

The Sale of Children for Labor Exploitation:

Summary of Existing Data and Areas of Priority and Good Practice

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**Submitted to the United Nations Special Rapporteur on the
sale of children, child prostitution and child pornography,
Ms. Maud de Boer-Buquicchio**

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This research reflects the views of the author and should not be viewed as representing the views of the external client, nor those of Harvard University or any of its faculty.

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Introduction

The pervasive and intractable problem of child labour represents one of the most pressing human rights challenges of our time. It denies over 168 million children worldwide their fundamental rights to education, play and health. It exposes them to violence, stymies individual development and reinforces generational cycles of inequality and poverty. Child labour manifests itself in varied and complex ways. It is the subject of a vast academic and practitioner’s literature; there are innumerable national, regional and international organizations and initiatives dedicated to its elimination.

The mandate of the UN Special Rapporteur on the sale of children, child prostitution and child pornography is to investigate the exploitation of children around the world and to submit annual reports to the General Assembly and the Commission on Human Rights, making recommendations for the protection of the rights of the children concerned. This position serves as a “catalyst for rights,” helping to convert abstract principles into meaningful change.¹

The annual reports raise awareness of particular human rights issues, provide advice for adherence to human rights standards, and contribute to their overall development. They mobilize governments, civil society and inter-governmental organizations to confront particular human rights violations and collaborate towards their elimination.

Given restrictions in time and resources, what information should the Special Rapporteur include in her thematic report for the General Assembly on the sale of children for the purpose of labour exploitation?

This research was conducted in response to the request of the Special Rapporteur, Ms Maud de Boer-Buquicchio, for a review of the scope of the sale of children for labour exploitation, and a summary of good practices and successful initiatives to prevent and eliminate the problem.

The contents of this report are based upon a comprehensive literature review, including academic sources and reports by international organizations and non-profits. In addition, extensive qualitative interviews were conducted with thirteen prominent child labour experts and activists (listed in Appendix A). Interview subjects were identified informally through a literature review and professional networks.

Section I outlines relevant legal frameworks and definitions. It examines the Rapporteur’s mandate to study the “sale” of children in relation to child labour exploitation, the boundaries of which are not clear in theory or in practice. Previous Rapporteurs have not substantively examined this question, yet existing analysis indicates that “sale” should be interpreted broadly in this context. This section makes the case that limiting the meaning of “sale” to instances where there is a clear agent of sale, an exploiter and form of remuneration would draw arbitrary protection boundaries between children and create a logistically impossible research mandate. However, not all forms of child

¹ Ted Piccone, *Catalysts for Rights: The Unique Contribution of the UN’s Independent Experts on Human Rights* (Washington DC: The Brookings Institution, 2010).

labour fall within the mandate. This research thus interprets “the exploitation of child labour [as] a form of sale of children,”² with a focus on the worst forms of child labour.

Section I goes on to summarize the existing data on this issue, including general statistics and trends, some issues with data collection and significant research gaps. It maps out existing research on the root causes and risk factors that contribute to the scourge, as well as theories of demand. It describes the gendered dimensions of the problem, and concludes by outlining the role of Internet and Communications Technologies (ICTs) in facilitating the sale of children for labour exploitation, as well as prevention and response efforts.

Given the vast scope of this subject and existing initiatives to confront it, Section II examines three different thematic areas of focus within child labour exploitation. Each of these has two subsections: first, rationales for the area’s particular importance, such as lack of previous attention or the scale of the problem, as well as global case studies; second, good strategies to address the problem, with specific global good practice examples (summarized in Appendix B).

The good practice examples are not intended to be exhaustive or fully represent individual organizations. “Good practice” can include a principal or a specific intervention, a work in progress or completed project, even an example of what does *not* work. All were chosen based on several criteria: innovation; effectiveness and impact; replicability; sustainability; relevancy; and inclusiveness of community actors.³ This report’s strong focus on prevention as well as responsive, remedial interventions is grounded in a “systems approach” to child labour exploitation, which coordinates social welfare, poverty reduction, justice, labour, and education policies to address the underlying causes of this complex problem. Small-scale, issue-specific projects that tackle child labour exploitation must be part of “more systematic policy development and programming that considers the child, family and community as a whole.”⁴

The first area of focus considered is the incidence of labour exploitation among children on the move, a highly vulnerable and growing population. The multiple and complex relationships between child migration and child labour are poorly understood by researchers and policymakers. The child-trafficking lens dominates current policy responses to this phenomenon, yet there is an acute need for increased attention to the vulnerabilities of migrant child labourers that are not trafficked, in particular: refugee children, children of seasonal migrants and unaccompanied children on the move. Good strategies are broadly grouped into prevention interventions – in the home state, during migration, and at destination – and interventions to remove and reintegrate children already in exploitative labour.

The second area of focus is the prevalence of labour exploitation among older adolescents aged 15-17. The scale of this problem is considerable in both absolute and relative terms; the gains made over the past ten years in eliminating in child labour among younger children are not reflected in this

² United Nations General Assembly, *Sale of Children, Child Prostitution and Child Pornography, Note by the Secretary-General*, A/49/478 (1994), para. 53.

³ Sahel and West Africa Club Secretariat & Organisation for Economic Co-operation and Development (OECD), “Emerging good practice in combating the worst forms of child labor in West African cocoa growing communities” (2011), accessed at: <http://www.oecd.org/swac/publications/49069653.pdf> (accessed December 17, 2014).

⁴ UNICEF, “Child Labour and UNICEF in Action: Children at the Centre” (2014), accessed at: http://www.unicef.org/malaysia/Child_Labour_and_UNICEF_in_Action.pdf.

group. Yet these adolescents have not been the subject of policy or academic focus, and the consequences of this omission are significant in economic, social and individual terms. Similar to the previous section, good strategies here also fall into buckets of prevention and removal/reintegration.

The third and final area of focus examines the increasing importance of Corporate Social Responsibility (CSR) mechanisms in the elimination of exploitative child labour. There is a clear need to bring the private sector into this field in a more systemic, coordinated manner. An increasingly large proportion of the funding for child labour eradication initiatives comes from private sector organizations interested in maintaining clean supply chains. There is considerable innovation in this area, which both governments and NGOs can benefit from. Yet significant challenges remain to effective CSR, and existing voluntary incentive structures often fail to motivate companies to meaningfully combat pervasive child labour exploitation in supply chains.

Scope of the Phenomenon

A. Definitions and Legal Framework

CHILD LABOUR

Child labour refers to work that is unacceptable for children, defined as any person under the age of 18,⁵ because the child is too young to enter work or employment, or the work concerned is hazardous work or another Worst Form of Child Labour (WFCL). Three principal international conventions set the legal boundaries for child labour and provide the basis for domestic and global actions against it: the United Nations Convention on the Rights of the Child (CRC), the ILO Convention No. 138 and the ILO Convention No. 182. Also relevant to the definition of WFCL are the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons and ILO Convention Nos. 29 and 105 on Forced Labour.

The UN Convention on the Rights of the Child (CRC)

Adopted in 1989 and ratified by 195 countries, this recognizes the child's right to be protected from "economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development" (Art. 32.1).

Calls on States to set minimum ages for admission to employment, having regard to other international instruments (Art. 32.2),⁶ but does not give specific guidelines on this point. Similarly does not specify maximum limits of hours of work.

ILO Convention No. 138 on the Minimum Age.

Adopted in 1973 and ratified by 168 countries, this sets the minimum age for work at the age when compulsory schooling is no longer required and no lower than 15 years, except in states with insufficiently developed economies, where the limit is 14 (Art 2.3-2.5).⁷

Allows national laws to permit some forms of "permissible light work," defined as any non-hazardous work by children between 12 to 14 years of less than 14 hours per week, which does not prejudice school attendance (Art. 3).⁸ Sets a higher minimum age of not less than 18 years for employment that constitutes hazardous work (Art. 3.1).

⁵ United Nations General Assembly, *Convention on the Rights of the Child*, 20 November 1989, Article 1.

⁶ ILO, *World Report on Child Labour: Paving the way to decent work for young people* (Geneva: ILO, 2015).

⁷ Article 2.5 of Convention No. 138 states that "Each member which has specified a minimum age of 14 years in pursuance of the provisions of the preceding paragraph shall include in its reports on the application of this Convention submitted under article 22 of the constitution of the International Labour Organization a statement: (a) That its reason for doing so subsists; or (b) That it renounces its right to avail itself of the provisions in question as from a stated date."

⁸ Minimum Age Article 3 (para. 1) of Convention No. 138 states that "Children over twelve years of age may, outside the hours fixed for school attendance, be employed on light work (a) which is not harmful to their health or normal development; (b) which is not such as to prejudice their attendance at school or their capacity to benefit from the

ILO Convention No. 182 on the Worst Forms of Child Labour.

Adopted in 1999 and ratified by 180 countries, this emphasises the subset of worst forms of child labour requiring priority action. Article 3 defines the “worst forms” as follows:

- (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.”

This last category of “hazardous work,” can be met from: excessive workload; physical conditions of work; or work intensity in terms of the hours of work, even where the activity or occupation is known to be non-hazardous or “safe.”⁹

The types of work classified as hazardous are “determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned, taking into consideration relevant international standards.” (Art. 4) Thus, when countries ratify the ILO Conventions 138 and 182, they commit themselves to identifying a “hazardous child labour list” that, once enacted into law, forms the basis for a wide range of actions to end child labour – advocacy, education policy, research, services, resource allocation, policies, and enforcement.¹⁰

ILO Conventions No. 29 and No. 105 on Forced Labour

Adopted in 1930 and 1957 respectively, these conventions prohibit all forms of forced or compulsory labour, defined as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”¹¹ Neither Convention has child-specific language in its provisions.

The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons

Adopted in 2003 and ratified by 169 countries, this defines child trafficking as, “The act of recruitment, transportation, transfer, harbouring or receipt” of a child “for the purpose of

instruction there given; and (c) the duration of which does not exceed two hours per day on either school days or holidays, the total number of hours spent at school and on light work in no case to exceed seven per day.”

⁹ Yacouba Diallo et al., *Global child labour trends 2008 to 2012* (Geneva: ILO-IPEC, 2013), 46.

¹⁰ ILO, *The tripartite process of determining hazardous child labour - Guide for facilitators* (Geneva: ILO, 2012).

¹¹ See Article 2 of ILO Convention No. 29. Note that Convention No. 105 was enacted to prohibit certain forms of forced labour still allowed under Convention No. 29, such as punishment for strikes and as a punishment for holding certain political views.

exploitation,” either within or outside a country.¹² Although a third element of coercion is required to establish trafficking in adults, this is irrelevant in the case of children: any consent given that leads to exploitation has no impact.¹³

Figure 1: International Standards on Child Labour

Children (5-17 years old) in productive activities				
Children in employment				Children in other productive activities
CHILD LABOUR			Permissible light work (12-14 years old) - Work not designated as worst forms (15-17 years old)	
Worst Forms of Child Labour		Employment below min age		Hazardous unpaid household services
Hazardous work by children	Other worst forms of child labour			
Exposure to physical, psychological or sexual abuse.	All forms of slavery or similar practices, trafficking, debt bondage, serfdom, forced or compulsory labour, forced or compulsory recruitment in armed conflict.			
Underground, under water, dangerous heights, confined spaces.				
Dangerous machinery, equipment or tools, heavy loads.	Child prostitution or sexual abuse materials (pornography).			
Unhealthy environment, hazardous substances, temperatures, noise levels or vibrations damaging to health.	Illicit activities, production and trafficking of drugs, etc.			
Long hours, night work, other particularly difficult conditions.				

Source: ILO. 2013. Global Child Labour Trends 2008-2012. at 18.

¹² United Nations General Assembly, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime*, 15 November 2000, available at: <http://www.refworld.org/docid/4720706c0.html>.

¹³ ILO, *Meeting the Challenge: Proven Practices for Human Trafficking Prevention in the Greater Mekong Sub-region*, Mekong Sub-regional Project to Combat Trafficking in Women and Children (Bangkok: ILO, 2008), 6.

SALE OF CHILDREN FOR LABOUR EXPLOITATION

International Legal Framework

The mandate of the Special Rapporteur relates specifically to the sale of children for labour exploitation. It is not clear under international law what practices this concept includes. Article 2 of the Optional Protocol to the CRC on the sale of children, child prostitution and child pornography, enacted in 2002, states that:

“Sale of children means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration.”¹⁴

Article 3 goes on to require that State Parties “at a minimum” enact legislation, “in the context of sale of children as defined in Article 2,” to prohibit “engagement of the child in forced labour.” ILO Convention No. 182 defines forced labour as one of the “worst forms” of child labour, but does not detail what forced labour entails, apart from the “forced or compulsory recruitment of children for use in armed conflict.” Therefore, the definition in the Forced Labour Convention applies.¹⁵

ILO Convention No. 182 Article 3(a) prohibits “all forms of slavery or practices similar to slavery, such as *the sale and trafficking of children*.” As such, slavery or slavery-like practices might also reasonably be considered to fall within the mandate.

Neither the ILO Convention 182 nor the Optional Protocol specify what additional practices, beyond forced labour and slavery, constitute sale of children for labour exploitation. The UNICEF Handbook on the Optional Protocol identifies child trafficking as one commonly associated practice, but notes that the two concepts are not synonymous:

“States tend to identify sale of children with trafficking in children ... [Yet] although trafficking and sale of children are similar concepts, they are not identical, and article 35 of the Convention on the Rights of the Child (CRC) obliges States Parties to take measures to prevent both ... Experience shows that a child can be trafficked without any element of sale occurring throughout the entire process. The sale of children is therefore not a necessary element of the definition of child trafficking.”¹⁶

Child trafficking is additionally not synonymous with forced labour. While the legal definition of “forced labour” for children requires an element of coercion by a third party, the definition of trafficking explicitly does not.

¹⁴ United Nations General Assembly, *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography*, 16 March 2001, A/RES/54/263, available at: <http://www.refworld.org/docid/3ae6b38bc.html>.

¹⁵ ILO, *Global Estimate of Forced Labour: Results and Methodology* (Geneva: ILO, 2012), 20

¹⁶ UNICEF, *Handbook on the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography* (Florence: UNICEF Innocenti Research Centre, 2009), 9.

Past debate within OCHCR

None of the previous Special Rapporteurs on the sale of children, child prostitution and child pornography, have written extensively on the sale of children for labour exploitation. Those that have addressed this question have favoured an inclusive approach, encompassing all forms of exploitative labour. Mr. Vitit Muntarbhorn, the first to hold the mandate from 1991 to 1994, wrote:

“The approach should not be too legalistic. The key to the concept of sale is whether the child is exploited, which *usually entails another benefiting from violation of the child's rights*...In so far as child labour entails the "sale" of a child, there may be a plethora of activities where children are exploited, including the following: armed conflicts; adult criminal activities; forced labour or abducted children; debt bondage; labour in the unorganized sector; labour in the organized sector; child prostitution, pornography and sexual exploitation; forced marriages; disabled children in the labour force; domestic labour; apprenticeships and family-supervised labour.”¹⁷

Former Secretary General Mr. Boutros Boutros-Ghali also addressed this question in his 1994 note to the General Assembly on developments since the inception of the mandate, writing:

“The approach of this mandate is to recognize that *the exploitation of child labour is a form of sale of children*, and to highlight new aspects which came to light in [the previous year].”¹⁸

Mr. Boutros-Ghali went on to highlight a wide range of global practices relevant to the Rapporteur’s mandate. Some of those listed more intuitively constitute “sale,” such as bonded labour of children in India and transfer of children for camel racing in the Gulf. Yet others can only be understood as sale by using a broad interpretation of the term: street children in Latin America, child marriages in Bangladesh, child domestic servants in Sri Lanka, the "doping" of young athletes in former East Germany, and children working long hours at Burger King in the United States.¹⁹

This inclusive approach, however, contrasts with more rigid interpretations of “sale” espoused by other Rapporteurs. Ofelia Calcetas-Santos, in her first report to the General Assembly in 1994, defined “sale of children” as “the transfer of parental authority over and/or physical custody of a child to another on a more or less permanent basis in exchange for financial or other reward or consideration.”²⁰ This definition would exclude many of the examples listed by Mr. Boutros-Ghali and Mr. Muntarbhorn.

What does “sale” mean?

The concept of “sale” can be interpreted in two ways:

¹⁷ United Nations Commission on Human Rights, *Rights of the Child: Sale of Children, a Report submitted by Mr. Vitit Muntarbhorn*, E/CN.4/1992/55 (1992), para. 41-43 [emphasis added].

¹⁸ United Nations General Assembly, *Sale of Children, Child Prostitution and Child Pornography, Note by the Secretary-General*, A/49/478 (1994), para. 53 [emphasis added].

¹⁹ *Ibid.*, para. 60-83.

²⁰ United Nations Commission on Human Rights, *Rights of the Child: National and international developments, a Report submitted by Mrs. Ofelia Calcetas-Santos*, E/CN.4/1996/100 (1996), para. 6.

- 1) Sale is a form of contract, comprised of two basic elements: transfer between two parties or groups external to the child, and compensation.
- 2) Labour exploitation is itself a form of sale.

The first of these definitions is in alignment with that found in the Optional Protocol, as well as the entry on “sale” in the Oxford English Dictionary: “The action or an act of selling or making over to another for a price; the exchange of a commodity for money or other valuable consideration.”²¹ Nevertheless, its application in the area of sale of children for labour exploitation would **draw arbitrary protection boundaries between children in exploitative work**, and present the Rapporteur with a **logistically impossible research mandate**.

There are rarely bright lines between instances where a minor is in child labour because of a specific agent that “sells” them, such as a trafficker or a parent, and where a child is compelled by other significant pressures such as poverty, community norms, or lack of education and social protection. The presence of an element of coercion is important here. Yet children often “consent” to exploitative work because the arrangement is mutually advantageous: does this mean they are not sold? Philosopher Alan Wertheimer argues that the answer to this question rests on a determination of whether the child has an acceptable alternative or not, what he calls the “moral baseline.”²² Slavery is clearly not an acceptable alternative; but whether a life of hunger and destitution qualifies is perhaps less clear. Thus, whether or not a child is coerced still rests on our subjective evaluations.

