks
1300 hrs	Conclusion & Close

Appendix 2

(Seminars Organised by WEC-PK)

Sr. No	Institution	Date	Duration (Days)	Participants		
				Men	Women	Total
1	NIPA Lahore	Oct 2005	2	29	5	34
2	NIPA Karachi	Oct 2005	1	27	3	30
3	NIPA Lahore	Mar 2006	2	22	3	25
4	PARD Peshawar	Apr 2006	1	45	7	52
5	CSA Lahore	Mar 2006	1	80	40	120
6	CSA Lahore	Jun 2006	3	27	0	27
7	Bureau for Gender Equality	May 2006	3	18	15	33
8	FSA	Sep 2006	1	40	20	60
9	NIPA Lahore	Oct 2006	2	35	2	37
10	NIPA Peshawar	Oct 2006	1	31	0	31
11	CSA Lahore	Nov 2006	2	34	7	41
12	CSA Lahore	Feb 2006	2	31	6	37
13	CSA Lahore	Mar 2007	2	50	5	55
14	STI Islamabad	Apr 2007	2	27	5	32
15	NIPA Peshawar	May 2007	1	36	4	40
16	CSA Lahore	Jun 2007	3	24	5	29
17	CSA Lahore	Jul 2007	3	22	4	26
18	NIM Karachi	Aug 2007	1	27	3	30
Total			33	605	134	739

Appendix 3

(List of Presenters)

Sr. No.	Module	Presenter
1	Dr. Syed Tauqir Shah	ILO Organisation & Philosophy
2	Mr. Nabeel Awan	Major International Conventions & UNHDR
3	Mr. Raja Faiz ul Hassan	International Labour Standards
4	Barrister Zafarullah Khan	Bonded Labour
5	Mr. Shoaib Khan Niazi	View Point of Brick Kiln Owners Association
6	Mr. I.A. Rehman	View Point of National Coalition against Bonded Labour
7	Mr. Hasan Nawa z Tarrar	National Policy & Plan of Action Against Bonded Labour
8	Ms. Kashmala Tariq	National Legal Regime against Honor Killing
9	Ms.Samar Minallah	Overview of Wani & Sawara Practices
10	Mr. Saifullah Chaudhry	Child Labour: Problems, Myths and Policy Options
11	Mr. Nasir Dogar Mr. Taseer Alizai	ILO Best Practices in Elimination of Child Labour-Sialkot Model
12	Dr. Aliya H. Khan	Women Employment Concerns
13	Dr. Muhammad Irfan	ILS & International Trade Competitiveness
14	Mr. Farooq Awan	ILS & Direct Foreign Investment

Appendix 4

(Feedback Form)

INTERNATIONAL LABOUR ORGANIZATION
CAPACITY BUILDING SEMINAR
ON
Human Rights and International Labour Standards:
Policies, Programs and Practices
(Date-Name of Training Institute)

Seminar Evaluation Form

Name : _____

Designation : _____ Organization: _____

Question-1 **What were your expectations from the training seminar?**

Question-2 **How did the quality and contents of the Seminar meet your expectations?**

a). Better than expected

b). As expected

c). Less than expected

Question-3 **What other objectives do you think have been achieved by the seminar?**

Question-4 **Was the duration of the seminar adequate?**

If not, what, in your opinion, will be the appropriate duration

Question-5 **Would you suggest addition of any topic to the Seminar**

If yes, indicate the subjects:

Question-6 **Would you suggest exclusion of certain topics from the Seminar content?**

If yes, indicate the topics to be excluded, giving reasons:

1. _____

2. _____

Question-7 **What impressed you most about this Seminar?**

Question-8 **What do you think were the strong and weak points of the Seminar? (please list)**

A. **Strong Points:** _____

B. **Weak Points:** _____

Question-9 **Give your assessment of the following speakers who delivered talk**

S.#	SPEAKER	TOPIC	GRADING		
			Very Good	Good	Average
1.	Dr. Syed Tauqir Shah NPC ILO, WEC-PK	ILO Organisation & Philosophy			
2.	Mr. Nabeel Awan, Addl Prosecutor General Punjab	Major International Conventions & UNHDR			
3.	Mr. Raja Faiz ul Hassan	International Labour Standards			
4.	Barrister Zafarullah Khan, JurisConsult	Bonded Labour			
5.	Mr. Shoaib Khan Niazi, President Brick Kiln Owners Association	View Point of Brick Kiln Owners Association			
6.	Mr. I.A. Rehman, HRCP	View Point of National Coalition against Bonded Labour			
7.	Mr. Hasan Nawaz Tarrar, Secretary Labour Punjab	National Policy & Plan of Action Against Bonded Labour			
8.	Ms. Kashmala Tariq MNA	National Legal Regime against Honor Killing			
9.	Ms.Samar Minallah, HR Activist	Overview of Wani & Sawara Practices			
10.	Mr. Saifullah Chaudhry, ILO-IPEC	Child Labour: Problems, Myths and Policy Options			
11.	Mr. Nasir Dogar, IMAC	ILO Best Practices in Elimination of Child Labour- Sialkot Model			
12.	Dr. Aliya H. Khan, Professor Quaid-e- Azam University	Women Employment Concerns			
13.	Dr. Muhammad Irfan, WTO Wing, Ministry of Commerce	ILS & International Trade Competitiveness			
4.	Mr. Farooq Awan, EO BI	ILS & Direct Foreign Investment			

