

Child Labour: Stop Exploitation – Empower Children

0. Preliminary Note: Child labour in times of globalisation

In debates about globalisation child labour is often cited as evidence. Critics argue that financial crises and structural adjustment programmes, privatisation of public services and deregulation lead to poverty and therefore to more child labour. Supporters claim that globalisation leads to economic growth and this in turn reduces poverty and child labour.

Child labour is a complex phenomenon: poverty is one cause, which is linked in many ways to cultural, socio-political and economic phenomena. terre des hommes is convinced that neither poverty nor exploitative labour conditions will disappear just because of economic growth. Child labour may even increase when the economy of a certain region prospers: for example, this often occurs when newly established textile industries are looking for many cheap and willing workers. In many regions with a booming economy, it can be observed that child labour only starts decreasing when governments declare their political will and take socio-political measures. This helped to reduce child labour in the southeast Asian »tigers« – particularly by the policies of implementing compulsory education, increasing the number of obligatory school years and improving the educational system.

The argument of a causal relationship of globalisation, economic growth and reduction of child labour can have a disastrous impact if governments and political responsible persons use it as a justification to not actively combat child labour with immediately realisable measures.

1. The current situation: scope and causes

What is child labour?

1.1. Dignified work can be part of education

Work is reality for millions of girls and boys. Child work is not per se exploitative. Girls and boys support their parents and at home they learn the basic skills of house-keeping; by helping out in their parents' business they learn different mechanical skills or farming techniques. Assisting and working helps to impart important social values, e.g. cooperation and community commitment. Work can be a means for self-realisation und can satisfy material and social needs. When children are involved in housework and farming, according to their age and abilities, they obtain self-esteem and learn to be productive for society.

1.2. Child labour violates children's dignity and rights

Exploitation through work is a daily reality for children and adults. Exploitation can be spelled out like this: the employment of children for the sake of higher profit, extremely long hours, dangerous and unhealthy places of work, certain jobs and terms of employment.

Even if there is no real employer, for example in self-organised work in the informal sector, this can be exploitative when the children's rights and dignity are violated.

317 million children are economically active¹

The International Labour Organisation (ILO) estimates that 317 million children are economically active today. 126 million of these children are subject to exploitation. 5.7 million children are subject to debt slavery. 22,000 girls and boys die in accidents on the job every year.²

terre des hommes considers this definition plausible. In some countries, however, it estimates the number of exploited children as considerably higher. For example, based on its census, India reports the number of child workers at approximately 11 million. The Indian Campaign Against Child Labour (CACL) regards children not enrolled in school potentially as working children. At present these are 59 million girls and boys between the age of 5 and 14.

Exploitation of children exists in all sectors of the economy. About 70 per cent of working children work in farming, followed by 22 percent in the service sector.

Most children work in the informal sector, where work is self-organised and where there are no bargaining parties or state regulation and supervision (industrial or labour inspection), no contracts or social benefits. In many countries the informal sector guarantees the survival of much of the population.

Laws such as the ban on child labour also apply to the informal sector. Even if the informal sector is unregulated and partly illegal, e.g. with respect to the non-payment of taxes, it must be clearly differentiated from illegal deals and criminal activities like drug growing and trafficking, people trafficking and smuggling, child prostitution and the production of child pornography, weapons smuggling or piracy.

About 10 per cent of working children work in the formal sector, i.e. in companies or on commercial plantations. A portion of the goods produced there is exported.

¹ The term economic activity should not lead us to disregard work that is unpaid, self-organised or within the family household. From the viewpoint of terre des hommes, girls who toil the whole day within the household and cannot go to school are victims of child labour.

² International Labour Organisation (ILO): The End of Child Labour: Within Reach. Global Report under the Follow-up to the ILO Report on Fundamental Principles and Rights at Work, 2006.

1.3 Child labour is a complex phenomenon

No society on earth is free of child labour. Children are being exploited in traditional as well as in modern societies, in secular and religious states, in democracies, monarchies and dictatorships.

In the experience of terre des hommes, it is a fact that the more deprived a child is – and the more deprived the population group the child belongs to – the greater the risk that he/she will be exploited.

Child labour has social, economic, political and cultural roots, which are interlinked in various ways.

Material poverty is one cause of child labour. However, child labour is also a cause of poverty. It causes both individual and social poverty: those who toil from an early age and therefore cannot attend school will have to spend their lives as day labourers.