To illustrate the theoretical point, compare the hypothetical case of an orphaned 12-year-old Thai boy directly recruited by an employer to work in a shrimp factory, to that of a second boy of the same age in the same factory whose parents received financial benefit from the employer for their hire. Only the second is “sold” between two parties, but both are deserving of protection.

There are similarly no clear guidelines to determine what “remuneration or any other consideration” for the transfer of a child might include. Consider the hypothetical case of a 14-year-old girl sent by her parents to work in a spinning mill in India. The parents were told the job would be well paid, with comfortable accommodation, three nutritious meals a day and opportunities for training and schooling: in fact, the girl works under appalling conditions that amount to the WFCL. Compare to a second girl working in the same spinning mill, whose parents do not want her to work, and are aware the work is exploitative, but need her wages earned to help pay for essential medical bills. It is clear only that the second set of parents have “sold” their child. Yet should their restricted circumstances change our assessment? Similarly, does the first parents’ lack of awareness of the abusive working conditions absolve them of “sale”?

From a logistical standpoint it is impossible for practitioners and activists to accurately and consistently differentiate between such ambiguous cases, and even more unlikely that disaggregated data on children sold or not sold into labour exploitation would ever be available. By interpreting labour exploitation as sale, the Rapporteur can subject a broader range of children’s human rights violations to opprobrium. This breadth is particularly important given the lack of a Special

²¹ Oxford English Dictionary, “Sale” (Oxford: Oxford University Press, 2000).

²² Alan Wertheimer, *Coercion* (Princeton: Princeton University Press, 1987).

Rapporteur mandate focusing on child labour exploitation, and the existence of mandates on contemporary forms of slavery, and also on trafficking in persons, especially women and children.

What does “exploitation” mean?

If labour exploitation is constitutive of sale, what counts as labour exploitation? This is a contested notion among child labour experts and it has no international legal definition.²³ Marx understood exploitation as systemic plunder: the social processes, relationships and mechanisms where by surplus produce is taken from the direct producer by the dominant class for unjust benefit.²⁴ In lay terms, exploitation refers to cases in which someone has taken advantage of another in a way which is “unfair or results in the exploited person suffering harm.”²⁵

However, child rights activists are not in agreement as to what work is unfair and causes harm. Some such as scholar Myron Weiner argue that all work that interferes with schooling is exploitation because it refutes the state’s duty child’s human right to education.²⁶ In contrast, several working children’s organizations that have emerged since the 1980s argue that some children’s work classified as “child labour” by the international community is not exploitative: it can be both safe and age appropriate, and it is part of important cultural traditions. These groups seek to protect working children, to fight for fair pay and safe working conditions.²⁷ Some governments in the global south have also recently begun to move in this direction. For example, in 2014, Bolivia passed an amendment that made the country’s child labour law significantly less restrictive, largely due to the efforts of the Union of Child and Adolescent Workers (UNATSBO), allowing children as young as ten if they’re self-employed and have parental authorization.²⁸

If “labour exploitation” encompasses all forms of child labour, an 11-year-old child who spends a few hours working in the family store on the weekend must be considered “sold for purposes of labour exploitation.” Yet this does not intuitively fall within the Rapporteur’s mandate. However, if we restrict the meaning of “labour exploitation” to only the worst forms of child labour, this risks excluding exploitative practices such as hazardous unpaid household chores. It is therefore likely that the limits of “exploitation” fall somewhere between these two extremes.

This report does not attempt to adjudicate this complex question. Instead, it suggests it is appropriate for the Special Rapporteur to focus on the worst forms of child labour, which are

²³ Beate Andrees & Mariska van der Linden, “Designing Trafficking Research from a Labour Market Perspective: The ILO Experience,” *International Migration* 43:1/2 (2005), 58.

²⁴ Sandy Hobbs et al. (eds.), *Child Labor: A World History Companion* (Santa Barbara: ABC-CLIO, 1999), 83.

²⁵ Michael Dottridge, *Exploring methods to protect children on the move. A handbook for organisations wanting to prevent child trafficking, exploitation and the worst forms of child labour* (Geneva: Terre Des Hommes International Federation, 2011), 14, accessed at: resourcecentre.savethechildren.se/sites/default/files/documents/4979.pdf.

²⁶ Myron Weiner, *The Child and the State in India: Child Labour and Education Policy in Comparative Perspective* (Princeton: Princeton University Press, 1990).

²⁷ Two of the most vocal groups are the Latin American and Caribbean Movement of Working Children or MOLACNATS and the and the Concerned for Working Children NGO in India. See “Movimiento Latinoamericano y del Caribe de Niños, Niñas y Adolescentes Trabajadores,” accessed March 5, 2016 at: <http://molacnats.org/>; “The Concerned for Working Children,” accessed March 5, 2016 at: www.concernedforworkingchildren.org.

²⁸ Katy Watson, “Child labour laws: A step back for advancing Bolivia?” *BBC News* (November 20, 2014), accessed at: www.bbc.com/news/business-30117126.

unquestionably exploitative, and exercise discretion to include practices that fall outside of this legal category but nevertheless “entail another benefiting from violation of the child's rights.”²⁹

Note that this research does not focus on the sexual exploitation of children, although it is a “worst form of child labour” and so could be considered subset of labour exploitation, because this topic has already been the subject of considerable research by the Rapporteur.

²⁹ United Nations Commission on Human Rights, *Rights of the Child: Sale of Children, a Report submitted by Mr. Vitit Muntarborn*, E/CN.4/1992/55 (1992), para. 43.

B. Summary of Existing Data

GENERAL STATISTICS AND TRENDS

The ILO estimates that in the year 2012, **168 million** children worldwide were in child labour, accounting for almost **11 per cent** of the child population as a whole.³⁰ This number has declined significantly from 215 million in 2008. While this figure includes children in hazardous work, it does not capture the other worst forms of child labour, last estimated to impact at least **8.4 million** children in 2000.³¹ Despite policy and other responses being put in place in many countries, these other worst forms of child labour have not seen similar progress. This section lays out a highly abridged summary of the most recent statistics on child labour, focusing on the worst forms of child labour, drawing from the ILO and other available reports.

Trends in child labour

- In absolute terms, the Asia-Pacific region has the most child labourers aged 5-17 (77.7 million) as compared with 59 million in Sub-Saharan Africa and 12.5 million in Latin America and the Caribbean. The decline in the overall number of child labourers in recent years is in large part due to reductions in child labour in the 5-14 group in the Asia-Pacific region, an absolute reduction from 114 million to 78 million.³²
- The relative risk of child labour is highest for children in sub-Saharan Africa, where one child in every five is in child labour. This compares with 9 per cent in Asia and the Pacific and in Latin America and the Caribbean, and 8 per cent in the Middle East and North Africa.³³

Trends in hazardous work by children

- Children in hazardous work make up more than half of all child labourers, numbering 85.3 million in absolute terms. This is down from the level of 115.3 million in 2008.³⁴
- The incidence of hazardous work increases with age. It is 2.2 per cent among children 5 to 11 years old (18.5 million), 5.3 per cent among teenagers 12 to 14 years old (19.3 million) and 13.0 per cent among adolescents 15 to 17 years old (47.5 million).³⁵
- The largest number of children in this WFCL is found in the Asia-Pacific (33.9 million) and Sub-Saharan Africa (28.8 million) regions. There are 9.6 million children in hazardous work in Latin America and the Caribbean and 5.2 million in Middle East and North Africa regions.³⁶

³⁰ ILO, *Marking Progress Against Child Labour - Global Estimates And Trends 2000-2012* (Geneva: ILO, 2013), viii.

³¹ ILO, *Every Child Counts New Global Estimates on Child Labour*, (Geneva: ILO, 2013), 25.

³² *Ibid.*

³³ *Ibid.*, 5.

³⁴ *Ibid.*, 15.

³⁵ Diallo et al., *Global child labour trends* (2013), 10.

³⁶ ILO, *Marking Progress Against Child Labour* (2013), 20.

- In relative terms, Sub-Saharan Africa region has the highest incidence of children in hazardous work, with one in ten children involved.³⁷

Trends in other Worst Forms of Child Labour

- Global estimates of children in worst forms other than hazardous are not consistently measured directly by the ILO, due to the often hidden and illicit nature of these extreme forms of child labour and the subsequent lack of reliable data on them in most countries.³⁸ Case-specific information is included in the Areas of Priority and Good Practice section below.
- The ILO released figures in 2012 that estimated 5.5 million children are engaged in forced labour globally. This includes forced labour imposed by the State, and forced labour imposed in the private economy either for sexual or for labour exploitation. **An estimated 3,780,000 were engaged in forced labour for labour exploitation.**³⁹ These figures are similar to the ILO's 2002 estimation of children in forced or bonded labour. However, they were measured using different methodologies and are therefore not technically speaking comparable.⁴⁰

This 5.5 million figure is cited elsewhere by academics, non-profits and international organizations to refer to the global number of child trafficking victims.⁴¹ Yet as described above, these practices are not synonymous. The ILO has elsewhere estimated that only 44% of those working in forced labour are also victims of trafficking.⁴²

- Children engaged in armed conflict were most recently estimated for the year 2000 to number **300,000** globally.⁴³ In 2016, the Annual Report of the Secretary-General on children and armed conflict listed 8 countries whose national security forces recruit and use of children: Afghanistan, Chad, Democratic Republic of the Congo, Myanmar, Somalia, South Sudan, Sudan and Yemen.⁴⁴ Yet there are still many other government supported forces that use children.⁴⁵

³⁷ *Ibid.*

³⁸ ILO, *Hard to see, harder to count – Survey guidelines to estimate forced labour of adults and children*, (Geneva: ILO-IPEC and ILO-SAP-FL, 2012).

³⁹ ILO, *Marking Progress Against Child Labour* (2013), 21-22.

⁴⁰ ILO, *Every Child Counts* (2002), 6.

⁴¹ See, UNICEF, “Press Release: End Trafficking” (July 2015), accessed at: [https://www.unicefusa.org/sites/default/files/USF15_ET_Infograph\(interactive\)_0.pdf](https://www.unicefusa.org/sites/default/files/USF15_ET_Infograph(interactive)_0.pdf); Frederick F. Wherry, Juliet B. Schor (eds.), *The SAGE Encyclopedia of Economics and Society* (SAGE Publications, 2016), 345.

⁴² ILO Special Action Programme to combat Forced Labour (SAP-FL), *ILO 2012 Global estimate of forced labour Executive summary* (Geneva: ILO, 2012), accessed at: www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_181953.pdf.

⁴³ ILO, *Every Child Counts* (2002), 36.

⁴⁴ Office of the Special Representative of the Secretary-general for Children and Armed Conflict, "Children, Not Soldiers," (February 24, 2016) accessed at: <https://childrenandarmedconflict.un.org/children-not-soldiers/>.

⁴⁵ Chatham House, “Children and Armed Conflict: Reviewing the International Response” (17 June 2011), available at: https://www.chathamhouse.org/sites/files/chathamhouse/public/Research/International%20Security/0611rr_caac.pdf

- There are no reliable data on children in illicit activities. In 2000, the ILO estimated the number of children in drug manufacturing, including work in poppy plantations, and trafficking of illegal substances at **600,000**.⁴⁶

Comparative trends in different categories of work by children

By sector of work:

- **Agriculture** accounts for 58.6 per cent (98 million) of children in child labour globally. This consists primarily of work on smallholder family-owned farms, though children also work as hired labour on commercial farms and plantations or contracted for labour as a part of a migrant family work unit. Some are in bonded child labour, trafficking or forced labour/slavery.
- **Industry** accounts for 7.2 per cent of the global total (12 million). This relates primarily to work in construction and manufacturing, mainly in informal settings. The ILO estimates that about one million children globally work in mines and quarries, and that this number is increasing.⁴⁷
- **Services** accounts for 32.6 per cent of the global total (54 million). Child labour in the services sector includes primarily informal work in: hotels and restaurants, street selling and other forms of wholesale and retail trade, car repair shops, transport, other community, social and personal service activities, and in domestic work. Estimates indicate that 11.5 million children are in paid or unpaid domestic work in a third party households (distinct from household chores). 67.1% of all child domestic workers are girls and 65.1% of all child domestic workers are below 14 years.⁴⁸

By status of employment:

- **Child labourers work primarily without being paid.** Unpaid family workers account for more than two-thirds of all child labourers (68 per cent).⁴⁹ Other qualitative research confirms that a minority of working children is engaged in market work.⁵⁰ Children in paid employment account for 23 per cent the global total and self-employed children account for 8 per cent.⁵¹
- **Children’s employment that completely precludes schooling is becoming rarer over time.** For the 7- 17 years age group as a whole there has been a consistent and often substantial decline between 2000 and 2012 in the percentage of children only in employment.⁵²

⁴⁶ ILO, *Every Child Counts* (2002), 36.

⁴⁷ ILO, “Mining and Quarrying,” (February 24, 2016) available at: www.ilo.org/ipecc/areas/Miningandquarrying/lang-en/index.htm.

⁴⁸ ILO, *Marking Progress Against Child Labour* (2013); M. Biggeri et al., “The puzzle of “Idle” children: Neither in school nor performing economic activity: Evidence from six countries,” UCW Working Paper Series (Rome: Understanding Children’s Work, 2003).

⁴⁹ ILO, *Marking Progress Against Child Labour* (2013), 23.

⁵⁰ E. V. Edmonds, “Child labor,” in T. P. Schultz, & J. Strauss (Eds.), *Handbook of Development Economics* (Vol. 4) (Amsterdam: Elsevier, 2008).

⁵¹ ILO, *Marking Progress Against Child Labour* (2013), 23.

⁵² Lorenzo Guarcello et al., “Evolution of the relationship between child labour and education” Background paper prepared for the Education for All Global Monitoring Report (2015), 8, accessed at: unesdoc.unesco.org/images/0023/002324/232455e.pdf.

- **Global trends vary for children combining employment and schooling.** A review of 19 countries in 2015 found that children combining employment and schooling are more likely to be found in agriculture while those only in employment are more likely to be found in non-agricultural sectors (Colombia and Mexico are exceptions).⁵³ While the majority of countries have seen a decline in the share of children who are in both work and school since 2000, there are a number of exceptions. In Bolivia, Burundi, and Colombia the overall decline in children’s employment masks an increase in the share of children combining school and employment. “In populous Bangladesh and Indonesia, the overall decline in children’s involvement in employment is accounted for entirely by children only in employment; the share of all children combining work and learning remained virtually unchanged.”⁵⁴

By country wealth:

- **Young children are less likely to undertake full-time work in richer countries.**⁵⁵ Unsurprisingly, as a country’s percentage of people in poverty falls, generally fewer school-aged children participate in full-time labour-force work.⁵⁶ Yet this association becomes less marked in the more affluent developing countries.⁵⁷ For example, in the Netherlands in 2009, more than 10 per cent of 10-year olds, 30 per cent of 12-year olds, and half of 14- to 16-year olds were working at jobs that were technically prohibited.⁵⁸
- **In lower income countries, children in poorer families are more likely to be work.** One study typical of this well-established trend found that in urban Bangladesh both boys and girls were more likely to be working for pay if they are part of households with low income.⁵⁹

ISSUES WITH DATA COLLECTION AND RESEARCH GAPS

Methodological issues that underlie gaps in our understanding of child labour exploitation include:

- **The absence of a uniform legal definition of child labour.** Whether children’s work constitutes child labour depends on the child’s age, the type and hours of work performed and the conditions of work. This presents barriers to data collection and cross-country comparison.
- **Measurement difficulties with criminal, clandestine “worst forms” of child labour.** There is “no known frame for applying a random sampling procedure” for children in the worst forms of child labour, and it is “often very hard (if not impossible) to interview the child, either because the guardian or employer does not permit it or because the child refuses for fear of

⁵³ *Ibid.*, 15.

⁵⁴ *Ibid.*, 18.

⁵⁵ Michael Bourdillon et al., *Rights and Wrongs of Children’s Work* (New Brunswick, NJ: Rutgers University Press, 2010), 70.

⁵⁶ *Ibid.*, 71.

⁵⁷ Kaushik Basu & Zafiris Tzannatos, “The global child labor problem: what do we know and what can we do?” *The World Bank Economic Review*, 17:2 (2002), 147-173; K. Swinnerton & A. Rogers “The economics of child labour: comment,” *The American Economic Review*, December, 89.5 (1999).

⁵⁸ Roy Huijsmans, “Listening to Working School-Youth: Child-Centered Case Study of Employment Experiences of HAVO-Students in Rural Eastern Netherlands,” Master’s Dissertation (The Hague: Institute of Social Studies, 2004).

⁵⁹ Emily Delap, “Urban children’s work during and after the 1998 floods in Bangladesh,” *Development in Practice* 10 (2000),

reprisals by the guardian or employer after the interview.”⁶⁰ As a result, most available information on WFCL comes from small-scale qualitative reports by research institutions, universities or non-profits.

- **Measurement difficulties with other “hidden” forms of child labour.** There is very limited data on household chores (distinct from domestic work in a third party household), which are excluded from the ILO’s methodology.⁶¹ Many children also work in less visible forms of child labour, like domestic work, at the family farm, or in the family business.⁶²
- **The lack of standard international list of hazardous jobs.** From a legal standpoint there is no international list of hazardous jobs and occupations but rather a series of unique national lists.⁶³ The resulting national variation in regulations on child labour means there can be no standard statistical measure of hazardous work that is valid across all countries.
- **Children move in and out of the work force more regularly than adults.** A large-scale 2007 study by Levison et al. found that the methods used by labour force and household surveys to identify adult employment – asking about work in the past week – are often not effective for children that may work one week, not work the next, and have another job the following week.⁶⁴

Some thematic research gaps in the existing literature include:

- **Systematic reporting on occupational injuries and illnesses for children.** Even for industrialized countries, work-related injuries and illnesses are systematically under-reported.⁶⁵ As a result, “little is known about the conditions under which children work, including their exposure to risks in the workplace.”⁶⁶
- **The extent to which work interferes with the ability of children to learn effectively once in the classroom.** It stands to reason that work limits the time and energy children have for their studies. Yet there is lack robust research that quantifies these impacts on children’s educational achievement.⁶⁷

⁶⁰ ILO, "Report III Child labour statistics," Report from the 18th International Conference of Labour Statisticians, Geneva, 24 November–5 December 2008, 40, accessed at: http://www.ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/meetingdocument/wcms_099577.pdf.

