



Beaconhouse Margalla Islamabad
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National Legal Committee

TOPIC A:

CHILD LABOUR

INTRODUCTION

The world is tottering over the edge of war, insecurity and injustice and to correct this, one very important investment for the future is the investment in children. An individual's childhood is the most important part of their adolescence and contributes greatly to one's social development, however the sort of development that is deemed necessary and most valued to a child is deterred during the process of child labour, whereby children are exposed to harsh, indecent conditions of living, working areas as well as a life without education filled with only social, political and economic strains. Child Labour is a concept that has not taken a rise in recent times but has been on the rise since the Industrial Revolution. In countries where poverty is ripe, and the economy is based primarily on agriculture, children are made use of and exploited economically. In developing countries that are striving to achieve a greater economic stability, the issue of child labour is often left unattended or is not given enough attention. Weaker economies where poverty is a prominent impediment, it becomes an even more pressing issue as parents belonging to lower classes of economies find it suitable to send their children to work in the hope of finding two square meals a day. The Human Rights Commission of Pakistan found that there were approximately 11 million children, working in the country, who were under the age of 10.

The Federal Bureau of Statistics released the results of its survey funded by ILO's IPEC (International Program on the Elimination of Child Labor). The findings were that 3.8 million children age group of 5-14 years are working in Pakistan out of total 40 million children in this age group; fifty percent of these economically active children are in age group of 5 to 9 years. Even out of these 3.8 million economically active children, 2.7 million were claimed to be

working in the agriculture sector. Two million and four hundred thousand (73%) of them were said to be boys Pakistan are leading lines below the line of poverty, whereas the Social Policy Development Centre (SPDC) Karachi has stated in one of its reports that the ratio of poverty in Pakistan was 33% during 1999 that increased in 2001 and reached 38%.

Child Labour is an issue that has recently received greater attention from international as well as national organisations that have the power to correct or improve problems like these which hinder social development. With growing concern in regard to the issue of Child Labour the government of Pakistan has formulated laws and has increased regulation, however the issue of child labour still remains one of grave concern - a deeply rooted issue that stems primarily from poverty, lack of education and existing laws that are breached.

DEFINTION

When addressing the topic of Child Labour it is necessary to distinguish between what is child labour, as not all work done by children can be classified as child labour. Children or adolescents participation in work that does not hinder their social development, cause health problems or affect their schooling is generally regarded as positive, such as when children help around at home. The term “child labour”, is defined by the ILO as: “Work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development.”

Refers to work that is:

- o Is mentally, physically, socially or morally dangerous & harmful to children and
- o Interferes with their schooling by:
 1. Depriving them of the opportunity to attend school
 2. Obliging them to leave school prematurely or;
 3. Requiring them to attempt to combine school attendance with excessively long & heavy work.

In its most extreme forms, child labor involves children being enslaved, separated from their families, exposed to serious hazards and illnesses and/or left to fend for themselves on the

streets of large cities – often at a very early age. Whether or not particular forms of “work” can be called “child labor” depends on the child’s age, the type and hours of work performed, the conditions under which it is performed and the objectives pursued by individual countries. The answer varies from country to country, as well as among sectors within countries.

TYPES:

Whilst child labour takes many different forms, a priority is to eliminate without delay the worst forms of child labour as defined by Article 3 of ILO Convention No. 182:

(a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;

(b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;

(c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;

(d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

Labour that jeopardises the 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, is known as “hazardous work”.¹

Guidance for governments on some hazardous child labour activities which should be prohibited is given in the accompanying ILO Recommendation No. 190 concerning the Prohibition and Immediate Action for the Elimination Worst Forms of Child Labour 1999:

(3) In determining the types of work referred to under Article 3(d) of the Convention, and in identifying where they exist, consideration should be given, inter alia, to:

(a) work which exposes children to physical, psychological or sexual abuse;

(b) work underground, under water, at dangerous heights or in confined spaces;

(c) work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads;

(d) work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health;

(e) work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer.

CAUSES:

The most serious and evident cause of child labour in Pakistan is poverty. According to the International Labour Organisation (ILO), poverty is the greatest single cause behind child labour. Pakistan's per-capita income is estimated to be around \$1900. A middle class person earns around \$5 a day on an average and the average Pakistani has to feed nine-to-ten people with this daily wage that rises the concern of poverty. Furthermore, being economically weak, Pakistan has a high rate of inflation which is another leading cause of child labour, as it links directly with average households being economically unstable. As of 2008, 17.2% of the total population lives below the poverty line and these poverty levels in Pakistan appear to necessitate that children work in order to allow families to reach their target-take home pay.