The international community misses out on an estimated \$US 5.1 trillion according to ILO, which could be earned by higher economic efficiency and productivity if child labour were stopped by the year 2020. This figure includes the expenditure that would involve – mostly investments in educational systems.³

The term poverty includes political and economic decisions on all levels that also cause child labour:

- Governments neglect educational systems. There are no primary schools close-by. Schools are poorly equipped. There are too few teachers or they are poorly trained and underpaid. School fees or expenses for books and uniforms exclude needy families.
- Unawareness of their rights and the duties or services of the state put people at the mercy of exploitation. The victims put up with their situation without complaint
- Health systems are inadequate and not accessible for large parts of the population: those who fall ill have to borrow money in order to pay for treatment. Subsequently the whole family has to work to repay loans.
- Pandemics, particularly HIV/AIDS, are spreading; the parent generation falls ill and dies. Public or private aid does not exist or is insufficient. Children have to fend for themselves or are cared for by the extended family and sometimes exploited as unpaid domestic labour.
- Public authorities and the police are weak: they have neither the legal basis nor the personnel and funds to take action against child labour.
- Public authorities and police are corrupt: they deliberately look away and do not prosecute offenders that exploit children or they even participate actively.

³ Investing in every Child, An Economic Study of the costs and benefits of eliminating child labour, ILO, Geneva, 2003

- Impoverishment, the drift to the cities, uprootedness or migrant labour may follow from various processes: world market prices for agricultural goods fall; prices for staple foods rise; inflation destroys spending power; prices decline on domestic markets; seeds or pesticides get more expensive; knowledge about organic farming and the biodiversity is lost. All of this leads to exploitative labour conditions for children.
- One sector often causing child labour is mining (gold, ores, minerals): on the one hand, people are displaced in many regions in order to allow companies to mine raw materials there. These families lose their livelihoods; often the whole infrastructure of a region is destroyed. On the other hand, the work of digging is paid on the basis of raw material dug per day. If families want to get an income that at least secures their survival they have to make the children work too. In regions in which large companies pull out of mining and there are too few other opportunities to earn a living, adults and children take over the mine, extracting and processing the remaining mineral resources themselves.
- Employers hire children in both the informal and the formal sector because then they can pay even lower wages, children are not unionised, and they are easy to hire or fire at all times. Employers sometimes justify the hiring of children as necessary for their own survival.
- Women and girls are seen as inferior and are discriminated against. So parents see no reason in girls attending school and from an early age girls are considered workers without rights or a say.
- In almost all societies some groups are seen as inferior and so they are denied fundamental rights. Children from such groups are especially vulnerable to exploitation. These groups are sometimes the minority in society, but sometimes the majority. This applies, for example, to children from poor families, children of refugee families, migrant children, and children from indigenous peoples, and ethnic or religious groups. Children from these groups are often not even registered. For the government they do not exist and do not have any access to public aid or protection. In regions where the government itself prosecutes or discriminates against certain groups, children are particularly exposed to any and every form of violence and exploitation.
- Criminal gangs and organised crime traffics in children and exploits them in every conceivable way.
- War and violent conflicts destroy regions, brutalise societies and destroy the social fabric. Families and communities disband, infrastructure is destroyed, and people are displaced. Children have to work to survive. The military and armed groups recruit children as soldiers, exploit them workwise and make them do forced labour.

1.4 Work that infringes children's rights is exploitative

The **United Nation's Convention on the Rights of the Child** forms the basis of terre des hommes' work. Child labour violates the »right of the child to be protected from economic exploitation« (article 32).

Child labour also violates other child rights. These violations of child rights precede child labour or are a direct consequence. In particular can be mentioned:

- right to life, article 6
- protection against discrimination, article 2
- the right to express views freely in all matters affecting the child, article 12
- protection from all forms of physical or mental violence, injury, abuse or neglect, article 19
- the right to enjoy the highest attainable standard of health, article 24
- the right to education, article 28
- the right to participate fully in cultural and artistic life, article 31
- the right to measures to prevent the abduction of, the sale of or traffic in children, article 35

2. International framework: actors and conventions

One of the first activities of the ILO in 1919 was to adopt a convention on the minimum age of children in factories. Child labour has time and again been an issue in the ILO's history. It tried to enforce a minimum age in different sectors (e.g. with conventions on work at sea, in mines and mining). Besides provisions in conventions on employment in individual sectors and conventions on the abolition of forced labour and the core labour standards, two conventions are relevant today for implementing the right of children to protection from economic exploitation.