⁶¹ ILO, *Marking Progress Against Child Labour* (2013), 5.

⁶² S. Amin et al., “Market work and household work as deterrents to schooling in Bangladesh,” *World Development* 37:7 (2006), 1271–1286; R. Ray & G. Lancaster, “The impact of children’s work on schooling: Multi-country evidence,” *International Labour Review*, 144:2 (2005), 189–210.

⁶³ In 2008, the International Conference of Labour Statisticians (ICLS) adopted the Resolution concerning statistics of child labour. The Resolution sets standards for the collection and analysis of data on child labour and calls upon all countries to develop a system to collect child labour statistics. See ILO, "Resolution II Resolution concerning statistics of child labour," (December 5, 2008), accessed at: www.ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/normativeinstrument/wcms_112458.pdf.

⁶⁴ Deborah Levison, et al. “Intermittent Child Employment and Its Implications for Estimates of Child Labour,” *International Labour Review*, 146 (2007), 217–251.

⁶⁵ ILO, *World Report on Child Labour 2015* (2015), 55.

⁶⁶ UNICEF, “Child Labour and UNICEF in Action: Children at the Centre” (2014), 12.

⁶⁷ Food and Agriculture Organization of the United Nations (FAO), *Handbook for Monitoring and Evaluation of Child Labour in Agriculture: Measuring the Impacts of Agricultural and Food Security Programmes on Child Labour in Family-Based Agriculture* (Rome: FAO, 2015), accessed at: <http://www.fao.org/3/a-i4630e.pdf>.

C. Root Causes and Risk Factors

There is extensive empirical and theoretical literature that examines why children work. The root causes and risk factors for exploitative child labour can be said to determine its “supply.” The following are some of the complex forces that enable child labour:

- **Poverty.** According to UNICEF, “Child labour is largely driven by vulnerabilities caused by poverty and deprivation.”⁶⁸ Basu and Van’s (1998) influential work described this relationship based on two assumptions: the Luxury Axiom, which states that parents send children to work if their income is below a certain threshold; and the Substitution Axiom, which states that adult labour and child labour are substitutes.⁶⁹ However, more recent work has complicated this model. As Balhondra and Heady (2003) write, “One of the most striking findings that emerges in surveying the empirical literature on child labor is that both its unconditional and conditional correlation with household poverty is small, and often insignificant.”⁷⁰ For example, evidence shows that at low-income levels, possession of land and livestock can often be associated with higher levels of child labour.⁷¹ This phenomenon is known as the “wealth paradox:”⁷² if households are rich in land or livestock, there is increased labour demand within the family.⁷³ Thus, while it is clear that poverty is an important determinant of child labour, it is not always the sole or most important determinant.

While child labour may often function as a short-term response to poverty, it also perpetuates the intergenerational transmission of poverty. Studies show that those who enter the workforce at an early age typically end up with less education and lower earnings; they are more likely to work jobs that fail to meet basic decent work criteria and receive low wages. They are also more likely to send their own children to work.⁷⁴ This has significant policy implications: reducing child labour can “significantly improve children’s adult wages, income, and poverty status, so governments can trade off current costs of child labour eradication programs against future lower costs of poverty programs and/or increased tax returns.”⁷⁵

- **Lack of social protection and education.** There is a growing body of evidence that child labour is directly impacted by a lack of social protection programs to provide healthcare and

⁶⁸ UNICEF, “Child Labour and UNICEF in Action: Children at the Centre” (2014), 9.

⁶⁹ K Basu & P. Van, “The economics of child labor,” *American Economic Review*, 88:3 (1998), 412-427.

⁷⁰ Sonia Bhalotra & Zafiris Tzannatos, “Child Labor: What Have We Learnt?” World Bank Social Protection Discussion Paper Series No 0317 (September 2003), 28-29.

⁷¹ P. Goulart & A.S. Bedi, “Child labour and educational success,” *Portugal Economics of Education Review*, 27:5 (2008), 575-587.

⁷² S. Bhalotra & C. Heady, “Child farm labor: The wealth paradox,” *The World Bank Economic Review*, 17:2 (2003), 197-222.

⁷³ A. Cigno et al., *Child labor handbook*. World Bank Social protection discussion paper 0206 (2002).

⁷⁴ Nadeem Ilahi et al., “How Does Working as a Child Affect Wage, Income and Poverty as an Adult?” World Bank Social Protection Discussion Paper Series No. 0514 (May 2005); ILO, *World Report on Child Labour 2015* (2015); Jo Becker and Margaret Wurth, “‘Kids want to work’ is a poor justification for laws that legalize work by 10-year-olds,” *Human Rights Watch* (September 4, 2014), accessed at: <https://www.hrw.org/news/2014/09/05/kids-want-work-poor-justification-laws-legalize-work-10-year-olds>.

⁷⁵ Ilahi et al. “How Does Working as a Child Affect Wage, Income and Poverty as an Adult?” (2005), 5.

education, and to reduce their risk of abuse and exploitation.⁷⁶ With regards barriers to education, schools may be available but prohibitively far away.⁷⁷ Even when provided at no cost, expenses for school clothes and materials may make school inaccessible.⁷⁸ Finally, the quality of education may be such that children do not learn once in the classroom.

- **Lack of perceived returns to education.** If parents do not believe their children will benefit from schooling in terms of personal development and future opportunities in the labour market, then the perceived opportunity cost of sending them to work will be lower.⁷⁹ Research shows that quality of education, as well as accessibility, is essential.⁸⁰ There is increasing evidence that parents who themselves received some education will be more motivated to send their children to school.⁸¹ Research suggests that for girls, their mother's education is perhaps most important.⁸² Additionally, a lack of employment opportunities for youth and adults, particularly in skilled sectors, can increase child labour by lowering returns to education.⁸³
- **Social norms and cultural and community factors.** Cultural and behavioural rules at the community and national level broadly influence the institutional context in which child labour occurs, making it either acceptable or non-acceptable. For example, norms of filial obligations, conceptions of childhood and the child's value differ across societies.⁸⁴ Writing on the cultural understanding of children's rights in Sub-Saharan Africa, Rwezaura notes that "there is often no clear separation between the interests of the child or children on the one hand and the interest of adult members of the family or any relevant social group on the other hand."⁸⁵ Thus when a family unit is in need of support, children engage in production. Norms of "social stigma," or social disapproval of parents who send their children to work also play an important role.⁸⁶

⁷⁶ Gilligan et al., "The Impact of Ethiopia's Productive Safety Net Programme and its Linkages," *The Journal of Development Studies*, 45:10 (2009), 1684-1706.

⁷⁷ Sudharshan Canagarajah & Helena Skyt Nielsen, "Child Labor and Schooling in Africa: A comparative study," World Bank Social Protection Paper no. 9916 (1999).

⁷⁸ D. Senbet, "Determinants of Child Labour versus Schooling in Rural Ethiopia," *European Journal of Social Sciences*, 17:3 (2010), 414-425.

⁷⁹ Maria Cristina Salazar & W. Alarcón Glasinovich (eds.), *Child work and Education: Five case studies from Latin America* (Florence: Ashgate Publishing, Aldershot/UNICEF, 1998); Peter B. Larsen, "Indigenous and Tribal Children: Assessing child labour and education challenges," Child Labour and Education Working Paper, ILO-IPEC (2003).

⁸⁰ Bilal Ahmad Bhat, "Gender, education and child labour: A sociological perspective," *Educational Research and Reviews* 5:6 (2010), 323-328.

⁸¹ R. Breen & J.H. Goldthorpe, "Explaining educational differentials: Towards a formal rational action theory," *Rationality and Society* 9:3 (1997), 275-305; Mukherjee & Das, "Role of parental education in schooling and child labour decision: Urban India in the last decade," *Social Indicators Research*, 89:2 (2008), 305-322; Ellen Webbink et al., "Hidden Child Labor: Determinants of Housework and Family Business Work of Children in 16 Developing Countries," *World Development* 40:3 (2011), 631-642.

⁸² K. Basu et al., "Child labor and household wealth: Theory and empirical evidence of an inverted U," *Journal of Development Economics*, 91:1 (2010), 8-14; P.M. Emerson & A.P. Souza, "Child labor, school attendance, and intrahousehold gender bias in Brazil," *The World Bank Economic Review*, 21:2 (2007), 301-316.

⁸³ ILO, *World Report on Child Labour 2015* (2015).

⁸⁴ See V.A. Zelizer, *Pricing the priceless child: the changing social value of children* (New York: Basic Books, 1985).

⁸⁵ B. Rwezaura, "The Concept of the Child's Best Interests in the Changing Economic and Social Context of Sub-Saharan Africa" in *The Best Interests of the Child: Reconciling Culture and Human Rights* (Clarendon Press, 1994), 82-116.

⁸⁶ D. K. Brown et al., "Child Labor: Theory, Evidence, and Policy," Research Seminar in International Economics Discussion Paper # 474 (2002); L.F. Lopez-Calva & K. Miyamoto, "Filial Obligations and Child Labor," *Review of Development Economics*, 1:3 (2004).

- **Income inequality.** Recent literature has linked reductions in income inequality to reductions in child labour: child labour persists when the returns to capital are distributed unequally enough that some families still must send their children to work in order to sustain themselves.⁸⁷ Yet Rogers and Swinnerton (2004) show that the effect of lowering income inequality on child labour is ambiguous; the results depend on average adult productivity.⁸⁸
- **Adult consumption patterns.** Research also shows that adult consumption patterns affect child labour: allocation of household resources, on alcohol or tobacco, or schooling and healthcare, can have an impact on children's work.⁸⁹
- **Risk theory and economic shocks.** Recent studies have shown that child labour often increases in response to "shocks." These can be collective – natural disasters, armed conflict, crop failures due to weather or pests, macroeconomic recessions – or family-specific – illnesses or deaths. Beegle et al. (2006) write about the loss of crops or livestock in Tanzania;⁹⁰ Dillon (2008) analyses the effects of illness or related expenses in Mali;⁹¹ and Guarcello et al. (2003) examine both collective and family-specific shocks in Guatemala.⁹²
- **Credit and insurance markets.** There is some empirical evidence that finds a negative relationship between child labour and access to credit: if there are perfectly functioning credit markets, it should in theory be possible for parents to borrow against their child's future earnings and avoid use of child labour to meet subsistence needs.⁹³
- **Additional risk factors.** In addition to the enabling environment factors listed above, the likelihood of a child being sold for purposes of labour exploitation is also influenced by several specific risk factors. These are particularly relevant for the most vulnerable children, who are involved in the worst forms of child labour:
 - Ethnic discrimination
 - Class discrimination
 - Geographic location
 - Homelessness
 - Substance use
 - Sexual abuse/assault
 - Child abuse/neglect
 - Runaway
 - Involvement with the child welfare system
 - Involvement with juvenile justice system
 - Domestic violence
 - LGBTQ
 - HIV status
 - Disability status
 - Mental health concerns
 - Other types of trauma

⁸⁷ Caroline Rogers & Kenneth Swinnerton, "Inequality, Productivity and Child Labor: Theory and Evidence", Working Paper, Georgetown University, Department of Economics, Washington D.C (2001).

⁸⁸ C Rogers & K Swinnerton, "Does child labor decrease when parental incomes rise?" *Journal of Political Economy* 112 (2004), 939-946.

⁸⁹ Bourdillon et al., *Rights and Wrongs of Children's Work* (2010), 74.

⁹⁰ Kathleen Beegle et al., "Child Labor and Agricultural Shocks," *Journal of Development Economics* 81 (2006), 80–96.

⁹¹ Andrew Dillon, *Child Labor and Schooling Responses to Production and Health Shocks in Northern Mali*, IFPRI Discussion Paper 00755 (Washington, D.C.: International Food Policy Research Institute, 2008).

⁹² Lorenzo Guarcello et al., *Household Vulnerability and Child Labor: The Effect of Shocks, Credit Rationing and Insurance*, Understanding Children's Work Working Paper (Rome: University of Rome, 2003).

⁹³ K. Beegle et al., "Child Labor, Crop Shocks, and Credit Constraints," NBER Working Paper 10088, Cambridge (2003); R. Dehejia & R. Gatti, "Child Labor: The Role of Income Variability and Access to Credit Across Countries," NBER Working Paper 9018, Cambridge (2002).

D. Demand

The “demand side” of sale of children for labour purposes includes the demand as well as the environment that enables and influences demand. These factors are closely intertwined with the above-mentioned “supply” factors, which drive abundant and low cost labour that in turn fuels demand.⁹⁴ For example, the widespread use of child domestic labour by middle-income families in Asia as compared to European households cannot be explained by an increased need for such services in Asia: this is driven by the cheap and easy availability of labourers.⁹⁵

- **Children’s inherent characteristics.** The “nimble fingers” hypothesis states that demand for child labour can partly be explained by their physical comparative advantage in some kinds of occupations that require delicacy or small stature, such as cotton picking.⁹⁶ However, recent literature has refuted this theory, suggesting that children are primarily attractive to employers because their vulnerability, subservience and innocence make them easier to exploit and control.⁹⁷
- **“Derived demand” from exploiters and third parties.** The sheer profitability of child labour exploitation drives demand for child labour from supply side actors such as employers, owners, managers and subcontractors, as well as third parties involved in trafficking processes such as recruiters, agents and transporters.⁹⁸
- **Consumer demand.** Client or consumer demand directly contributes to the exploitation of children in the context of sexual exploitation or domestic work. However, demand for a child’s labour is not always synonymous with demand for a trafficked/bonded child to deliver the labour.⁹⁹ In other forms of child labour exploitation, global consumer demand for low cost products more indirectly contributes to the problem. Globalization processes have created increasingly competitive markets that put pressure on the owners of small and medium-sized industries and enterprises to reduce overhead costs, compounding demand for cheap labour.
- **Enabling environment.** The unregulated nature of many sectors where child labour exploitation occurs “makes exploitation common and often a no- or low-risk deed.”¹⁰⁰

⁹⁴ B. Anderson & Julia O’Connell Davidson, *Is trafficking in human beings demand driven? A multi-country pilot study* (Geneva: IOM, 2003).

⁹⁵ ILO, *The Demand Side of Human Trafficking in Asia: Empirical Findings* (Geneva: ILO, 2006), 3.

⁹⁶ ILO, *Explaining the Demand and Supply of Child Labour: A Review of the Underlying Theories* (Geneva: ILO/IPECSIMPOC, 2007), 20.

⁹⁷ Neera Burra, *Born to Work: Child Labour in India* (Delhi: Oxford University Press, 1995); B. Grimsrud, “What can be done about child labor? An overview of recent research and its implications for designing programs to reduce child labor,” Social Protection Discussion Paper Series No.0124 (Washington DC: World Bank, 2001).

⁹⁸ R.C. Shelburne, “An explanation of the international variation in the prevalence of child labour”, *World Economy*, 24:3 (2001), 359-78; IPEC, *Child Trafficking – The People Involved, A Synthesis of Findings from Albania, Moldova, Romania and Ukraine* (Geneva: ILO, 2005).

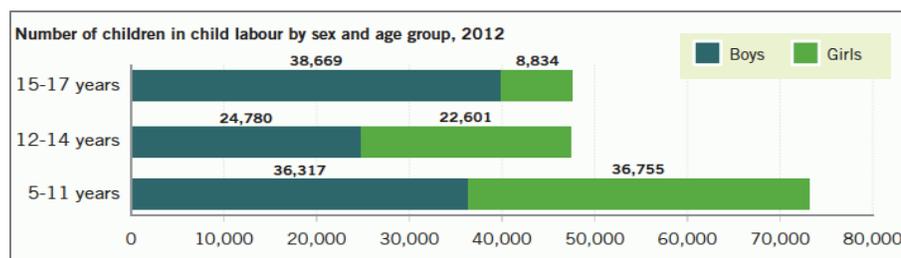
⁹⁹ ILO, *The Demand Side of Human Trafficking in Asia* (2006), 2.

¹⁰⁰ *Ibid.*, 3.

E. Gender Dimension

Effective policies, programmes and advocacy to combat exploitative child labour must be sensitive to gender differences among working children. There is persistent and systemic variation between girls and boys in sector distribution, domestic work and access to education.

Statistics suggest that child labour involvement is in general much higher among boys than girls (99.8 million versus 68.2 million), though this is largely a reflection of gender differences among older children. There is almost no difference by sex in the involvement of 5-11 year-olds in child labour.¹⁰¹ Boys tend to be more concentrated in agricultural work,¹⁰² manufacturing and transport, while girls work in the garment industry, handcrafting and domestic work.¹⁰³ However, there is considerable regional deviation from these patterns. In Haiti, for example, some 25 per cent of child domestic labourers, or “restaveks”, are boys. In Tanzania, girls are more prevalent in several types of commercial agriculture, including tea and coffee growing.¹⁰⁴ In Vietnam, there is very little gender difference in children’s involvement in work across sectors.¹⁰⁵



Source: ILO, *Marking Progress Against Child Labour* (2013), 12.

As noted earlier, existing analysis significantly underestimates girls’ participation in child labour because global estimates do not reflect girls’ disproportionate involvement in non-economic forms of child labour such as housework.¹⁰⁶ Girls often conduct household chores in addition to work in the agriculture, industry and service sectors.¹⁰⁷ For example, a report on female child labour in rural areas in India noted that girls participate in rural work but that also “the burden of household duties... fall upon the girl child. Performing such chores is not considered as being ‘work,’ either by the family and definitely not by women and girls themselves.”¹⁰⁸

¹⁰¹ ILO, *Marking Progress Against Child Labour* (2013), 18.

¹⁰² FAO, *Gender dimensions of agricultural and rural employment: Differentiated pathways out of poverty Status, trends and gaps* (Rome: FAO, ILO, 2010)

¹⁰³ Alexandra van Selm, "Gender issues in child labor," World Bank Poverty Reduction and Economic Management (PREM) Network (August 2005), accessed at: www1.worldbank.org/prem/PREMNotes/premnote100.pdf.

¹⁰⁴ IPEC, “Facts on Gender roles and child labour,” March 2013, accessed at: http://www.ilo.org/public/english/standards/ipec/publ/download/factsheets/fs_gender_0303.pdf.