Factors contributing to child labor are the country's socio-economic and political reality, then large population with higher population growth rate, 70% of the total population living in rural areas with subsistence on agriculture, low productivity and poverty, unpaid family helpers especially in agricultural activities, discriminating social attitude towards girls and women and inadequate educational facilities.

According to a survey conducted by government of Pakistan in 1996, 3.3 million of the 40 million children were found to be economically active on a full-time basis. This number could be more than given if an independent survey was conducted.

PROBLEMS:

a. Health: Working conditions that are safe for adults may prove to be harmful to children because of their physical differences. The risks of these may be greater at various stages of development and may have long-term effects on children. Such as lower tolerance to heat, the need to eat or rest more than adults, development of organs and tissues, developing the ability to assess risks and dangers, higher chemical absorption rates. Injuries are also common among young workers, each year as many as 2.7 million children die due to injuries suffered from work, especially in agriculture. Worse forms of child labour such as deployment in the military and sex trafficking may have adverse psychological impacts on children causing long-term trauma and a hindrance in their psychological development. In Pakistan, there is greater risk for children who are involved in agricultural activities due to exposure to pesticides, lack of clean water and so on.

b. Social: In more ways than one child labor brings many consequences on the children who work. Children begin to lose their childhood and are rushed into adulthood, therefore Child labor leads into early marriage. Children who become a part of the work industry and have several years working it become more likely for them to get married at a younger age than opposed to going to school and living a "normal" childhood.

Moreover, another consequence of Child Labor is that children are forced to work and help provide with the family that they are likely to drop out of school and continue working full time. According to studies by ECLT, "Seventy-eight percent of children between 10 and 14 years work either full-time or part-time with their parents," by working full time the children have no other choice than to drop out of school and make work their first priority.

The chances of being socially deviant and part of criminal activities increases by a high rate because children are exposed to harsh conditions and are not nurtured enough to lead a life that is socially acceptable due to lack of psychological development.

Child labor is fueled by the lack of law enforcement, economic demands, and a social acceptance of children in the work force. Many countries rely on child labor for their economies and it is up to the international community to create clear standards to avoid the mistreatment of minors. To eradicate this issue, creating unions, reducing poverty, and increasing education will steer nations away from promoting child labor.

There are 3 areas in which we can develop possible solutions:

• **Creating Unions.** To better working conditions, hours, and pay, it is important for workers to come together and create worker unions to stand up for their basic needs and rights as citizens. How do we create appropriate standards for minimum wages, hours worked, and age of working children? What measures can be taken by governments to uphold conventions and laws passed against child labor? A number of laws contain provisions prohibiting child labour, or regulating the working conditions of child and adolescent workers. The most important laws are:

- 1) The Factories Act 1934
- 2) The West Pakistan Shops and Establishments Ordinance 1969.
- 3) The Employment of Children Act 1991
- 4) The Bonded Labour System Abolition Act 1992.
- 5) The Punjab Compulsory Education Act 1994[9]

• **Reducing Poverty.** Many families are forced to send their children into the workforce because of their overall low income, and by reaching out to various poverty stricken areas, the need for child labor can be diminished if basic needs are addressed. In what ways can we make poverty stricken families independent? What supplies or basic needs are necessary to provide poverty ridden areas in order to initiate change?

• **Increasing Education.** Children must know the emphasis on primary education, and to inform them, education programs must be provided throughout the world. How can we encourage education for children in nations where the cultural norm is to work? Education is the best replacement for the child labor. Currently the literacy rate in Pakistan is stagnant and children are indulged more in child labour. One of the best possible solutions in eradicating the child labour is to make education for adolescents mandatory according to Pakistani laws.

QUESTIONS A RESOLUTION MUST ANSWER:

- 1) What are the factors promoting child labor in Pakistan and how to tackle them?
- 2) What are the factors hindering the eradication process of child labour?
- 3) Identify the possible solutions to eradicate child labor e.g. education, increased income, unions, government appointed inspectors, regulation of penalties according to Pakistani laws etc
- 4) How can the government support poor families and the responsibility of the government to provide them with social facilities e.g. health care, employment etc.
- 5) Does poor birth control promotes child labor and poverty? If it does, how can this issue be tackled?
- 6) How can the social acceptance of children in the labor be reduced?

TOPIC B:

Agenda: **The Right to impose emergency and eventually martial law**



Key Definitions

Martial law is the imposition of the highest-ranking military officer as the military governor or as the head of the government, thus removing all power from the previous executive, legislative, and judicial branches of government.