2.1. Minimum Age Convention 138

The ILO adopted the Minimum Age (Industry) Convention 138 in 1973. The Convention states that governments establish by law the minimum age from which young people are allowed to work. The ratifying states undertake to »pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work«. The minimum age for work »shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years«. The Convention provides that states whose economy or educational facilities is »insufficiently developed« may, after consultation with ILO, initially specify a minimum age of 14 years. For work »likely to jeopardise the health, safety and morals«, Convention 138 stipulates a minimum age of 18 years. It permits work from the age of 13 years if it is »not likely to be harmful for their health and development« and does not »prejudice their

attendance at school«.⁴

151 of the ILO's 182 member states have ratified Convention 138. Non-ratifying states include India, Bangladesh, the USA, Saudi Arabia, Iran and Burma.

terre des hommes' project partners in India are working to get the Indian government to ratify Convention 138. Our project partners in West Africa refer to it in their activities.

terre des hommes sees Convention 138 as linked with Convention 182 and works for the right of children to education and protection from economic exploitation.

2.2 Worst Forms of Child Labour Convention 182

ILO convention 182 from 1999 defines »worst forms of child labour«:

- 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 conflicts;
- 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.

169 of the ILO's 182 member states have ratified Convention 182. Non-ratifying states include India, Cuba, Eritrea, Burma, Sierra Leone, Turkmenistan and Somalia.

terre des hommes welcomes Worst Forms of Child Labour Convention 182. For the first time, Convention 182 established an internationally binding and differentiated term of child labour that not only defines general age limits but allows a distinction between child work and child labour.

Within the international movement of working children there are varying opinions and assessments of ILO Convention 182. Some groups do not want slavery, prostitution or child trafficking to be recognised as »work«.

In terre des hommes' opinion, when it comes to realising child rights it can be very beneficial to apply instruments usually used for the implementation of labour legislation – also to combat criminal and illegal practices. The organisation of bonded labourers, for instance, is an important instrument in fighting slavery – which without doubt is criminal. To understand child prostitution or drug trafficking just from the perspective of crime would in practice mean abstaining from other useful and necessary measures.

⁴:See C 138, Minimum Age Convention , ILO, 1973.

One reason for the reservations of some movements of working children against the ILO convention is that they have the feeling of being put down, yet again, and placed on the same level as criminals. Working children do not want themselves or their work to be marked as illegal or »bad«. It is a child's right, and a precondition for any form of policy, to respect the dignity of a child – this also applies to children who are exploited as prostitutes or child soldiers, as slaves or drug runners.⁵

One achievement of Convention 182 is its action plans and implementation guides for certain countries. Ratifying the convention does not only enshrine the ban on child labour in the legislation of a country. Governments, unions, employers' associations and all institutions and people are called upon to actively participate in abolishing child labour. Some states have launched action programmes in cooperation with the ILO. In some countries the practical implementation of Convention 182 leads to conflicts: the implementation of the new legislation sometimes turns against child labourers themselves and forces them into illegality. However, terre des hommes is of the opinion that this reflects not on Convention 182 but on the way it is implemented.

2.3. Other important international instruments

Other important conventions and instruments were developed in the 1990s, particularly in connection with the increasing international activity of business organisations, in which the ban on child labour plays a central role. They include e.g. the OECD Guidelines for multinational companies, the UN's Global Compact and the countless codes of conduct of individual companies or sectors. The effectiveness and range of these instruments vary greatly. terre des hommes speaks out for binding rules for international companies and collaborates in devising model projects and procedures in order to implement child rights at individual production sites or in particular industries.

3. terre des hommes' advocacy and project activity

3.1 The focus must be on the well-being and rights of each and every child

All action to combat child labour must focus on the rights and well-being of each individual child. Child rights are indivisible, as are human rights. A policy that only bans child labour from the public eye is directed against the interests of children. When working children are forced into illegality, they are subject to any form of exploitation and at the mercy of arbitrary treatment by public and private bodies.

⁵ terre des hommes opposes commercial sexual exploitation of children, child trafficking and the recruitment of children as soldiers with specially developed strategies and focal issues

3.2. Humane alternatives to child labour are necessary in order to enable children to lead a life in dignity

Every measure that does not offer alternatives for children has a terrible impact on them: the ban on child labour without any effort to establish sustainable alternatives for children and their families causes the opposite of the declared aim. In the early 1990s some US senators' threat of boycotting textiles produced by children in Bangladesh led to the dismissal of thousands of children. These children, mainly girls, ended up on the street, many in prostitution.