¹⁰⁵ Understanding Children’s Work (UCW) Programme, *Understanding children’s work in Vietnam: Report on child labour* (Rome: UCW, 2009), 23.

¹⁰⁶ ILO, *Marking Progress Against Child Labour* (2013), 5.

¹⁰⁷ IPEC, *Girl child labour in agriculture, domestic work and sexual exploitation: A comparative analysis - The cases of Ghana, Ecuador and the Philippines* (Geneva, ILO, 2003) Vol. 2.

¹⁰⁸ K.V. Somasundaram: "The agony of innocents: Female child labour in rural India" in *ISPESL: Protecting our future: Contributions on child labour* (Rome: WHO, 2003), 58 -59.

Other research indicates that girls are also more involved in hidden and therefore underreported forms of child labour. It is estimated that girls make up roughly 90 per cent of children involved in domestic work.¹⁰⁹ However, current international standards do not address the unique circumstances of these youth, the specific conditions in which child domestic work is performed, and the specific vulnerabilities to serious physical, emotional, and sexual abuse these can create.¹¹⁰ While the provisions of other ILO conventions technically apply to the most exploitative forms of domestic work, traditional perceptions of domestic workers as “helpers” rather than “workers,” and the location of employment in private households has meant that, in practice, these protections have not extended to domestic workers, including child domestic workers. In many countries, national labour legislation exempts domestic workers from their protections.¹¹¹

Boys constitute 81 per cent of all adolescents aged 15 to 17 years in hazardous work.¹¹² However, in contrast to previous estimates, the ILO found in 2012 that among younger children this gender pattern is the opposite. Girls aged 5 to 14 make up 57 per cent of all children in hazardous work.¹¹³ This switch in the relative burden of hazardous work among younger children suggests that existing policies have been more successful in reaching boys in hazardous work than girls. Accurate gender differentiated information on children’s involvement in the other worst forms of child labour is not available, though girls are generally more affected by sexual exploitation than boys, and boys are recruited into armed conflict at higher rates.¹¹⁴

In all societies, girls receive differentiated treatment as a result of structural discrimination and inequality. Girls, especially those from marginalized demographics, are less likely to attend school due to the compounding forms of disadvantage they face: domestic labour, child marriage, ethnic or social exclusion and early pregnancy.¹¹⁵ If they do go to school, parents might believe that learning basic skills like reading and writing is enough and remove them after only a few years to help in the home.¹¹⁶ This reduces their capacity to access decent work as well as higher skilled and more rewarding employment opportunities.¹¹⁷ This problem is self-reinforcing at the generational level:

¹⁰⁹ ILO, *Good Practices and Lessons Learned on Child and Adolescent Domestic Labour in Central America and the Dominican Republic: A gender perspective* (San Jose: ILO, 2005), 10.

¹¹⁰ Nelien Haspels & Busakorn Suriyasarn, *Promotion of Gender Equality In Action against Child Labour and Trafficking A Practical Guide for Organizations* (Bangkok: ILO, 2003), 15; Human Rights Watch, *Swept Under the Rug Abuses against Domestic Workers Around the World* (New York: HRW, 2006), accessed at: <https://www.hrw.org/report/2006/07/27/swept-under-rug/abuses-against-domestic-workers-around-world>.

¹¹¹ Child Rights International Network, "Child Labour: Child Domestic Workers - The Dawn Of A New Convention?" (February 11, 2015), accessed at: <https://www.crin.org/en/library/publications/child-labour-child-domestic-workers-dawn-new-convention>.

¹¹² ILO, *Marking Progress Against Child Labour* (2013), 18.

¹¹³ *Ibid.*, 21.

¹¹⁴ UNICEF, "Sexual violence against children," accessed March 22, 2016 at: www.unicef.org/protection/57929_58006.html; Human Rights Watch, "Child Soldiers Worldwide," (March 12, 2012) accessed at: <https://www.hrw.org/news/2012/03/12/child-soldiers-worldwide>.

¹¹⁵ UNICEF, *Beijing+15: Bringing girls into focus* (New York: UNICEF, 2010); UNICEF, *The State of the World's Children 2011: Adolescence: An Age of Opportunity* (New York: UNICEF, 2011), 29.

¹¹⁶ Janine Huisman & Jeroen Smits, "Effects of household and district-level factors on primary school enrollment in 30 developing countries," *World Development* 37 (2009), 179-193; Amin et al., "Market work and household work as deterrents to schooling in Bangladesh" *World Development* 34:7 (2006), 271-128.

¹¹⁷ FAO, *Gender dimensions of agricultural and rural employment* (2010).

evidence shows that if the mother is more highly educated, children spend fewer hours on both housework and family business work.¹¹⁸

Gender-sensitive programmes and policies that combat and prevent child labour exploitation are necessary to fulfil the fundamental rights of boys and girls to an education, a healthy childhood, protection from violence, abuse and exploitation, and rest and recreation.¹¹⁹

¹¹⁸ Webbink et al., "Hidden Child Labor," (2011), 641.

¹¹⁹ UNICEF, "Child labour: Are girls affected differently from boys?" (2016)

F. Internet Communication Technologies (ICTs)

Technological advances have transformed the scope of potential child labour interventions and, to a lesser extent, impacted the manifestations of the problem.¹²⁰ ICTs have increased some of the risks for child labour exploitation and offered new methods for traffickers. Yet “there is a lack of evidence-based research on any relationship between technology and labor trafficking either within or across national borders.”¹²¹ Advances in technologies help traffickers and exploiters by making it faster, easier, and ultimately more profitable to recruit vulnerable jobseekers, conduct transactions, and communicate.¹²² The Telecommunications industry itself, one of the most valuable and fastest growing in the world, is also rife with reports of child labour exploitation. For example, it has been documented in India’s e-waste industry;¹²³ in Samsung’s Chinese electronics factories;¹²⁴ and in cobalt mines in the DRC that supply batteries used by Apple, Microsoft and Vodaphone.¹²⁵

On the positive side, technological and data-driven approaches to address child labour exploitation have begun to emerge. These interventions focus on a range of actors, from multi-national corporations to individual migrant workers and employ different technologies, from cloud-based web interfaces to mobile phone apps.¹²⁶ Their success is dependent upon a sector-specific analysis of local needs, community engagement in the design and implementation of programs, development of clear protocols for the use and oversight of relevant technologies, and long-term funding support. Some important examples include:

- **Child protection information management systems.** There is an acute need for effective, reliable and integrated information and data collection and analysis systems on different forms of labour exploitation of children. Such information should be disaggregated by age, sex, location and need for special protection. This data should be part of centralized national databases for case management to ensure that child victims are identified, linked to services and receive long-term follow up care. For example, the Interagency Child Protection Information Management System (IMS) established in 2004 by Save the Children, the International Rescue Committee (IRC), and UNICEF assists separated children, children associated with armed groups and forces, and other particularly vulnerable children. It facilitates family tracing and reunification, disarmament, demobilisation and reintegration (DDR), and other child protection

¹²⁰ Existing analysis largely focuses on how the ICTs have impacted the sexual exploitation of children. See, UNODC, *Study on the Effects of New Information Technologies on the Abuse and Exploitation of Children* (Geneva: United Nations, 2015); United Nations Commission on Human Rights, *Information and communication technologies and the sale and sexual exploitation of children, a Report submitted by Ms. Maud de Boer-Buquicchio*, A/HRC/28/56 (2014).

¹²¹ Mark Latonero et al., "Technology and Labor Trafficking in a Network Society," Center on Communication Leadership & Policy, University of Southern Carolina (February 2015), accessed at: https://communicationleadership.usc.edu/files/2015/10/USC_Tech-and-Labor-Trafficking_Feb2015.pdf.

¹²² United Nations Global Initiative to Fight Human Trafficking (UN.GIFT), “Workshop: Technology and Human Trafficking, The Vienna Forum to fight Human Trafficking” (February 2008), accessed at: <https://www.unodc.org/documents/human-trafficking/2008/BP017TechnologyandHumanTrafficking.pdf>

¹²³ The Associated Chambers of Commerce & Industry of India, "Over 4.5 lakhs child labours engaged in various e-waste activities in India: ASSOCHAM study; India’s capital produces 67,000 MT of electronic waste a year," (April 21, 2014), available at: assochem.org/newsdetail.php?id=4476.

¹²⁴ Reuters, "Supplier for Samsung and Lenovo Accused of Using Child Labor," *The New York Times* (August 28, 2014).

¹²⁵ Amnesty International, *This is what we die for: Human rights abuses in the Democratic Republic of the Congo power the global trade in cobalt* (London: Amnesty International, 2016).

¹²⁶ Latonero et al., "Technology and Labor Trafficking in a Network Society," v.

programmes. The database is also used for programme planning, monitoring and evaluation, and for global advocacy work on child protection. It is currently in use in Myanmar, Liberia, Ivory Coast, Central African Republic, Guinea, northern Sudan, southern Sudan, Uganda, Indonesia, Nepal, Chad and Kenya, by a number of different agencies and governmental and nongovernmental partners.¹²⁷

- **Reporting of instances of exploitation.** As further elaborated in the section below on Corporate Social Responsibility (page 64), mobile technologies are beginning to be used to empower workers to safely report instances of child labour exploitation, and to map corporate supply chains to increase transparency with consumers and regulators.
- **Family Tracing and Reunification.** ICTs are modernizing the methods used to reunite separated and unaccompanied children with their parents. For example, RapidFTR is an open-source mobile phone application and data storage system designed to help humanitarian workers collect, sort, and share information about unaccompanied and separated children in emergencies so they can be registered for services and reunited with their families. It has been successfully deployed in the Philippines, South Sudan, and Uganda.¹²⁸
- **Birth Registration.** Birth registration is crucial in the prevention sale of children for labour exploitation: children without status before the law face significant barriers in accessing social protections and education services. Several countries are piloting the use of mobile phones in birth registration, including Vanuatu (UNICEF and Digicel), Uganda (UNICEF and Uganda Telecom Limited, UTL), Kenya (Plan and Nokia) and Liberia (CMI and Nokia). Data collected at village level are entered into digital forms on a smartphone, which are transmitted to the civil registrar's office who issues the birth certificate. The data are then sent to a central birth registration database.¹²⁹

Many of the globe's most vulnerable children remain disconnected from mobile phones or the Internet. However, as child rights specialist Mike Dottridge writes, this area has untapped potential for child protection: "better and more imaginative use could be made of [ICTs] to protect children, notably by ensuring they stay in contact with others."¹³⁰

¹²⁷ Christine McCormick, *Evaluation of the Inter-agency Child Protection Information Management System* (Save the Children, 2010), accessed at: <http://resourcecentre.savethechildren.se/sites/default/files/documents/2947.pdf>.

¹²⁸ UNICEF, "RapidFTR serves as a force for change in some of the world's most complex emergencies" (June 2, 2014), accessed at: www.unicefstories.org/2014/06/02/rapidftr-serves-as-a-force-for-change-in-some-of-the-worlds-most-complex-emergencies/.

¹²⁹ Mirkka Mattila, "Mobile Technologies for Child Protection A briefing note," UNICEF WCARO (October 2011), 8, accessed at: www.unicef.org/wcaro/english/mobile_technologies_for_child_protection.pdf.

¹³⁰ Mike Dottridge, *Kids Abroad: Ignore them, abuse them or protect them?* (Geneva: Terre des Hommes International Federation, 2008), 80.

Areas of Priority and Good Practice

I. Child Migrants in Child Labour

Migration and displacement can be important determinants for child labour. The recently adopted Roadmap for Achieving the Elimination of the Worst Forms of Child Labour acknowledges the need to address child vulnerabilities related to migration, stating: “Governments should consider ways to address the potential vulnerability of children to, in particular the worst forms of child labour, in the context of migratory flows.”¹³¹ Yet the complex effects of internal and international migration on children’s involvement in child labour have hardly been explored.¹³²

This section maps out the scale of the problem and different vulnerabilities of children on the move to exploitative child labour. It then explores a variety of promising interventions that respect the best interests of these children on the move, and protect them from sale for labour exploitation before, during and after the migration experience.

WHY FOCUS ON THIS ISSUE?

Millions of children are on the move and this population will likely grow.

- There are an estimated 214 million international migrants globally, and 740 million internal migrants.¹³³ Youth account for a large share of this population; **about a third of the migrant flow from all developing countries is between 12 and 24 years of age.** This includes millions of children under the age of 18 who migrate internally or across national borders, with or without parents.¹³⁴
- This varied and multifaceted flow includes asylum seekers, exploited unaccompanied children, job seekers, education or opportunity seekers, and adolescents seeking family reunion with previously migrated parents.¹³⁵ Although for some movement is involuntary, many young people on the move are seeking some form of better life.
- Child migration is not a new phenomenon. But **an unprecedented number of young people are expected to move in the coming years**, driven by demographic factors, violent conflict, state failure and the effects of climate change.¹³⁶ The most recent UNHCR figures show that at

¹³¹ ILO, *Roadmap for Achieving the Elimination of the Worst Forms of child labour by 2016* (The Hague, 2010), accessed at: <http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=13454>.

¹³² Hans van de Glind & Anne Kou, “Migrant children in child labour: A vulnerable group in need of attention,” in *Children on the Move* (Geneva: ILO-IPEC, 2013), 30.

¹³³ “Migration and child labour,” International Labor Organization, accessed December 17, 2015, www.ilo.org/ipec/areas/Migration_and_CL/lang--en/index.htm.

¹³⁴ Shahin Yaqub, “Independent Child Migrants in Developing Countries: Unexplored links in Migration and Development,” Innocenti Working Paper No. 2009-01 (Florence, UNICEF Innocenti Research Centre, 2009).

¹³⁵ Jacqueline Bhabha, “Moving Children: Lacunae in Contemporary Human Rights Protections for Migrant Children and Adolescents,” *Revue européenne des migrations internationales* 30:1 (2014).

¹³⁶ van de Glind & Kou, “Migrant children in child labour” (2013), 40.

the end of 2014 there were 9.9 million refugees worldwide under the age of 18. This is the highest figure for child refugees in more than a decade.¹³⁷

There is a lack of robust research and longitudinal data on this population.

- In recent years there has been increasing attention from activist and academic communities to the general vulnerabilities of children on the move. However, a 2013 review by the ILO found that **the complex effects of internal and international migration on children's involvement in child labour "have hitherto hardly been explored."**¹³⁸ This is partly due to the striking lack of longitudinal data on this population.¹³⁹
- The child-trafficking lens dominates current policy responses to exploitative labour amongst children on the move.¹⁴⁰ Yet this approach can falsely homogenize the varied experiences of migration and child work, lead to interventions that do not reflect the child's best interests and criminalise their family and support systems, which are key resources for sustainable change.¹⁴¹ There are rarely bright lines between consensual and coercive child migration, accompanied and unaccompanied children; or exploited workers and youthful economic migrants.¹⁴² Yet the trafficking framework relies on these classifications, causing ambiguity at the legal and practical levels.¹⁴³

"These siloed frameworks aren't always culturally relevant. Working in West Bengal, people told me that there aren't two words for trafficking and smuggling in the local language. These clear delineations also have the effect of creating categories of children that are *not* considered victims. Especially in areas with few resources, you then de facto give prominence to some issues over others and you can miss children that are exploited and abused but not being trafficked."
-- Anastasia Anthopoulos, The Oak Foundation¹⁴⁴

¹³⁷ United Nations High Commissioner for Refugees (UNHCR), "Facts and Figures about Refugees," accessed December 17, 2015, www.unhcr.org.uk/about-us/key-facts-and-figures.html.

¹³⁸ van de Glind & Kou, "Migrant children in child labour" (2013), 30.

¹³⁹ Jacqueline Bhabha, "Too much disappointing": the quest for protection by unaccompanied migrant children outside Europe," in *Migrating Alone: Unaccompanied and Separated Children's Migration to Europe*, eds. J. Kanics et. al (Paris: UNESCO, 2010), 93.

¹⁴⁰ Yaqub, "Independent Child Migrants in Developing Countries" (2009).

¹⁴¹ Take the case of Thai migrant children between 12 and 14, who travel to Bangkok and borrow ID cards from older friends in order to find jobs in gold shops. While their employment constitutes child labour, as they work more than the permitted 14 hours each week, it does not fit the "worst forms" definition. This does not neatly fit the trafficking definition. See Roy Huijsmans & Simon Baker, "Child Trafficking: 'Worst Form' of Child Labour, or Worst Approach to Young Migrants?" *Development and Change* 43(4): 931.

¹⁴² Jacqueline Bhabha, "Too much disappointing" (2010), 94.

¹⁴³ *Ibid.*, 93.

¹⁴⁴ Interview with the author (January 27, 2016).

Recent research points to the diverse vulnerabilities of migrant children to labour exploitation.

- **There are very few ways for children to legally migrate across international borders.** At the macro-level, the risk of labour exploitation among migrant children is exacerbated by fragmented legal and protection frameworks that limit their opportunities for safe movement. As such, the many children that cannot use family reunification, refugee resettlement or study abroad programs to move are exposed to substantively increased risks at each stage of migration.

“[In Africa,] most of the children who move don’t have any documents. So you cannot speak meaningfully about regular or irregular migration. They don’t have any other alternative.”
-- James Boyon, African Movement of Working Children and Youth¹⁴⁵

- **The conditions under which children decide to migrate make them especially susceptible to child labour.** In absence of safe and legal migration routes, many children use recruitment agencies to help them locate work, which evidence shows often carry risks. Similarly, when recruiters are known to and trusted by the family, parents may not enquire about or know the terms of the contract relating to their child’s future work.¹⁴⁶ In both cases, previously agreed-upon jobs are often eventually replaced with hazardous and exploitative jobs.¹⁴⁷ Families or unaccompanied children unable to finance migration may also be subject to exploitation by moneylenders and forced into bonded labour to pay off debts they take on.¹⁴⁸
- **The risks during migration journeys are considerable.** During migration, children who initially migrated voluntarily can become subjects of coercion and labour exploitation by recruiters, intermediaries, clients or employers. Studies show that in South East Asia child trafficking and labour migration are frequently interlinked, and traffickers are said to “fish in the stream of migration.”¹⁴⁹ Border crossings and transport hubs such as bus and railway stations, and airports are also recognized points of risk for trafficking into exploitation.¹⁵⁰ Girls are especially susceptible to abuse during the migration process.¹⁵¹ For many children, the migration journey is so prolonged and arduous that they have to work along the way in order to survive.