State of Emergency is a state implemented by any authoritative government personnel in their specified jurisdiction.

State of National Emergency is the point in time where top executive government personalities, Federal officers, the Parliament, the Apex Court or the President's Cabinet decide to implement a nationwide state of emergency. When imposed by Military Chiefs in Pakistan, It usually means a Military Coup over the state government.

Governor Rules is the point in time where a Chief Minister of State/Province is stripped of authority for being incompetent or involved in illicit activities and the Governor become the Prime figure of the specific Province/State.

General History of Military Rule in Pakistan

In its life of nearly 68 years, Pakistan has been roughly been under military dictatorship for half the time (33 Years). This is not only due to the extreme power that the military possess in Pakistan, but also the fact that the democratic system of Pakistan has been quite weak.

In Pakistan, the military command, particularly that of Land Forces (Army) hold a great degree of power and authority hence they are legally obligated to remove the democratically elected government in case they find it to be involved in illicit and corrupt activities.

Quoting such references from the Constitution of Pakistan, Military Rule has been established four times in Pakistan with one Martial Law being implemented by a civil democratically elected leader. The list is as follows:

1. Martial law has been declared in Pakistan On 7 October 1958, President Iskander Mirza declared Martial Law and appointed General Muhammad Ayub Khan as the Chief Martial Law Administrator and Aziz Ahmad as Secretary General and Deputy Chief Martial Law Administrator. However, three weeks later General Ayub—who had been openly questioning the authority of the government before the imposition of martial law—deposed Iskandar Mirza on 27 October 1958 and assumed the presidency that practically formalized the militarization of the political system in Pakistan. Four years later a new document, Constitution of 1962, was adopted.
2. The second martial law was imposed on 25 March 1969, when President Ayub Khan abrogated the Constitution of 1962 and handed over power to the Army Commander-in-Chief, General Agha Mohammad Yahya Khan. On assuming the presidency, General Yahya Khan acceded to popular demands by abolishing the one-unit system in West Pakistan and ordered general elections on the principle of one man one vote.
3. The third was imposed by Zulfikar Ali Bhutto, the first civilian to hold this post in Pakistan after the Bangladesh Liberation War. On 21 December 1971, Bhutto took this post as well as that of President.
4. The fourth was imposed by the General Muhammad Zia-ul-Haq on 5 July 1977. After several tumultuous years, which witnessed the secession of East Pakistan, politician Zulfikar Ali Bhutto took over in 1971 as the first civilian martial law administrator in recent history, imposing selective martial law in areas hostile to his rule, such as the country's largest province, Balochistan. Following widespread civil disorder, General Zia overthrew Bhutto and imposed martial law in its totality on July 5, 1977, in a bloodless coup d'état. Unstable areas were brought under control through indirect military action, such as Balochistan under Martial Law Governor, General Rahimuddin Khan. Civilian government resumed in 1988 following General Zia's death in an aircraft crash.

5. On October 12, 1999, the government of Prime Minister Nawaz Sharif was dissolved, and the Army took control once more. But no martial law was imposed. General Pervez Musharraf took the title of Chief Executive until the President of Pakistan Rafiq Tarar resigned and General Musharraf became president. Elections were held in October 2002 and Mir Zafarullah Khan Jamali became Prime Minister of Pakistan. Jamali premiership was followed by Chaudhry Shujaat Hussain and Shaukat Aziz. While the government was supposed to be run by the elected prime minister, there was a common understanding that important decisions were made by the President General Musharraf. On November 3, 2007, President General Musharraf declared the state of emergency in the country which is claimed to be equivalent to the state of martial law as the constitution of Pakistan of 1973 was suspended, and the Chief Justices of the Supreme Court were fired.

What Delegates Are Expected To Discuss

Delegates are expected to discuss at least 3 of the 4 above mentioned Military Coups in details so as to get a better know how of the way military rule is established and has been progressed in Pakistan. Following that delegates are expected to quote the National Constitution in so as to back up any legal claims they make in the committee. Following that, constitutional articles/clauses with open interpretive statements should not be used to support any claims without previous use by the head of the Apex court and attorney general.

Delegates will also be fully expected to discuss methods to control military power, improve accountability methods to prevent times where the only option left is imposition of martial law and any or all factors that may force a military ruler to impose a state of national emergency and eventually Martial Law.