Similar effects can occur when implementing company codes of conduct: if children are laid off and do not have access to school or vocational training, the companies boast of having no child labour in their value chain, while the children just start to toil in other companies.

3.3. terre des hommes lobbies for the empowerment of working children and their organisations and for the abolition of child labour

terre des homes works for the abolition of child labour and **sustainable and effective alternatives** for working children and their families.

In projects and advocacy there has to be assurance that children are really offered alternatives so that the problem does not just shift elsewhere and younger siblings or children from other population groups have to take on the work

- terre des hommes sees to it that in every project girls have the same educational opportunities and the same access to education as boys. terre des hommes also initiates lobbying activities and awareness raising campaigns for the empowerment of women and girls.
- terre des hommes promotes and supports the self-organisation of working children and adolescents in order to make them understand and advocate for their rights.
- terre des hommes promotes and supports the organisation of adolescents and adults in order to establish humane work for all. Specific measures are, for example, income-generating programmes and the establishment of cooperatives, access to micro-credit and technical training, organisation of parents or support from labour unions in fighting for humane working conditions and decent wages.

3.3.1. School and vocational training form an essential instrument

One essential instrument in the struggle against child labour and for the empowerment of children is **education**. The right to education is enshrined in the UN Convention on the Rights of the Child. Providing basic education for all children in the world is one of the Millennium Goals to be achieved by 2015.

According to UNESCO's global monitoring report, 75 million girls and boys cannot even

attend primary school at present. These children are potential child labourers. Girls in rural areas are severely disadvantaged. The school systems of many countries are permanently under-financed; 1.6 million teachers should be employed in sub-Saharan Africa alone in order to enable primary education for all children by 2015.⁶

terre des hommes' experience shows that achieving compulsory education for all children and improving the public schools system immediately leads to the end of child labour.

Making schooling compulsory reaches all children, whether in the informal sector or not.

- terre des hommes supports e.g. non-formal education centres, bridge schools and evening schools in order to integrate working children into the public educational system. terre des hommes supports the public educational system with pilot projects, such as the development of curricula appropriate for children or training courses for teachers. terre des hommes lobbies against the use of corporal punishment as a means of education and for better training for teachers, appropriate class rooms and a sufficient public budget for basic education.
- Vocational training for young people has to reflect the trades and professions sought-after in the respective region, be based on the needs of the children and young people and seek to develop of their abilities. Accordingly, vocational training also includes general education, the teaching of basic skills like reading, writing and arithmetic, and information about child rights. Teaching methods must be appropriate to the age of the young students. terre des hommes supports workshop schools that take into account the working hours of child workers. Here older children and adolescents can learn basic skills and also improve their technical skills or marketing of their products. Working children are able to explore new courses of action, organise themselves and to stand up for their rights together.

3.4. Collaboration in order to realise child rights

terre des hommes hopes for the **collaboration of those involved** who, by reason of their function or personal situation, work to improve the situation of children. At the regional, national and international level terre des hommes therefore approaches persons and institutions that could contribute to the abolition of child labour and empowerment of children.

3.4.1. Primarily the addressees are the **children and adolescents** themselves and their **direct environment**, i.e. parents and siblings, relatives, guardians, neighbours and village communities or inhabitants of their neighbourhoods as well as schools or public or private social institutions.

Important actors are schools and educational institutions, teachers and their organisations,

⁶ Global Monitoring Report: Education for all, Overcoming inequality: why governance matters, UNESCO, November 2008

the police and local and public institutions. Unions, youth organisations, churches and religious leaders could be important allies

3.4.2. Social movements and citizens' initiatives play an important role in empowering children and in the fight against child labour, **because they work at grass-root level, know the situation in their region very well and campaign for children and their rights.**

Movements of working children or initiatives against child labour found organisations of working children and they also work to ensure that children and adolescents know their rights and raise their voices. They publicise exploitation which is often invisible and help to get a hearing for children and adolescents. They are advocates for child rights and develop sustainable alternatives for children and their families.

terre des hommes supports such movements and engages in awareness raising and mobilisation in order to induce organisations and actors take up the issue of child labour. For example, it is very important for women's or microcredit groups to set themselves the goal that women and their families can survive without child labour and so the children can attend school.

terre des hommes supports groups with advice and training, so that they can organise their work in the informal sector more productively and profitably and clearly improve their working conditions.