¹⁴⁵ Interview with the author (March 3, 2016).

¹⁴⁶ Susan Kneebone et al., *Child Labour & Migration From Hue to Saigon, Vietnam*, Monash University (September 2013), accessed at: https://www.monash.edu/__data/assets/pdf_file/0015/142026/child-labour-and-migration-report.pdf.

¹⁴⁷ United Nations Resident and Humanitarian Coordinator’s Office Nepal, *Field Bulletin Returnees from Migrant Labour: Welcome Home?* (2010).

¹⁴⁸ Hans van de Glind, *Migration and child labour: Exploring child migrant vulnerabilities and those of children left-behind* (Geneva: ILO-IPEC, 2010), 12.

¹⁴⁹ See, Save the Children UK, “Report of Regional Seminar on Children Who Cross Borders in Southern Africa,” (Johannesburg: Save the Children, 2009), accessed at: <http://www.migration.org.za/uploads/docs/report-8.pdf>.

¹⁵⁰ ILO, United Nations Children’s Fund (UNICEF) and United Nations Global Initiative to Fight Human Trafficking (UN.GIFT), *Training Manual to Fight Trafficking in Children for Labour, Sexual and Other Forms of Exploitation* (Geneva: ILO, 2009).

¹⁵¹ Nitya Rao, “Gender differences in Migration Opportunities, educational choices and wellbeing outcomes,” Development Research Center on Migration, Globalisation and Poverty, University of Sussex (March 2009), accessed at: [www.migrationdrc.org/publications/research_reports/finalreportJan2009nitya\[1\]MWFeb26.pdf](http://www.migrationdrc.org/publications/research_reports/finalreportJan2009nitya[1]MWFeb26.pdf).

Case Study: Cambodian domestic workers in Malaysia

According to reports by several NGOs and local media, Cambodian children as young as 13 are regularly recruited to become domestic workers in Malaysia. In the majority of cases investigated, the women were under 21, and many were under 18. A report by Human Rights Watch estimates that between 2008-2011 forty to fifty thousand Cambodian women and girls migrated to Malaysia as domestic workers. Recruitment agents have been shown to forge fraudulent identity documents to recruit children, offer cash and food incentives that leave children and their families heavily indebted, mislead them about their job responsibilities in Malaysia and charge excessive fees.

Once in Malaysia, children often have to surrender their passports to their agents or employers, making it harder for them to leave if they are mistreated. They work for 14 to 21 hours a day without rest breaks or days off, confined to their work places without adequate food. Many are physically and verbally abused and some experience sexual abuse. In the first successful prosecution of a recruitment agency, a Cambodian court in September 2011 sentenced a manager of the VC Manpower recruitment agency to 13 months in prison for illegally detaining child workers. However, the government has failed to arrest and prosecute other recruitment agents since involved in similar abuses, and it has not revoked the license of a single recruitment agency.

Source: Licadho, "Underage Cambodian Domestic Workers Rescued from Malaysia," September 30, 2010, accessed at: <https://licadho-cambodia.org/articles/20100930/125/index.html>; Human Rights Watch, "*They Deceived Us at Every Step*" *Abuse of Cambodian Domestic Workers Migrating to Malaysia* (2011), accessed at: <https://www.hrw.org/sites/default/files/reports/cambodia1111webwcover.pdf>.

Case Study: Migrant Child Labour in the Thai Industry

Approximately 90 per cent of workers in the Thai fishery and seafood industry are assumed to be migrants, mostly from Myanmar. In 2012, an estimated 6,000 to 8,000 children under 15 were employed in Thailand's shrimp processing industry, as well as 20,000 to 30,000 youth between the ages of 15 and 17. The industry has been repeatedly identified as the site of forms of forced labour and debt bondage. In 2014 an investigation by *The Guardian* found child slave labour being used in companies supplying a number of supermarkets, including Walmart, Carrefour, Costco and Tesco.

Working conditions in this industry are exceptionally hazardous. Surveys confirm that many children work under circumstances that make it impossible for them to go to school and offer no prospect for life improvement, often for more than ten hours a day, six days a week. Child labour laws make it almost impossible for minors to find work in the better regulated larger companies. Terre Des Hommes reports that around 80 per cent of working children want to augment their families' income with their salary. Their entire income is at their parents' discretion, often used to support siblings or other relatives in Myanmar.

Source: Friedel Hütz-Adams & Südwind-Institut für Ökonomie und Ökumene, *Migrant Child Labour in the Thai-Shrimp Industry*, Terre Des Hommes (2015), accessed at: <http://www.terredeshommes.org/wp-content/uploads/2015/06/shrimp-study-eng-3MB.pdf>.

- **Child migrants lack access to government services and protection at their destination.** Upon arrival at their final destination, migrant children often lack government protection, overlooked as a result of their non-permanent resident status and a lack of identity documents. Many do not attempt to access education or health services, or even register new births, out of fear of identification. As a result, children often end up working long hours within the family or in the informal economy,¹⁵² and many new-borns become stateless (*see* page 33). Barriers to education are significant for internal as well as international migrants. For example, in Mongolia, free education is guaranteed by the Constitution but is only available to registered permanent residents, excluding children who had migrated with their parents to work in cotton fields.¹⁵³ As many migrants have no access to public health services due to their illegal status, they must work longer hours in order to pay for healthcare.¹⁵⁴ When governments do pay attention to migrant children, they are often treated as illegal immigrants and are forcibly detained and deported.¹⁵⁵
- **Evidence suggests the conditions in which migrant children work are worse than those of local child labourers.** Migrant children are easy targets for exploitation by virtue of their lack of local connections, formal documentation, and/or understanding of local languages. When in work, these children often experience mistreatment by employers and suffer isolation, poor working conditions, non-payment of wages, and the threat of being reported to the authorities and deported to their countries of origin.¹⁵⁶ Migrant children generally work longer hours, for less pay: one study found that in India's cotton industry, local children work between 9 and 12 hours a day on average, whereas migrant children work a minimum of 3 additional hours.¹⁵⁷ In the manufacturing sector in the Philippines, migrant child labourers also tend to work longer hours compared to non-migrants, despite earning 20 per cent less.¹⁵⁸ Studies have also shown that adverse working and living conditions lead to a lower level of physical and mental health among migrant child labourers.¹⁵⁹

Within this picture, there are several distinct subpopulations of migrant children that experience particular risks of exploitative child labour:

- **Unaccompanied and separated children.** Whether they migrate internally or internationally, children travelling unaccompanied are “especially vulnerable to exploitation, coercion, deception, and violence — particularly if they are below the minimum age of employment, cross a border

¹⁵² Whilst feminists have for many years demonstrated how labour relations exist within as well as outside households and families, the literature on child migration has tended to separate ‘independent child migrants’ with children who migrate as part of families. *See* Vegard Iverson, “Autonomy in child labor migrants,” *World Development*, 30:5 (2002), 817-834.

¹⁵³ ILO-IPEC, *Child labour in tobacco and cotton growing in Kazakhstan. Rapid assessment report* (Geneva: ILO, 2006).

¹⁵⁴ ILO-IPEC, *Hazardous child labour in agriculture: Cotton. In Safety and Health* (Geneva: ILO, 2004).

¹⁵⁵ Jacqueline Bhabha, “Arendt’s Children: Do Today’s Migrant Children Have a Right to Have Rights?” *Human Rights Quarterly* 31:2 (2009), 410-451.

¹⁵⁶ Sarah Flamm, “The Linkage Between Migration and Child Labor: An International Perspective,” *Stanford Journal of International Relations* 8:1 (2010), 16.

¹⁵⁷ *Ibid.*

¹⁵⁸ ILO-IPEC, *Employers’ Demand for Child Labour in the Pyrotechnics and Fashion Accessories Industries in the Philippines* (Geneva: ILO, 2005).

¹⁵⁹ van de Glind & Kou, “Migrant children in child labour” (2013), 37; ILO-IPEC, *Hazardous child labour in agriculture: Cotton. In Safety and Health* (Geneva: ILO, 2004).

illegally and do not speak the language of their destination.”¹⁶⁰ For example, a study of Argentina, Chile, and South Africa showed that independent migrant children over the age of 15 were more likely to be working than children migrating with their families, and also more likely to be working than independent non-migrant children.¹⁶¹

Case Study: Unaccompanied minors from North Africa in Italy

In the year 2013-2014, 12,164 unaccompanied minors arrived in Italy from North Africa, mainly from Egypt, Eritrea and Somalia. According to a report by the Italian government, 3,163 of these children subsequently disappeared from foster homes and government shelters. Reports by NGOs workers and authorities indicate that many have fallen prey to a new and thriving market for child trafficking and forced labour. According to an investigation by *The Guardian* newspaper, young north African teenagers can be found working for a few euros an hour at the train stations and fruit and vegetable markets in Sicily to pay back the debt they incurred to smugglers in order to reach Europe. The chief of the police station in Tivoli, near Rome, stated that the area’s 140-hectare (350-acre) market has become a hub of child labour in the past few years: “Until about a month ago, all the porter work at the market was done by Egyptian children, because their labour is so cheap. Their employers give them two pennies and take advantage. The situation is out of control. Even when we place these kids in foster centres, nobody checks whether they are going to school.” Khaled, an Egyptian teenager earning 50 euros a week at a petrol station, told the newspaper that many young Egyptian children are recruited by drugs and prostitution gangs upon their arrival in Rome.

Source: Luca Muzi, "Thousands of African child migrants feared in thrall to Italian traffickers," *The Guardian* (October 17, 2014), accessed at: www.theguardian.com/global-development/2014/oct/17/african-child-migrants-italian-traffickers-forced-labour-sexual-exploitation.

- **Refugee children.** Although refugee children are a group towards whom states have an unambiguous protection mandate, many end up in hazardous child labour in the agricultural and urban informal sector, such as street peddling or begging.¹⁶² They are driven to work due to limited access to quality education, and loss of family livelihoods and savings. Adult refugees are often denied access to formal labour markets in host countries. Even where theoretically able to obtain a work permit, in practice this is often impossible due to bureaucratic obstacles. In Jordan’s Za’atari refugee camp, nearly all children stated their reasons for working were related to the economic insecurity of their households.¹⁶³

¹⁶⁰ Hans van de Glind, *Migration and child labour* (2010), 55; see also J. Kanics et. al (eds) *Migrating Alone: Unaccompanied and Separated Children’s Migration to Europe* (Paris: UNESCO, 2010); Jacqueline Bhabha, *Child Migration and Human Rights in a Global Age* (Princeton: Princeton University Press, 2014).

¹⁶¹ Shahin Yaqub, "Child Migrants with and without Parents: Census-based estimates of scale and characteristics in Argentina, Chile and South Africa," Innocenti Discussion Papers, 2009.

¹⁶² ILO, "ILO child labour studies in Jordan identify causes and solutions in two key sectors," June 9, 2015, accessed at: www.ilo.org/beirut/media-centre/news/WCMS_246253/lang--en/index.htm.

¹⁶³ Save The Children & UNICEF, *Small Hands Heavy Burden: How The Syria Conflict is Driving More Children Into The Workforce* (July 2015), accessed at: childrenofsyria.info/wp-content/uploads/2015/07/CHILD-LABOUR.pdf; Save the Children & UNICEF, *Baseline Assessment of Child Labour among Syrian Refugees in Za’atari Refugee Camp Jordan* (2014), 6–7.

Case Study: Syrian refugees in child labour

Syria's five-year humanitarian crisis and armed conflict has pushed increasing numbers of children into labour market exploitation, both inside the country and surrounding region, where an estimated 2 million child refugees have been displaced. Existing data likely under-estimate the child labour problem, as employers and vulnerable families tend not to report out of fear.

UNICEF and Save the Children estimate that inside Syria, children are now contributing to the family income in more than three quarters of surveyed households. These economic activities “are mentally, physically or socially dangerous and limit – or deny – their basic right to education.” Some 2.7 million Syrian children are currently out of school. Reports show children are involved in smuggling goods across borders, collecting and selling oil, or other forms of hazardous manual labour. Children working in agriculture are often exposed to pesticides, dangerous equipment and long working hours in extreme temperatures. Syrian children are also increasingly exposed to recruitment and use by armed forces and groups. In 2014, the UN verified at least 278 such cases, including children as young as eight years old, and noted that actual numbers are much higher.

In Jordan, children are now the joint or sole family breadwinners in an estimated 47% of Syrian refugee households. A 2014 survey found that working children are typically employed for six or seven days a week; one-third of working children labour for more than eight hours a day. The majority reported daily incomes between US\$4 and US\$7. A study found that in the Jordan Valley, 17.9% of children from Syria working in agriculture are under the age of 12, and in urban areas, 34% of working children were aged under 15. In the Za’atari refugee camp, 35% of surveyed children reported working in the previous week; 20% said they had suffered physical abuse; around 75% reported health problems and almost 40% reported an injury, illness or poor health.

In Lebanon, approximately 350,000 Syrian refugee children do not attend school and are vulnerable to child labour: a rapid assessment of child labour in Lebanon found that almost a third of working children were under 14. Reports show children as young as ten engaged full-time repairing vehicles, doing metal welding, carpentry or filling domestic gas cylinders. A recent study identified 1,510 street-based children, mainly in Beirut and Tripoli, engaged in begging (43%), street vending (37%) and other illicit activities or prostitution.

Child labour is also rampant among 1.2 million Syrian children in Turkey — more than half the total number of Syrians in the country. Human Rights Watch estimates 400,000 are of school age but are not in education. According to a new study released by the Turkish Confederation of Employer Associates (TISK), “among Syrians the chances for being hired is higher for the ones under 18 than for adults.” Children are concentrated in seasonal or labour-intensive sectors like agriculture, construction or textiles. British retail giants H&M and Next admitted in January 2016 to identifying child labour in supplier factories in Turkey.

Sources: Save The Children & UNICEF, *Small Hands Heavy Burden: How The Syria Conflict is Driving More Children Into The Workforce* (July 2015), accessed at: childrenofsyria.info/wp-content/uploads/2015/07/CHILD-LABOUR.pdf; Human Rights Watch, *When I Picture My Future, I See Nothing* (November 2015), accessed at: <https://www.hrw.org/node/282910/>; Save the Children & UNICEF, *Baseline Assessment of Child Labour among Syrian Refugees in Za’atari Refugee Camp Jordan* (2014); FXB Center for Health and Human Rights, *Running out of time. Survival of Syrian refugee children in Lebanon* (2014); Murat Erdogan & Can Unver, *Perspectives, Expectations and Suggestions of the Turkish Business Sector on Syrians in Turkey*, Turkish Confederation of Employer Associations (December 30, 2015), 45.

- **Stateless children.** There are an estimated six million stateless children around the world and many of these are migrants or the children of migrants.¹⁶⁴ In international law, a person is stateless if “not considered as a national by any State under the operation of its law.”¹⁶⁵ However, “the unenforceability of fundamental rights related to nationality impinges on a diverse group of children, including undocumented immigrants, ‘irregular’ migrants, trafficking victims...and children whose birth is never registered and who therefore lack a legal identity of the ability to prove one.”¹⁶⁶ UNHCR states that these children whose births go unregistered “are particularly vulnerable to exploitation and abuse, including being trafficked or forced into hazardous labour.” Education is “usually limited or unavailable for stateless children, [and] lack of documents proving age leaves them unprotected by child labour laws.”¹⁶⁷

Case Study: Stateless children of Indonesian and Filipino migrants in Malaysia

In the Malaysian states of Sarawak and Sabah, as many as 52,000 Indonesian and Filipino children born to undocumented migrant workers in the palm oil industry are stateless, with no legal standing. Denied access to public schools and healthcare, the children and their parents can be thrown into detention centres at any time and deported. Studies indicate that in certain areas more than 50 per cent of children end up working as child labourers. In 2007, the Committee on the Rights of the Child expressed alarm at “the high number of migrant domestic workers in the State, including child domestic workers who work under conditions that are hazardous and interfere with children's education, and are harmful to children's health and physical, mental, spiritual, moral or social development.”

Source: Committee On The Rights Of The Child, *Consideration Of Reports Submitted By States Parties Under Article 44 Of The Convention. Concluding observations: Malaysia*, CRC/C/MYS/CO/1 (February 2007); Anthea Mulakala, "Sabah's Stateless Children," *The Asia Foundation* (December 2010).

- **Children of seasonal migrants.** Children that travel seasonally with their families for work are at high risk of exploitative child labour. Seasonal migration, which usually occurs in the agriculture sector, is largely invisible and families often fall through the cracks for social protection programs. Work sites are far from schools and other services,¹⁶⁸ and lack of accessible day care means that even infants and young children are brought along to work.¹⁶⁹ It is generally very hard for children in these situations to reintegrate into formal education cycles.¹⁷⁰ One ILO study on commercial agriculture in South Africa found that children of migrant workers on some farms were actually required to work if they wished to live with their parents.¹⁷¹

¹⁶⁴ UNHCR & Plan, *Under The Radar And Under Protected: The urgent need to address stateless children's rights* (June 2012), accessed at: www.unhcr.org/509a6bb79.pdf.

¹⁶⁵ Convention Relating to the Status of Stateless Persons, *adopted* September 28, 1954, art. 1(1), 360 U.N.T.S. 117 (*entered into force June 6, 1960*).

¹⁶⁶ Jacqueline Bhabha, “Arendt’s Children: Do Today’s Migrant Children Have a Right to Have Rights?” *Human Rights Quarterly* 31(2009), 412

¹⁶⁷ Maureen Lynch & Melanie Teff, "Childhood statelessness," *Forced Migration Review* 32 (2009), 32.

¹⁶⁸ Hans van de Glind, *Migration and child labour* (2010), 2.

¹⁶⁹ *Ibid.*

¹⁷⁰ A study of brick kilns in India shows that children’s work is necessary for families to meet quotas, even leading some families to “borrow” children. See Smita, *Distress Seasonal Migration and its Impact on Children’s Education*, CREATE Pathways to Access Research Monograph No. 28. National University of Educational Planning and Administration (Delhi: NUEPA, 2008).