The members of the committee will also need to shed light on methods used by other countries such as India to limit military power. Furthermore, discussing the role of President and Prime Minister as Compared to the Chief of Army Staff and Chairman Joint Chief of Staff Committee will also be an essential part of debate since it will further provoke delegates to understand the reason Martial Law is implemented and the problem/consequences that come alongside that decision.

Quoting history with regards to statistics or any other matter is highly encouraged as it will give a better overview of how Military Rule and Democratic leadership has spent their time on the Chair of authority.

Delegates are also expected to discuss cases of implementation of Governor Rule in Pakistan and prerequisites for the implementation of Governor Rule alongside Marshal Law too.

Answers a Resolution Must Answer

Points only discussed in Moderated Caucuses can be put into the resolution. It make should have the following points discussed in details:

- How and when Martial Law is Implemented
- What and what not the Committee Condemns and Supports
- What legal changes need to be made to insure that Military Rule does not get instituted again
- How can Martial Law be used as tool for national benefit
- Under what circumstances can a state of national emergency be imposed
- Which specific people have the right to impose a state of national emergency
- Penalization for imposing Martial without legal reason
- Involvement of the Chief Justice in the process of enforcing Martial Law
- The Powers the of Chief Justice
- Permission to remove or not to remove the Chief Justice
- The minimum requirement to overturn a Martial Law imposition
- People who do/don't remain in power after State of emergency is imposed
- The need or not of reforms in the democratic system

- The need or not of reforms in the Military System
- Amendments needed to be made to previous ordinances and acts
- Implementation of Governor Rule
- Prerequisites to implement Governor Rule
- Methods to avoid Governor Rule

Tips for Delegates

- Don't get too deep into Legal Aspects but try to prove points by good logic alongside some display of knowledge of law.
- Try to stick to your personalities stance
- Do not get obsessed with proving another wrong, proving your point will suffice
- Try not to interpret law in a different way if it has previously been voted upon in the Senate or a national court, the apex court or the parliament.
- Research well, it's your best friend
- Feel free to reach out to the Dais, it doesn't give a bad impression rather improves your chances of winning as you get critique
- Go to the links we've attached below, they will be of some help.
- Visit the following File online (It has a lot on all the Marshal Laws):
<http://www.indusvalley.edu.pk/library/2010/2010/Fine%20Art/Mariam%20Maqsood/Mariam%20maqsood.pdf>
- Stay focused, don't ever panic

- Manipulate others only till the required limit
- Manipulate the rules of procedure to your personal interests
- Quality matters more than quantity when it comes to speeches (This is not is by no means to discourage anyone from speaking more though)
- If this is your first time, let us know at the end of the first session and annoy us to get a tip, that's the best way to win honestly.
- Try to make friends and stick to your stance
- Stick to your stance
- Lead your bloc
- Be the best in the Power play
- Read and analyze the old newspaper analysis. It will help a lot in provoking deeper topic specific debate.

***While researching, make it a point to note down things that are of any importance. Make a small file or dossier so as to have a quick access to all your debate related things. Since this is a legal committee, be sure to have a copy of the Pakistani Constitution (With all up to date amendments) in your phone, laptop or in hardcopy since it can be of great use to prove your point. Try more to research towards the topic and not get distracted by interesting things that are of no relation with the agenda at hand. Researching into Army Personalities is a good idea so be sure to do that, It will help a lot in your working through with resolutions and as well as debate.*

Martial Law Administration in Pakistan

BY KHALID B. SAYEED

PARLIAMENTARY DEMOCRACY has usually worked best in homogeneous societies. It has been compared to the English game of cricket played between two rival teams and watched by a vigilant and appreciative audience. In Pakistan, however, parliamentary government was more like a disorderly football scrimmage among unscrupulous politicians and the spectators in the stands consisted of both the helpless urban classes and the illiterate peasants. On the morning of October 8, 1958 it therefore seemed to the people of Pakistan that General Ayub Khan and the Pakistan Army had cleared the whole field and were telling the people that Pakistan's problems could not be solved by this kind of football and since nobody in Pakistan could play the game of cricket properly, all such games would be banned.¹

When the British left India, a political observer could discern roughly three power groups in the sub-continent. First of all, they left a large military organization. Second, there was the landed gentry and the Indian princes. Third, there were the urban classes which consisted of lawyers and other professional groups and institutions like the Civil Service and the judiciary. What was the share of Pakistan in this heritage after the 1947 partition? East Pakistan, to all intents and purposes, was the backward hinterland of Calcutta where the Muslim peasants lived under the domination of Hindu landlords, lawyers and merchants. In many cities of East Bengal, Hindus were in majority. West Pakistan, where the Muslims were not as backward (though less urbanized than Hindus in India), was dominated by large landowning families in the Punjab and Sind. "The peasantry," wrote Sir Malcolm Darling, "almost to a man confess themselves the servants of the one true God and of Muhammad his Prophet, but in actual fact they are the servants of landlord, money-lender, and *pir*."² Then there was a thin crust of urban classes like the Muslim lawyers, Civil Servants, and Hindu commercial classes. When partition came, the ranks of the urban classes were further depleted by the emigration of the Hindu commercial groups. The most powerful of the power groups was the military which had

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¹ The writer was in Pakistan when Martial Law was declared and remained there until the end of November 1958.