3.4.3 Unions and workers' representative bodies at a regional, national and international level lobby for decent working conditions and appropriate wages for adults – and thereby also for families being able to live without child labour. For local trade unions the issue of child labour is often a challenge: working children are often seen either as the cause of wage-dumping or they are not taken seriously as workers. Sometimes the work of NGOs is seen as an intrusion in the union's mandate. terre des hommes advocates for the strengthening of trade unions and workers' representatives and tries to create mutual understanding and to initiate joint activities regarding the goal to establish decent working conditions.

Labour unions and their umbrella organisations are important allies. terre des hommes can connect with many activities, e.g. the international framework agreements on social standards with multinational enterprises.

3.4.4. Companies, employers and their organisations are important contacts on a regional, national and international level: initially, when they profit by child labour, they are opponents. When they become allies in the fight against child labour, however, they can exert great influence.

Employers have to abide by the law of their country, which also includes the ban on child labour irrespective of the size of the business. Each employer who at least abides by the

core labour standards and who pays at least minimum wages – or even better, decent wages – contributes to the reduction of child labour: people working in such an enterprise can afford to enrol their children in school.

When employers themselves are among the poor they can be empowered with the help of counselling and training with the objective of just employing adults. Often such processes are linked to increasing productivity or improved access to markets.

3.4.5. Commercial enterprises that buy and sell goods produced by children profit from child labour if they do not try to get information on it and actively make sure that core labour standards are observed in their value chain. They could become allies in the fight against child labour: in most countries, though, child labour is banned and this is also legally binding for companies located in states that ratified the ILO conventions or are members of the OECD – but various instruments are necessary in order to really implement the ban. In the mid-1990s commercial enterprises obliged their subcontractors to comply with codes of conduct, so they cannot employ children anymore and have to grant adults core labour standards. Monitoring and compliance with the standards is implemented to a greater or lesser degree of effectiveness. When companies source from countries with a high number of child labourers there is always a risk of suppliers employing children.

terre des hommes calls upon trading companies to implement the ban on child labour in their value chains and to enable children to go to school or take vocational training. If the companies go further and work to improve public school facilities or establish vocational training programmes, that is an important social policy commitment.

3.4.6. terre des hommes calls upon **consumers** to find out about the situation of working children and to buy fair trade products or products with a respected social label. Consumers can approach commercial enterprises and make clear that decent production conditions and the abolition of child labour are of great importance.

Large-scale consumers play a special role here, because of their buying power, e.g. churches, associations or major enterprises. terre des hommes urges that public authorities also pay attention to the adherence to core labour standards when buying goods and services.

3.4.7. terre des hommes **rejects boycotts** of products produced by children or products from countries in which child labour is a problem. Boycotts would make thousands of workers – adults and children – jobless and intensify the situation. Boycotts would hit equally all enterprises of an industry irrespective of whether a company really violates core labour standards.

4. Social, political and economic demands

Combating child labour must focus on the well-being and rights of each and every child. Humane work for all is necessary so that children and adults can enjoy a life in dignity.

Banning child labour must not mean that children are pushed into illegality and have to suffer even worse working conditions; nor should they have to fear additional repression or punishment.

Child trafficking and using children for illegal activities must be prohibited by law and resolutely prosecuted by the police and authorities.

Employers in the formal and informal sectors are not allowed to exploit children and must keep to the laws of their land. In particular, they must pay adult workers at least minimum wages, and even better, a living wage. They must grant at least fundamental labour rights and keep to the fundamental regulations of industrial health and safety.

Governments must invest in the education system, in particular, and see to it that all children receive at least a good primary education. Governments are responsible for effective measures and procedures for labour inspection in their countries and must implement them. They must on no account break the ban on child labour or forced labour. Governments are obliged to implement human rights for all children.

Together with trade unions, consumer associations and other aid agencies, terre des hommes calls for binding rules for companies operating at the multinational level. Voluntary initiatives from industry, fair trade, social labels or the introduction of codes of conduct may lead to a faster implementation of at least the fundamental rights of workers in some industries or locations. They are no substitute for internationally binding rules.

terre des hommes supports fair trade and promotes the devising and implementation of social standards for individual sectors or products. terre des hommes calls on commercial enterprises to implement at least fundamental working conditions in their value chain. terre des hommes calls upon consumers to use their purchasing power to assert the fundamental rights of workers.

5. Important links

International Labour Organisation, ILO: www.ilo.org

Corporate Accountability Network: www.cora-netz.de

Campaign against Child Labour (CACL), India: www.caclindia.org

Child Workers in Asia: www.cwa.tnet.co.th