¹⁷¹ ILO, *Migrant families, child labour and child trafficking in agriculture: Factsheet* (Geneva: ILO, 2007).

STRATEGIES AND GOOD PRACTICES

SUMMARY

Prevention	<p><i>A “horizontal” approach to children on the move</i></p> <ol style="list-style-type: none"> 1. A return to basic human rights principles. 2. Integrate migration perspectives into policy, research and practice on child labour exploitation, and vice versa. <p><i>Strategies in the home state</i></p> <ol style="list-style-type: none"> 3. Anti-poverty strategies, employment support and access to quality education. 4. Support for community-based child protection mechanisms. 5. Information campaigns and pre-departure orientation. 6. Licensed and monitored recruitment agencies and training services. <p><i>Safer movement</i></p> <ol style="list-style-type: none"> 7. Temporary work permits and migration schemes. 8. Information and support services along migration routes. 9. Hotline services with trained staff and referral services. <p><i>Strategies for children at their destination</i></p> <ol style="list-style-type: none"> 10. Access to justice and guardianship systems. 11. Access to social services, education, and vocational training and apprenticeships. 12. Labour market monitoring and regulation enforcement. 13. Membership of trade unions, workers’ groups and peer support groups. 14. Access to labour markets for parents.
Removal and Reintegration	<ol style="list-style-type: none"> 15. Identification and removal from exploitative labour. 16. Immediate post-rescue care. 17. Prosecution of offenders. 18. Long-term, holistic reintegration plan administered by the state. 19. Safe and appropriate accommodation. 20. Education support. 21. Economic support. 22. Comprehensive health-care.

Prevention

Policies and laws should protect children from exploitative labour at home, during migration, and at their destination, as well as increase children’s choices, including about whether or not to move.

A “HORIZONTAL” APPROACH TO CHILDREN ON THE MOVE.

1. **A return to basic human rights principles.** Policies and laws must protect children’s fundamental right to be free of labour exploitation regardless of the categorical silo that encompasses their legal status, whether trafficked, refugee, or “irregular” migrant.¹⁷²

¹⁷² Save the Children, *General Recommendations for EU Action in relation to Unaccompanied and Separated Children of Third Country Origin* (September 15, 2009), 2.

- 2. Integrate migration perspectives into policy, research and practice on child labour exploitation, and vice versa.** Such a multidisciplinary approach requires coordination of stakeholders across sectors and disciplines. For example, one organization well positioned to advance this work is the European Network of Ombudspersons for Children (ENOC), which links forty three independent offices for children from thirty five countries in Europe to promote children's fundamental rights.¹⁷³

“We have an opportunity to broaden people’s mind sets about children on the move and the kinds of protection they need.”
-- Anastasia Anthopoulos, The Oak Foundation¹⁷⁴

STRATEGIES IN THE HOME STATE

- 3. Anti-poverty strategies, employment support and access to education.** “It is vital that child protection mechanisms and anti-poverty strategies are coordinated to reduce pressures to migrate into exploitative work.”¹⁷⁵ This includes income-generating activities for adults and youth above the legal working age (job counselling, education and training) as well as social protection measures that reduce vulnerability and provide incentives to keep their children in school (insurance, cash transfers, pensions, child grants, social welfare and family support mechanisms). Continued investment in relevant, flexible and good quality education is also a priority to deter children from migrating and strengthen their social capital in local communities.
- 4. Support for community-based child protection mechanisms.** Communities can play a crucial role in child protection, either in the form of a local non-profit or a set of more traditional practices and institutions that have no formal legal status. These should be based on good training of community volunteers and sustained financially. According to Terre Des Hommes, the benefit of such mechanisms is in providing “joined up protection” that ensures coordination of different professionals and services that come into contact with children to efficiently divide up labour and share information about individual cases.¹⁷⁶ They can also keep a register of which children leave the community. These systems fail when they are externally designed and imposed on the community, rather than being rooted in local structures and cooperatively designed to highlight local strengths.¹⁷⁷ Some can also reinforce existing local power structures that discriminate against children, in particular girls.¹⁷⁸
- 5. Information campaigns and pre-departure orientation.** Research shows that information campaigns can dissuade children from making dangerous journeys and protect those who still

¹⁷³ “European Network of Ombudspersons for Children (ENOC)”, accessed March 28, 2016 at: <http://enoc.eu/>.

¹⁷⁴ Interview with the author (January 25, 2016).

¹⁷⁵ Save the Children, *General Recommendations for EU Action* (2009).

¹⁷⁶ Mike Dottridge, *Kids Abroad* (2008), 76.

¹⁷⁷ For example, there have been cases observed in west Africa and south-east Asia where vigilance committees set up to protect children from trafficking ended up stopping indiscriminately any young people from moving, including those over 18 years of age. See Sarah Castle & Aisse Diarra, “The International Migration Of Young Malians: Tradition, necessity or rite of passage?” *London School of Hygiene and Tropical Medicine* (2003).

¹⁷⁸ Dottridge, *Exploring Methods to protect children on the move*. (2011),

choose to migrate.¹⁷⁹ Children and their families need information on the risks related to movement and how to avoid them, as well as “practical information about migrant rights, the living conditions at their place of destination, labour laws and regulations, how to access services, and basic financial management training.”¹⁸⁰ Campaigns should not attempt to scare young people away from migration, but provide relevant information and recommend specific precautions in a neutral, unbiased manner. They should incorporate youth in the design and content of campaigns (testimonials from actual victims have been shown to have the most impact)¹⁸¹ and use as many methods of dissemination as possible: posters, television public service announcements, youth centres, and newspapers.¹⁸²

- 6. Licensed and monitored recruitment agencies and training services.** Recruitment agencies can facilitate education and job matching on short- and long-term basis with organizations in destination cities. They should be licenced, recorded and carefully monitored. In the event that child labour exploitation occurs, agencies must be held liable if the employer cannot be charged.

Good practice: Italy-Egypt partnership for education, training and migration

The “Education and Training for Egyptian Youth” program was run by the Egyptian and Italian Governments in cooperation with the IOM between March 2010 and September 2013. It provided Egyptian youth with education designed to allow flexible entry into the Italian labour market and information on the risks of irregular migration. Curricula were harmonized with European qualification systems and included Italian language training; career guidance units offered school-to-work transition support and 115 students were selected to participate in vocational and orientation programs in Italy. The program also provided positive alternatives to migration while promoting local socio-economic development through sustainable education and training paths.

Source: IOM Egypt, *Education and Training for Egyptian youth in Fayoum Governorate: Facts and Figures* (Cairo: IOM, 2014); ILO, *Migration and Youth: Challenges and Opportunities – Key Recommendations* (Geneva: ILO, 2014), 15.

STRATEGIES FOR SAFER MOVEMENT

- 7. Temporary work permits and migration schemes.** Expanding the availability of legal routes for movement is fundamental to reducing its risks. These should be linked to the above-mentioned agencies to facilitate accessible, fast and affordable job and education opportunities.
- 8. Information and support services along migration routes.** Perhaps the most effective step towards protecting children on the move is to be physically present wherever they are: for example, information centres, trained personnel and safe houses along established migration routes and at transit points such as railway stations and bus terminals.¹⁸³ However, this is

¹⁷⁹ Alison Boak et al, *Smooth Flight: A Guide to Preventing Youth Trafficking, International Organization of Adolescents* (New York: IOFA, 2003); Mike Dottridge, “Kids abroad” (2008).

¹⁸⁰ Daniela Reale, *Away from Home Protecting and supporting children on the move* (London: Save the Children, 2008), 16.

¹⁸¹ Dottridge, *Kids abroad* (2008), 32.

¹⁸² Reale, *Away from Home* (2008), 17.

¹⁸³ Michael Dottridge, *Exploring methods to protect children on the move. A handbook for organisations wanting to prevent child trafficking, exploitation and the worst forms of child labour* (Geneva: Terre Des Hommes International Federation, 2011), 14, accessed at: resourcecentre.savethechildren.se/sites/default/files/documents/4979.pdf

difficult to do when children are moving illegally, and tracking children's routes can push them into more "invisible" and risky routes.

9. **Hotline services with trained staff and referral services.** Hotlines provide adults or children with a means to report cases of children suffering abuse or harm. They can also facilitate closer coordination between child protection agencies to which they refer children. Childline India is one such hotline, which since its founding in 1996 has built up a referral system with statutory agencies and NGOs at the local level that would not usually cooperate.¹⁸⁴

"These children have been pushed from their villages for many different reasons and they work in order to survive, to find a better life. They are not all trafficked, they are not all exploited. But when they are alone, they are vulnerable to abuse and exploitation, children organizations so we must offer support structures and friendship to reduce this vulnerability."
-- Fabrizio Terezeno, Enda TM¹⁸⁵

"Protecting children as they move is especially hard for agencies from an operational standpoint. For example, unaccompanied migrant children have said it would have helped to have money to pay bribes and that it would better to have an adult accompany them."
-- Anastasia Anthopoulos, The Oak Foundation¹⁸⁶

Good practice: A joint trade union-NGO campaign against hazardous child labour (Burkina Faso)

Burkina Faso is a major source country of children migrating to other countries in search of jobs in plantation agriculture, gold-mining, market chores (selling, lifting, hauling), and domestic work. In 2012, the National Road and Passenger Transport Union of Burkina Faso, and an NGO, Coalition au Burkina Faso Pour les Droits de l'Enfant, collaborated on an "information caravan" that covered the usual migration routes leading to the borders with Benin, Togo, Ghana or Côte d'Ivoire. The caravan travelled to 26 localities (communities, schools and bus stations) and reached more than 10,200 children providing information on what constitutes exploitative work, the risks of migration, and ways to stay safe during the migration journey. They held information sessions, put up billboards on the main routes, and made radio broadcasts that reached the entire country in both French and the other national languages.

Fifty transporters also participated in an alert system covering seven regions of the country and 16 bus stations that identified traffickers and reported them to law enforcement officials. This succeeded in intercepting around 1,000 children and delivering the traffickers to local law enforcement officials. Rescued children received follow-up support from government agencies and various NGO partners, rehabilitation and social reinsertion services.

Source: IPEC. *Towards the elimination of hazardous child labour: Practices with good potential* (Geneva: ILO, 2012).

¹⁸⁴ Dottridge, *Kids Abroad*, 59-61.

¹⁸⁵ Interview with the author (March 3, 2016).

¹⁸⁶ Interview with the author (January 27, 2016).

Good practice: Save The Children UK's Cross Border Project in the Greater Mekong Region

Thousands of children migrating across Cambodia, China, Lao People's Democratic Republic, Myanmar, Thailand and Vietnam suffer, or are vulnerable to, exploitation, abuse and violence. The Cross Boarder Project focuses on prevention and the rescue, recovery and reintegration of these children. Between 1999 and 2007 in China's Yunnan Province, the project set up a pilot Safe Migration Channel that brought together local authorities, parents and children to monitor migration, assist children to return to education, and provide vocational training for potential migrant children in their home villages. The project also kept a register of recruiters and employers, to match potential employers with young people looking for work.

In destination areas, the Safe Migration Channel project worked with local authorities and a local NGO to give migrants information on the risks of labour exploitation; assist migrant families with navigating a new community; and mediate conflicts between migrants and their employers. This project involved the private sector as well as local schools in order to ensure access to education for migrant children. The project was subsequently scaled up and is now implemented by the local authority in Yunnan, where children tend to migrate from, and is being replicated in 38 other counties by the Women's Federation.

Source: Daniela Reale, *Away from Home: Protecting and supporting children on the move* (London: Save the Children UK, 2008), 18.

STRATEGIES AT DESTINATION

- 10. Access to justice and guardianship systems.** As well as free quality legal representation, children that are unaccompanied must be appointed a guardian: an adult that acts in loco parentis as an adviser, guide and intermediary between the child and the destination state and society.¹⁸⁷ Yet this essential component of a holistic national child protection system is inconsistently and often poorly delivered.¹⁸⁸
- 11. Access to social services, education and vocational training.** Education opportunities for migrant children in host states must be fully accessible and culturally flexible to reflect the language, timing and other constraints these children experience.¹⁸⁹ In certain cases, stop-gap solutions are an essential intermediary step to facilitate children's return to formal education. For example, site schools for children of seasonal migrants in work destination areas, night schools and learning programs in drop-in centres for working children.
- 12. Labour market monitoring and regulation enforcement.** Labour inspection stakeholders should be sensitised on issues of child migrants and labour exploitation, particularly in sectors where migrants predominate. Coordination and information sharing amongst stakeholders in law

¹⁸⁷ European Union Agency for Fundamental Rights, *Guardianship systems for children deprived of parental care in the European Union With a particular focus on their role in responding to child trafficking* (Luxembourg: Publications Office of the European Union, 2015).

¹⁸⁸ Jacqueline Bhabha, "Moving Children: Lacunae in Contemporary Human Rights Protections for Migrant Children and Adolescents," *Revue européenne des migrations internationales* 30:1 (2014), 8.

¹⁸⁹ Reale, *Away from Home* (2008), 23.

enforcement, labour departments and civil society is essential, as well as clarity regarding roles and responsibilities, particularly in the informal economy.¹⁹⁰

13. Membership of trade unions, workers' groups and children's organizations. Child migrants of legal employment age have a right to join a trade union,¹⁹¹ or at least associate with one, and benefit from the protection services it may offer.¹⁹² Additionally, organisations run by children, both in home communities and at destination, play an important role in identifying cases of exploitation, particularly when children work in the informal sector and live outside their home environment. They offer children of all ages an important peer support network.

14. Access to labour markets for parents. Parents of migrant children, in particular refugees, should have access to employment opportunities to mitigate the need for their children to meet family survival needs: work permits must be both legal and practically accessible.

Good practice: Swedish guardianship system

Swedish authorities consider all minors that arrive without their parent(s) or legal guardian to be an unaccompanied minor. By law, the Migration Board and the Social Welfare Committee must then “as soon as possible” direct for the appointment of a guardian. Guardianship is organized on a municipality level. Institutional guardianship is used a last resort, when nobody is identified to provide guardianship services: guardians are primarily private volunteers, receiving a small stipend, recruited by the chief guardian (överförmyndare) in the municipality where the child lives and vetted by the National Police and social services. The chief guardian organises training courses for the appointed individual and holds overall responsibility for conducting a needs assessment.

Source: European Union Agency for Fundamental Rights, *Guardianship systems for children deprived of parental care in the European Union* (Luxembourg: Publications Office of the European Union, 2015).

“For a long time, UNICEF and ILO have been assisting working children by providing informal solutions. The end goal of course is to eliminate child labour. But we also know you cannot achieve this overnight, especially when you get to issues of migration and work, such as child refugees. It is something that is perhaps unavoidable. Trying to protect working children while they work is often a necessary intermediate step.”

-- Joost Kooijmans, UNICEF Senior Advisor¹⁹³

¹⁹⁰ van de Glind, *Migration and child labour* (2010), 15.

¹⁹¹ ILO Convention No. 87 Article 2: "Workers (and employers), without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing."

¹⁹² van de Glind, *Migration and child labour* (2010), 15

¹⁹³ Interview with the author (February 11, 2016).

Good practice: The African Movement of Working Children and Youth (AMWCY)

The AMWCY is a coalition of grassroots groups of working children across 27 African countries, supported by African NGOs, Churches, and Civil Servants. Its 4,331 local associations work to raise awareness about migration risks, carry out income generating activities to help children develop skills, and provide working migrant children with a support network that ensures they will not become isolated. The associations also serve as a vigilance network to alert authorities of instances of abuse. For example, in Benin the AMWCY has established a dedicated mobile phone network to improve links between places of origin and children in their destination areas, and to help children locate resources for decent work and living conditions. In Guinea, they carry out mobility prevention activities in villages with high levels of out-migration, where working children share their experiences and inform and counsel each other about the risks they faced during migration. The AMWCY also includes the voices and experiences of working migrant children in national and international advocacy platforms.

Source: Moussa Harouna Sambo & Fabrizio Terenzio "Children on the Move: A Different Voice," in *Children on the Move* (Geneva, IOM: 2013), 24; African Movement of Working Children and Youth (AMWCY), *Protection of mobile children by organized children and youth: Some experiences of the WCYs in West Africa* (Dakar: ENDA TM, 2011), 7.

Good practice: America Indian Foundation LAMP program for children of seasonal migrants

The American Indian Foundation's (AIF) Learning and Migration Program provides education to more than 30,000 children of seasonal migrants yearly in four states across India. It targets children working in brick kilns, sugarcane plantations and other hazardous occupations. AIF works with local non-profit partners to build site schools for migrant children in work destination areas; seasonal hostels in home communities where children remain throughout the migration cycle to continue their education; and bridge courses to encourage children who usually migrate to enrol in the seasonal hostels. These programs are based on three pillars of education: access, quality and governance. AIF has gained the support of various State governments to scale-up these projects through the Sarva Shiksha Abhiyan (SSA) program that provides universal elementary education, and now provides monitoring assistance to programs run by the state.

Source: Ravi Srivastava & Rajashri Dasgupta, "Small Steps Lead the Way: the Learning and Migration Programme of AIF – a review," *American India Foundation* (2010); Interview with the author (February 12, 2016).

Good practice: Working refugees in Uganda

In 2009, the Government of Uganda passed the Ugandan Refugee Act with the aim of facilitating social and economic integration of its refugee population. It allows refugees the right to work, move around the country and live in urban areas. If refugees wish to receive UNHCR assistance, they must remain in designated settlement areas in remote areas. Research by the Oxford Refugee Studies Centre indicates that Uganda's 200,000 refugees have since made significant contributions to its local and national economies: starting businesses, creating jobs, paying taxes and providing goods and services to local markets. Only 1% of surveyed refugees were not employed. Although the impacts of this policy on the incidence of child labour have not been directly investigated, the mitigation of livelihood constraints on refugee families can be reasonably assumed to have positively impacted poverty-driven motivations for child labour.

Source: Alexander Betts et al., *Refugee Economies: Rethinking Popular Assumptions*, The Oxford Humanitarian Innovation Project, (June 2014), accessed at: <http://www.rsc.ox.ac.uk/files/publications/other/refugee-economies-2014.pdf>.