² M.L. Darling, *Rusticus Loquitur* (London, 1930), p. 214.

received the most assiduous attention and enormous resources of the British Government of India. It has been said that the British had climbed to power on the backs of Hindu Bengalis but had preserved it by organizing the Punjabis to defend the Northwest frontiers of India.³

It was apparent from the very beginning of Pakistan how weak and divided were its politicians. Jinnah perhaps was the best representative of the urbanized lawyers and he was dying. Under him was Liaquat Ali, urbanized too (though a landowner by origin), but he was assassinated in 1951. Then came the ever-feuding landowners of Punjab and Sind. In East Bengal the landlord group of Nazimuddin and Mohammed Ali Bogra gave place to the inexperienced and immature urban politicians of the Awami League.⁴

In addition to this, Pakistan was constantly rocked by an unceasing struggle for power between the Bengalis and the Punjabis, with the Sindhis and the Pathans often inclined to support the Bengali group. This struggle continued until the dissolution of the Constituent Assembly by the Punjabi Governor-General, Ghulam Mohammad, in October, 1954. In dismissing the Bengali-dominated Constituent Assembly, Ghulam Mohammad sought the support of the Army. From October, 1954, it can be said that the Army leaders began wondering how long the political deterioration could go on and at what precise point they should intervene.⁵ After the 1956 Constitution was passed, the conflict between the various groups in Pakistan became even more complicated. It was no longer a quarrel between a Punjabi Governor-General and a Bengali Prime Minister, but a series of fights between a number of groups—Punjabis versus Sindhis, Punjabis versus Pathans, Punjabis versus Bengalis, and West Pakistan versus East Pakistan.

It was obvious that these politicians had neither the competence to solve the major problems of the country nor a programme or a party around which they could remain united. The result was that power

³ Sir Walter R. Lawrence, *The India We Served* (London, 1928), pp. 264-265.

⁴ H. S. Suhrawardy and Fazlul Huq were experienced administrators but they and their followers, in the KSP and the Awami League Party, spent much of their time in feuding against one another.

⁵ General Ayub has disclosed that he had refused on several previous occasions Mr. Ghulam Mohammad's offer to take over the country. See *Message to the Nation* (Ferozsons, Karachi, October, 1958), pp. 4-5.

FAR EASTERN SURVEY

USEFUL LINKS

<http://www.pakistantoday.com.pk/2014/06/23/national/qadri-seeking-martial-law-in-country-says-nizami/>

<http://www.pakistantoday.com.pk/2014/03/20/city/karachi/ppp-issues-show-cause-notice-to-abidi-over-pro-martial-law-remark/>

http://ghazali.net/book1/chapter_4.htm

https://en.wikipedia.org/wiki/Military_coups_in_Pakistan

https://en.wikipedia.org/wiki/Chief_Martial_Law_Administrator

<http://historypak.com/enforcement-of-martial-law-1958/>

<http://www.dailytimes.com.pk/opinion/03-Jan-2015/pakistan-between-martial-laws-and-military-courts>

<http://www.thenews.com.pk/article-156517-Martial-law-not-the-solution-for-Pakistans-problems:-Imran->

<http://www.currentaffairspk.com/saleem-safi-column-possibilities-of-martial-law-in-pakistan/>

<http://www.unewstv.com/17625/dr-shahid-masood-hinting-towards-upcoming-martial-law-in-pakistan>

<http://www.pkhope.com/the-corrupt-judges-and-martial-law/>

<http://www.indusvalley.edu.pk/library/2010/2010/Fine%20Art/Mariam%20Maqsood/Mariam%20maqsood.pdf> *Good Link*

http://www.awaztoday.com/News_Governors-rule-imposed-in-Punjab-as-Sharif-brothers-disqualified_1_918_Political-News.aspx

<http://www.dawn.com/news/778550/constitutions-article-234-invoked-to-defuse-tension-in-quetta-governors-rule-imposed-in-balochistan>