Rescue and Reintegration

15. Identification and removal from exploitative labour. Mechanisms to identify exploited children by police and labour officials should incorporate information from NGOs and community watchdogs.¹⁹⁴ One found, there are four ways UNICEF has identified that children can be withdrawn from harmful labour situations: rescue, negotiated withdrawal, escape/asylum, and unassisted exit.¹⁹⁵ Where possible, interventions that respect the agency and voices of children are preferable. However, in instances of forced labour or slavery or slave-like practices, rescue through raid operations may be necessary. According to the United Nations Inter-Agency Project on Human Trafficking (UNIAP), rescue operations must involve thorough pre-raid and post-raid preparation that relies on detailed operation guidelines delineating the exact role and responsibility of every individual in the team.¹⁹⁶ There should be strong coordination from the start between police teams, prosecutors, interpreters, and victim service providers.¹⁹⁷

Rescue operations can cause fear and additional trauma to vulnerable children.¹⁹⁸ Raid guidelines developed by the United Nations Office of Drugs and Crime call for identification of designated members of the raid team to provide specialized care to victims, by explaining what is happening and doing everything possible to reduce anxiety and stress.¹⁹⁹ UNIAP writes that children should be “immediately removed from the crime scene and screened outside of the harm environment to reduce fear...and exposure to intimidation by criminals.”²⁰⁰ All communication between the child and employer should be prevented and evidence collected for use in criminal procedures.²⁰¹

16. Immediate post-rescue care. In the immediate aftermath of a raid, operations should focus on ensuring the child’s physical, emotional and mental wellbeing.²⁰² Bhatt recommends that children be taken to a pre-determined safe place (protected by the police) where medical and counselling services are provided and the children are given food and water.²⁰³

¹⁹⁴ D. Rajasekhar et al., *Institutional Design for Tackling Child Labour Problem: A Study of the State Child Labour Project in Karnataka* (Concept, New Delhi, 2011), 38.

¹⁹⁵ Ministry of Women and Child Development, Government of India & UNICEF, *Rapid Assessment of Existing Practices and Mechanisms Concerning Rescue, Recovery and Reintegration of Child Victims of Trafficking between India and Bangladesh*. Undated available at: http://www.childtrafficking.com/Docs/unicef_rapid_assessment_0811.pdf.

¹⁹⁶ United Nations Inter-Agency Project on Human Trafficking (UNIAP), *Raids, Rescues, Resolution Removing Victims From Sex and Labor Exploitation* (September 22, 2008), at 3, accessed at: http://un-act.org/wp-content/uploads/2015/07/SIREN_GMS-06.pdf.

¹⁹⁷ *Ibid.*, 5.

¹⁹⁸ Committed Action for Relief and Education (CARE) & Child Rights and You (CRY), *Developing a New Perspective on Child Labour: Exploring the Aftermath of Mumbai Raids Conducted from 2008 Onwards*, 3 (June 2014).

¹⁹⁹ UNODC, *Standard Operating Procedures (SOP) on Investigation of Crimes of Trafficking for Forced Labour* (2008), at 16-17, available at: https://www.unodc.org/documents/human-trafficking/India_Training_material/SOP_-_Investigation_-_Forced_Labour.pdf.

²⁰⁰ UNIAP, *Raids, Rescues, Resolution*, *supra* note 28, at 6.

²⁰¹ Elizabeth Donger & Jacqueline Bhabha, *Is This Protection? Analyzing India's Approach to the Rescue and Reintegration of Children Trafficked for Labor Exploitation*.“ FXB Center for Health and Human Rights at Harvard University (March 2016), accessed at: <https://cdn2.sph.harvard.edu/wp-content/uploads/sites/5/2016/03/Is-this-Protection-Final.pdf>.

²⁰² CARE & CRI, “Developing a New Perspective on Child Labour” (2014), 70-74.

²⁰³ *Ibid.*, 4.

Good practice: UK Operation Pentameter.

The UK anti-trafficking police have an intelligence system that provides a ‘rich picture’ of the human trafficking situation, including surveillance, telephone and banking data of suspects; organized crime group mapping; images of suspects and suspected victims at immigration and other checkpoints; and a community-based sociocultural context of suspected populations at risk. These streams of data are analyzed by police teams before raids. Data contributed from NGOs at source, transit, and destination, is also used alongside the police data.

Source: UNAIP, *Raids, Rescues, Resolution Removing Victims From Sex And Labor Exploitation* (September 2008), 3-4, accessed at: http://un-act.org/wp-content/uploads/2015/07/SIREN_GMS-06.pdf.

17. Prosecution of offenders. UNIAP writes that a victim-centred approach to child labour exploitation must be balanced with a criminal justice response, which functions “as a long-term and broader deterrent, within which [exploiters] must be prosecuted and brought to justice.”²⁰⁴ A rescued child’s statement should always be recorded only after proper trauma counselling is conducted,²⁰⁵ and victims should always be presented with comprehensive information about criminal proceedings and be afforded competent and free legal representation.²⁰⁶

18. Long-term, holistic reintegration plan administered by the state. In order to prevent a rescued child’s return to exploitative labour, a long-term reintegration plan is needed that meets their diverse needs, grounded in their specific contextual reality. This undertaking requires close coordination between dispersed departments, agencies and stakeholders, often in separate countries, as well as sustained funding. Clear responsibility designation, careful monitoring and evaluation, and institutionalized communication channels are essential to reintegration success.²⁰⁷

Many of the best practices identified in the reintegration literature are non-profit initiatives.²⁰⁸ NGOs have flexible mandates and in-depth knowledge of local communities, which enable them to operate effectively in areas where government presence is limited and provide services inadequately covered by existing policy.²⁰⁹ Yet these programs are often underfunded, and lack thorough monitoring or evaluation.²¹⁰ This can lead to inadequate staff training and high

²⁰⁴ UNIAP, *Raids, Rescues, Resolution* (2008), 7; Sanjai Bhatt, *Not Made By Children Project: an impact assessment study* (September 2013), 53.

²⁰⁵ UNODC, *Standard Operating Procedures (SOP) on Investigation of Crimes of Trafficking for Forced Labour* (New Delhi: UNODC, 2008), 18.

²⁰⁶ UNIAP, *Raids, Rescues, Resolution* (2008), 7.

²⁰⁷ Rebecca Surtees & Fabrice de Kerchove, “Who Funds Re/integration? Ensuring sustainable services for trafficking victims,” *Anti-Trafficking Review* 3 (2014).

²⁰⁸ See IPEC, *Education as an Intervention Strategy to Eliminate and Prevent Child Labour* (Geneva: ILO, 2006); The Protection Project & International Centre for Missing and Exploited Children, *100 best practices in child protection* (2013); Winrock International, *Best Practices in Preventing and Eliminating Child Labour through Education* (Arlington: Winrock International, 2008), accessed at: <https://www.winrock.org/sites/default/files/publications/attachments/winrockenglish.pdf>

²⁰⁹ John Clark, *The State, Popular Participation, and the Voluntary Sector*, 23 *World Development* (1995), at 593-601; Biswajit Ghosh, NGOs, *Civil Society and Social Reconstruction in Contemporary India*, 25(2) *Journal of Developing Societies* (2009), at 229–252.

²¹⁰ Sadika Hameed et. al, *Human Trafficking in India: Dynamics, Current Efforts and Intervention Opportunities for the Asia Foundation*, The Asia Foundation (Mar. 10, 2010), at 40.

turnover, low quality services, and an inability to provide long-term sustainable solutions. Child protection is ultimately the state's responsibility.²¹¹ As such, public-non-profit partnerships should be formalized to better evaluate organizations seeking state funding for rescue and reintegration operations (e.g. financial status, operational capacity, past impact, staff turnover and community ties), provide incentives for on-going data collection, monitoring and evaluation, and create guidelines for scaling successful practices based on existing best practices.²¹²

19. Safe and appropriate accommodation. Accommodation decisions for rescued children should be made on a case-by-case basis after assessing the child's specific needs and experiences.²¹³ Particularly with older children, this process must meaningfully incorporate the child's expressed wishes. Reunification with family is generally considered to be the most desirable outcome. Yet this is contingent upon two factors. First, a rigorous assessment of the family environment: return to a family that knowingly sold the child into exploitative labour, or that does not have the capacity to provide a basic level of support, leaves children vulnerable to return to labour exploitation.²¹⁴ Second, access to family counselling and support are critical. This includes financial and skill training, information on the challenges facing rescued children.²¹⁵

Alternative care solutions include family-based solutions, such as foster care and kinship care, assisted living, and institutional care.²¹⁶ All such settings must meet general minimum standards in terms of conditions and staffing, regime, financing, and protection.²¹⁷ Children should have access to education and training programs, long-term medical care, and psychological support.²¹⁸ Vitaly, institutional care needs to be the focus of more careful and monitored attention than it has to date.²¹⁹ Residential facilities often face serious challenges with funding, inadequate staff training and low quality of care: many become sites for exploitation and human trafficking.²²⁰ National policy should support small residential care facilities that are organised to resemble, as far as possible, a family-type environment. Such facilities should ideally fulfil "a temporary care role while efforts are made to identify a stable, family-based care arrangement for the child."²²¹

²¹¹ UN Human Rights Council, *Report of the Special Rapporteur on the sale of children, child prostitution and child pornography*, Maud de Boer-Buquicchio, A/70/222, 70th Session GA (2015), at 7, accessed at: http://www.un.org/en/ga/search/view_doc.asp?symbol=A/70/222.

²¹² Donger & Bhabha, *Is This Protection?* (2016), 48.

²¹³ Claire Cody, "Working Paper. What do we know about... integrating into a new community or setting: one option for children affected by sexual exploitation and related trafficking?" The Child Recovery and Reintegration Network (September 2013), 3.

²¹⁴ See CARE & CRI, "Developing a New Perspective on Child Labour" (2014); Rebecca Surtees, "Child Trafficking in Southeastern Europe- Different Forms of Trafficking and Alternative Interventions," *Tulane Journal of International and Comparative Law* (14: 455, 2005-2006), 486.

²¹⁵ Rebecca Surtees, *Re/ integration of trafficked persons. Working with trafficked children and youth* (NEXUS Institute, Washington DC: 2014), 40.

²¹⁶ Cantwell, Nigel et al, *Moving Forward: Implementing the 'Guidelines for the Alternative Care of Children* (Glasgow: Centre for Excellence for Looked After Children in Scotland, 2012), accessed at:

[http://www.unicef.org/ceecis/UN_Handbook_\(English\)_FINAL_22_02_13.pdf](http://www.unicef.org/ceecis/UN_Handbook_(English)_FINAL_22_02_13.pdf).

²¹⁷ *Ibid.*, 45.

²¹⁸ *Ibid.*, 12.

²¹⁹ Donger & Bhabha, *Is This Protection?* (2016), 16.

²²⁰ Cantwell, *Moving Forward* (2012), 54.

²²⁰ *Ibid.*, 88.

²²¹ *Ibid.*, 91.

Good practice: The Reintegration Network to Support Returned Victims of Trafficking in Vietnam.

The Reintegration Network is a voluntary alliance founded in 2007 comprised of 16 local and international organizations and Vietnamese ministries. It works to strengthen the return and reintegration of women and children who have been victims of trafficking in Vietnam and improve the coordination of referrals and reintegration assistance. It also provides training for social workers, police, government officials and other reintegration stakeholders. The Reintegration Network has mapped existing services to create a referral system connecting each organization and its local partners. Government agencies have been actively involved in the dissemination of reintegration information. The Reintegration Network's on-going goal is to transfer operations to the Ministry of Labor, Invalids and Social Affairs on a permanent basis.

Source: IOM, "Strengthening the Return and Reintegration of Women and Children in Viet Nam," accessed March 28, 2016 at: <https://www.iom.int/strengthening-return-and-reintegration-women-and-children-viet-nam>

Good practice: Mamidipudi Venkatarangaiya Foundation (MVF) bridge schools in Andhra Pradesh.

MVF runs bridge schools for former child labourers in close consultation with local schools. Depending on their age, children withdrawn from work are placed in either short-term (6 months) or long-term (18 to 24 months) programs that prepare them up to 7th grade using curricula specifically designed to complement formal school curricula. MVF actively mobilizes community members and village councils to raise-awareness of the issue of child labour, monitor program implementation and track children after their transition out of bridge camps to ensure they remain in school. The organization also plays a significant role in providing technical support to state-led educational programs: the Andhra Pradesh government eventually replicated MVF's model in its own "Back to School Project" that reaches 10,000 children every year.

Source: Neera Burra, *Born Unfree: Child Labour, Education and the State in India* (OUP India, 2007), Lxii; IPEC, *Education as an Intervention Strategy to Eliminate and Prevent Child Labour*, 34

Good practice: Aangan monitoring and evaluation tool.

Between 2007-2012, the Mumbai-based nonprofit Aangan monitored over a thousand government children's institutions, rescue homes and shelters across 19 of India's 28 states. Aangan measures each institution against a 100-point standards of care checklist developed in partnership with UNICEF India. It also carries out staff training for key government personnel on empathy in child engagement; staff wellbeing; and improvements in institutional care.

Source: Aangan India, "Response and Rehabilitation," accessed December 9, 2015, aanganindia.org/response-and-rehabilitation/.

20. Education support. Comprehensive and quality education is pivotal to all reintegration efforts. Studies show that non-formal education or “bridge schools” for children who have missed years of schooling can effectively facilitate their re-entry into the formal education system and provide them with remedial support.²²² The success of these programs is largely conditional upon integration with formal education systems to coordinate logistics; synchronized curricula between bridge and regular schools; and meticulous follow-up and on-going support after transfer.²²³ Thorough teacher training is also important as these individuals are well placed to monitor children at risk of dropping out of school.²²⁴

21. Economic support. Existing research shows that economic stability for the family as a whole is a vital determinant of successful reintegration.²²⁵ In particular, there is growing consensus that cash transfer programs have strong potential to assist vulnerable families.²²⁶ A 2014 World Bank review of empirical evidence found that cash transfers can “lower children’s participation in labour...and cushion the effect of economic shocks that may lead households to use child labour as a coping strategy.”²²⁷ Studies show, however, that the impact of cash transfers on child labour is heterogeneous.²²⁸ It is context-specific and depends partly on the integration of these programs with other investments in health, education facilities or after-school education.²²⁹ Such schemes are unambiguously more impactful for families that come from lower baseline economic means.²³⁰ This suggests that cash transfers primarily affect child labour through the mitigation of credit constraints,²³¹ and therefore function most effectively when they form part of a radical and sustained poverty-alleviation and family empowerment strategy.²³² There is some evidence that conditional cash transfers (CCTs), where a family’s eligibility is contingent upon sending their child to school or to a health provider, can be more effective than unconditional transfers. However, this is true only if conditions are properly enforced. Conditional schemes also disproportionately exclude the poor, on whom the burden of compliance is greatest.²³³

²²² Winrock International, *Best Practices in Preventing and Eliminating Child Labour through Education* (2008), 104.

²²³ IPEC, *Education as an Intervention Strategy to Eliminate and Prevent Child Labour* (2006), 102.

²²⁴ *Ibid.*, 54.

²²⁵ See Anette Brunovskis & Rebecca Surtees, “Coming Home: Challenges in family reintegration for trafficked women,” *Qualitative Social Work* 12 (July 2013), 454-472; Lacey Illene Ruben, *Economic Rehabilitation for Survivors of Trafficking in India* (Geneva: International Organization for Migration, 2006).

²²⁶ Rebecca Surtees, *Re/ integration of trafficked persons: supporting economic empowerment*, Trafficking Victims Re/Integration Programme (TVRP) (NEXUS Institute, Washington DC: 2012), 64.

²²⁷ Jacobus de Hoop & Furio Rosati, *Cash Transfers and Child Labor*, World Bank Policy Research Working Paper No. 6826 (Mar. 1, 2014), 23.

²²⁸ *Ibid.*; Guy Standing, “From Cash Transfers to Basic Income: An Unfolding India Agenda,” *The Indian Journal of Labour Economics* 57 (2014).

²²⁹ de Hoop, *Cash Transfers and Child Labor* (2014), 23, 30.

²³⁰ Michael Kremer & Holla Alaka, “Pricing and Access: Lessons from Randomized Evaluations in Education and Health,” in *What Works in Development: Thinking Big and Thinking Small* (Jessica Cohen & William Easterly eds., 2009), at 91–129.

²³¹ de Hoop, *Cash Transfers and Child Labor* (2014), 15.

²³² Donger & Bhabha, *Is This Protection?* (2016), 38.

²³³ See Sarah Baird et al., *Relative Effectiveness of Conditional and Unconditional Cash Transfers for Schooling Outcomes in Developing Countries: A Systematic Review*, Campbell Systematic Reviews (2013), 8; Felipe Barrera-Osorio et al., *Conditional Cash Transfers in Education: Design Features, Peer and Sibling Effects. Evidence from a Randomized Experiment in Colombia*, World Bank Policy Research Working Paper 4580 (2008); C. Devoto Alvarez & P. Winters, *Why Do the Poor Leave the Safety Net in Mexico? A Study of the Effects of Conditionality on Dropouts*, Department of Economics Working Paper, American University, Washington, DC (2006).

“Cash transfer schemes are expensive and not sustainable in the long term if they are not integrated into government programmes. You can justify them in emergency situations as an important relief measure. But evidence shows that if the amount is too low, then the impact is disappointing.”

-- Joost Kooijmans, UNICEF²³⁴

Good practice: Honduras Family Allowances Program.

Started in the early 1990s, this program distributed cash subsidies to pregnant mothers and families with children in early primary school. Cash transfers were conditional on regular school attendance and health centre visits. For all children in the study eligible to receive the transfer, school enrolment increased by 12 per cent, child labour was reduced by 30 per cent, and work inside the home went down by 29 per cent. However, the initiative was found to have significantly greater impact on child labour when the conditions were rigorously enforced and when the program was complemented by supply-side interventions such as investments in schools and health centres.

Source: Sebastian Galiani & Patrick J. McEwan, “The Heterogeneous Impact of Conditional Cash Transfers.” *Journal of Public Economics* 103 (2013), 90.

22. Comprehensive health-care. Reintegration programs rarely approach exploitative child labour as a health issue, yet studies show that affected children often experience and witness extreme violence, suffer exploitative and harmful working conditions and are denied access to medical care or even basic medicines.²³⁵ These can lead to a variety of long-term mental and physical health problems that, when left unaddressed or inadequately addressed, impede reintegration success.²³⁶ A study by Zimmerman et al. of trafficking survivors emphasizes that health care for trafficking victims individuals must be funded by the State and “prioritized through safe and supported referrals between agencies...to assure the continuity of necessary care.”²³⁷

Good practice: Kasturba Gandhi Balika Vidyalaya (KGBV) schools.

KGBVs are special residential schools started in 2004 by the government under the Sarva Shiksha Abhiyaan (SSA) program, for older girls from socially disadvantaged communities who were never enrolled in or had to drop out of primary school. Girls in KGBV schools receive training to improve their mental and physical health, prevent early marriage and early pregnancy, and advocate for their educational and health rights. In particular, they are taught about menstruation, reproductive health, and gender-based violence. Schools require regular health check ups and record-keeping of a basic medical profile, including height and weight.

Source: CorStone, “Girls First: KGBV Schools, India,” accessed December 9, 2015 at: corstone.org/girls-first-kgbv-schools-india/.

²³⁴ Interview with the author (February 11, 2016).

²³⁵ Rebecca Surtees, *After Trafficking: Experiences and Challenges in the (Re)integration of Trafficked Persons in the Greater Mekong Sub-region* (Bangkok: UNIAP/NEXUS Institute, 2013): 25.

²³⁶ Cathy Zimmerman et al., “Health and human trafficking in the Greater Mekong Subregion. Findings from a survey of men women and children in Cambodia, Thailand and Viet Nam,” *International Organization for Migration and London School of Hygiene and Tropical Medicine* (2014): 5-6.

²³⁷ *Ibid.*

II. Child Labour among Older Adolescents

Hazardous work among adolescents aged 15 to 17 years, who are above the minimum working age but not yet adults, constitutes a Worst Form of Child Labour. This includes work in designated hazardous industries (construction, mining and quarrying) and occupations (such as fishers, hunters and trappers and street vendors),²³⁸ work for 43 or more hours during one week,²³⁹ and work with exposure to other hazardous conditions.²⁴⁰ Such exploitation can create huge barriers – educational, physical, psychological, social and economic – that impede development, well-being and future success. Yet this group is rarely accorded priority attention in child labour eradication programs.

WHY FOCUS ON THIS GROUP?

The relative and absolute scale of the problem is considerable.

The most recent ILO estimates for the year 2012 indicate that:²⁴¹

- Adolescents aged 15 to 17 years in hazardous work total **47.5 million**.²⁴²
- They account for **40 per cent of all those employed** in the 15-17 years age group. In Moldova, 90 per cent of employed adolescents in this group are in hazardous work, while in Vietnam the figure is 84 per cent. At least two-thirds of all jobs held by these adolescents in Bangladesh, Lao PDR, Sri Lanka, Nicaragua, El Salvador, Ecuador, Uruguay and Egypt are also hazardous in nature.²⁴³
- They **account for over one-quarter (28 per cent) of the overall group** of children in child labour globally. In Egypt and India, adolescents aged 15 to 17 in hazardous work constitute almost two-thirds of all child labourers. They make up at least half of the child labour population in Brazil, Honduras, Ecuador, Costa Rica, El Salvador, Uruguay, Viet Nam and Jordan.²⁴⁴
- The **relative importance of this group is growing**: adolescents aged 15 to 17 years in hazardous work constituted 24 per cent of the overall child labour population in 2000 but by 2012 their share had grown to over 28 per cent.²⁴⁵ This slow decline underscores the lack of sustained attention to these vulnerable minors.

²³⁸ For the full list, please see ILO, *World Report on Child Labour 2015* (2015), 43.

²³⁹ This threshold corresponds to about the mid-point of normal hours of work stipulated in national legislations, mostly in the range of 40 to 44 hours.

²⁴⁰ This includes night work, work with exposure to physical, psychological or sexual abuse; work with dangerous machinery, equipment and tools; and work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to dangerous temperatures or noise levels. See ILO Recommendation No. 190, paragraph 3 and Resolution concerning child labour statistics, paragraph 24.

²⁴¹ ILO, *World Report on Child Labour* (2015), 39-54.

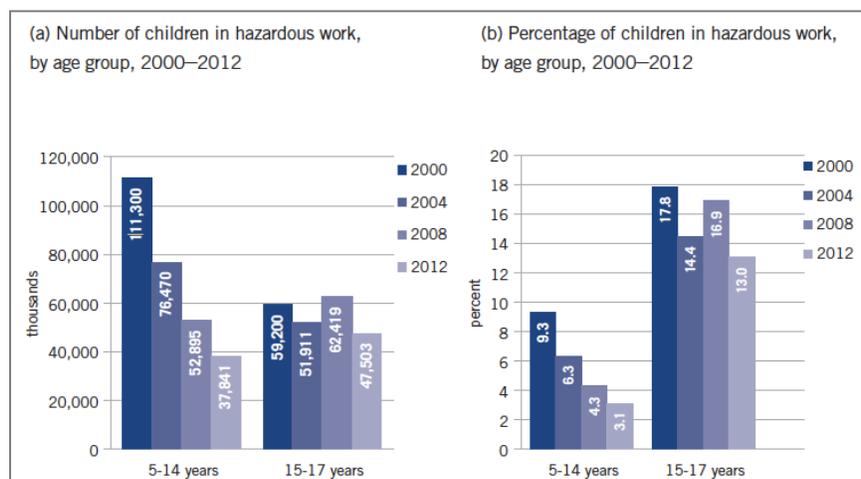
²⁴² *Ibid.*, xx.

²⁴³ *Ibid.*, 48.

²⁴⁴ *Ibid.*

²⁴⁵ *Ibid.*, 49.

Figure 2: The decline in incidence of hazardous work has been much slower among adolescents aged 15 to 17 years.



Source: ILO, *World Report on Child Labour* (2015), 44.

Case Study: Child Labour in Ghana’s gold mines

According to the 2015 Human Rights Watch report “Precious Metal, Cheap Labor,” thousands of children are working in hazardous conditions in Ghana’s artisanal, or unlicensed, mines. The majority are between the ages of 15 and 17. The children work up to 14 hours per day, pulling gold ore out of shafts, carrying and crushing loads of ore, and processing it with toxic mercury.

There are several serious health consequences from mining work for children. Heavy lifting can lead to pain in the back, head, joints, and arms, and even long-term spinal damage. The dust gives some children respiratory disease. Children have been injured in mine collapses, and during other accidents. Exposure to mercury is particularly dangerous: it attacks the central nervous system and can cause lifelong disability and even death. While the government of Ghana has made some efforts to address child labour in mining, its systems to monitor and eliminate child labour function poorly. Similarly, the companies buying and selling on gold sourced from these mines do not conduct sufficient due diligence with regards these human rights violations.

Source: Human Rights Watch, *Precious Metal, Cheap Labor: Child Labor and Corporate Responsibility in Ghana’s Artisanal Gold Mines* (New York: HRW, 2015).

Case Study: “work study students” in China’s telecommunications industry

In 2010, the National Labor Committee (NLC) released a report revealing that KYE, a factory in China’s Guangdong province that supplies Microsoft, each year recruited up to 1,000 “work study students” aged 16 and 17. The children worked 15-hour shifts, six and seven days a week for periods of three to six months in a factory where temperatures in the summer exceeded 86 degrees. The young workers were required to live on the factory compound, where they stayed in overcrowded shared dorm rooms, slept on small plywood planks and shared only two bathrooms.

Source: Charles Kernaghan, *China’s Youth Meet Microsoft* (Pittsburgh: The National Labor Committee, 2010) https://www.crin.org/en/docs/Chinas_Youth_Meet_Micro.pdf.

- In the majority of countries where data are available, there are considerable shares of adolescents in hazardous work. Yet there is **significant variation across countries and regions**. The incidence of hazardous work among adolescents aged 15 to 17 years is highest in Nicaragua (34 per cent) and Cambodia (30 per cent). The absolute number of adolescents in hazardous work is largest in India (2.4 million), Pakistan (1.3 million) and Indonesia (1.2 million).²⁴⁶
- **This issue is not limited to the developing world.** European data on job accident rates among adolescents show that young workers have higher accident rates than adults, although the average severity of accidents concerning young workers is lower in some sectors.²⁴⁷ According to the Children’s Safety network, about every 9 minutes a U.S. teen is hurt on the job.²⁴⁸

Case Study: Adolescent workers on U.S. Tobacco Farms.

A 2015 report by Human Rights Watch, documents the considerable harm caused to 16- and 17-year-olds who work long hours as hired labourers on U.S. tobacco farms. They are excluded from protection due to gaps in tobacco industry policies and the U.S. legal and regulatory framework, which permits children aged 14 or 15 to work outside school hours in agricultural jobs that are not considered hazardous, and children 16 or older to work any farm job at any time.

These teens are exposed to nicotine and toxic pesticides, working 11 or 12 hours a day in extreme heat. They have little access to toilets and no place to wash their hands. Most said they never received training to protect themselves. Nearly all of those interviewed suffered symptoms consistent with acute nicotine poisoning – nausea, vomiting, headaches, or dizziness – while working on tobacco farms. Pesticide exposure during childhood has been linked to cancer, reproductive health problems, depression, and other problems later in life.

Some U.S.-based tobacco companies and growers groups took action in 2014 to ban employing children under 16 to work in tobacco farming, but excluded older teens from their policies. The U.S. Department of Labor has acknowledged the risks to children who work in tobacco farming, but has failed to change U.S. regulations to end hazardous child labour in the crop. A recent bill was introduced in the Senate that would ban hiring anyone under 18 to work in direct contact with tobacco, but it has not been brought for a vote in either house of Congress.

Source: Human Rights Watch, *Teens of the Tobacco Fields: Child Labour in United States Tobacco Farming* (New York: HRW, 2015).

²⁴⁶ *Ibid.*, 53.

²⁴⁷ European Agency for Safety and Health at Work, OSH in figures: Young workers — Facts and figures (Luxembourg: Office for Official Publications of the European Communities, 2007), accessed at: <https://osha.europa.eu/en/tools-and-publications/publications/reports/7606507>; ILO, *World Report on Child Labour* (2015), 46.

²⁴⁸ The National Institute for Occupational Safety and Health (NIOSH), “Are You a Teen Worker?” (2012), available at: www.cdc.gov/niosh/docs/2012-130/pdfs/2012-130.pdf

This group has been largely overlooked to date.

Several of the experts interviewed for this research noted that exploitative child labour among this group does not receive sufficient policy attention:

“There are not adequate policies to protect the young workers at legal working age, above 14 and below 18 years of age. But this group is more vulnerable as far as we see it.”

-- Bipina Sharma, ILO Nepal²⁴⁹

“The child labour discourse in India focuses overwhelmingly on children up to the age of 14 and on the universalization of primary education up to the same age. There is much less attention to the worst forms of child labour as it affects adolescents aged 15-17 years.”

-- Joachim Theis, UNICEF India²⁵⁰

This is due to a number of factors. Many countries do not guarantee education beyond the primary level as a matter of right, so interventions hinge on the more nuanced distinction between acceptable vs. unacceptable work, rather than school vs. unacceptable work. This is complicated further by the common conception of older adolescents as mini-adults, “autonomous citizens responsible for their own conduct, entitled to legal rights and privileges, and no longer entitled to protections.”²⁵¹ Indeed, the very concept of adolescence “shows no uniformity, given the huge variability that exists in lifestyle and cultural contexts and in the physical onset of puberty.”²⁵² In India, for example, “there is no real concept of adolescence at all— there is not even an equivalent term in Indian languages.”²⁵³ Finally, the current crisis in youth unemployment also means that many activists focus on getting out-of-school adolescents aged 15-17 *into* work, rather than removing them from exploitative work. According to the ILO, the youth unemployment rate worldwide in 2014 was almost three times that of adults.²⁵⁴ Some 200 million youth in 2012 were working but earning under US\$2 per day.²⁵⁵

As previously noted, there is a lack of data and research on numbers of work-place injuries, the risks posed to adolescent workers and the effectiveness of interventions directed at this particular population. The recent ILO report addressing this as a priority area of intervention does not mention any existing good practices.²⁵⁶

²⁴⁹ Interview with the author (February 1, 2016).

²⁵⁰ Interview with the author (February 2, 2016).

²⁵¹ Jennifer Woolard & Elizabeth Scott, “The legal regulation of adolescence,” in *Handbook of adolescent psychology* eds. R. Lerner & L. Steinberg (New York: Wiley, 2009), 345.

²⁵² Jacqueline Bhabha, “Introduction,” in *Human Rights and Adolescence* ed. Jacqueline Bhabha (Philadelphia: University of Pennsylvania Press, 2014), 2.

²⁵³ Neera Burra, “Indian Adolescence and Its Discontents: Transformational Solutions Through Education, Skill Development, and Employment,” in *Human Rights and Adolescence* ed. Jacqueline Bhabha (Philadelphia: University of Pennsylvania Press, 2014), 310.

²⁵⁴ ILO, *World employment and social outlook: Trends 2015* (Geneva, 2015).

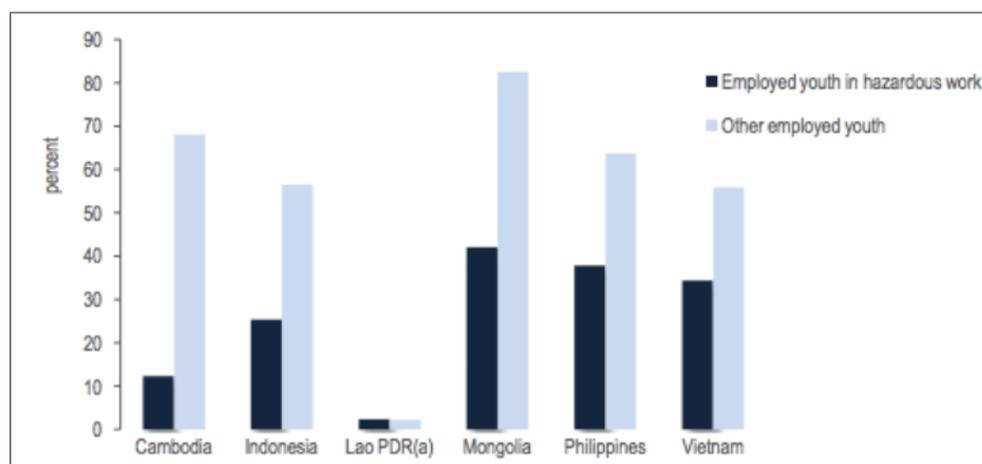
²⁵⁵ ILO, *The youth employment crisis: A call for action*, Resolution and conclusions of the 101st Session of the International Labour Conference (Geneva, 2012).

²⁵⁶ ILO, *World Report on Child Labour* (2015).

This problem stands as a major obstacle to achieving decent work for all youth.

Achieving decent work for all is one of the core Sustainable Development Goals for the post-2015 period. This will not be possible without eliminating hazardous child labour among older adolescents. Hazardous work among older adolescents serves as to reinforce cycles of exploitative work and poverty in the general population by constraining children’s ability to continue with their education. For example, in Cambodia, only 12% of adolescents in hazardous work are able to continue with their education against over 68% of adolescents in other jobs. Similarly in Indonesia, there is a 30 percentage point difference in the education participation between adolescents in hazardous work and adolescents in other employment.

Figure 3: Percentage of employed adolescents 15-17 attending school, by work type.



Source: Understanding Children’s Work (UCW), *The twin challenges of child labour and educational marginalisation in the East and South-East Asia region* (2015), 37.

“We are faced with a serious youth unemployment crisis. It is important that children who are old enough and don’t want to go to school, can safely work. But equally, we don’t want them to be at risk. It’s a question of trying to address the hazards and eliminate those factors.”

– Joost Kooijmans, UNICEF²⁵⁷

New neuroscience research underscores the importance of adolescence as a period of development and opportunity.

There is a wealth of evidence that hazardous work poses several immediate and long-term risks to children’s health and safety.²⁵⁸ However, developments in neuroscience research over the last fifteen years have provided “incontrovertible evidence that adolescence is a period of significant changes in

²⁵⁷ Interview with the author (February 11, 2016).

²⁵⁸ See, for example, IPEC, *Children in hazardous work: What we know, What we need to do* (Geneva: ILO, 2011).

brain structure and function.”²⁵⁹ There is now a strong consensus that important changes occur much further into a child’s development than had been previously thought, prompting policymakers, practitioners and academics to revisit the assumption that only the early years are important.²⁶⁰ According to Laurence Steinberg, a leader in this field:

Periods of heightened [brain] plasticity, like infancy or adolescence, are good times to intervene in order to promote positive development. But this malleability is a risk as well, because the brain is also more vulnerable to damage from physical harms, like drugs or environmental toxins, or psychological ones, like trauma and stress.²⁶¹

The implications of this research for social policies that distinguish adolescents from adults (for example, in the justice system) have been thoroughly argued.²⁶² But this new thinking has not been thoroughly applied to policies surrounding child work. It suggests that, while some forms of safe and productive employment can have huge learning and developmental gains for older adolescents, the long-term consequences of hazardous labour are significant. Thus, the costs of inaction on this issue, in both financial and human terms, are likely to be more significant than previously realized.

STRATEGIES AND GOOD PRACTICES

SUMMARY

Prevention	<ol style="list-style-type: none"> 1. Create a list of prohibited hazardous industries and occupations, and implement effective sanctions and systems of monitoring and inspection. 2. Sector-specific, clear, implementable workplace standards for adolescents. 3. Mechanisms for children to safely report hazardous working conditions. 4. Inclusion of older adolescents as advocates for decent working conditions. 5. Robust data collection and research. 6. Access to and funding for secondary and tertiary education.
Removal and Reintegration	<ol style="list-style-type: none"> 7. Identify and remove adolescents aged 15-17 from hazardous occupations or activities. 8. Opportunities for return to education, decent work or vocational training. 9. Healthcare and accommodation needs.

Prevention

Risk mitigation is an option in instances where adolescents are exposed to hazards in sectors or occupations not designated as hazardous in national hazardous work lists, and where potential for

²⁵⁹ Laurence Steinberg, “The Science of Adolescent Brain Development,” in *Human Rights and Adolescence* ed. Jacqueline Bhabha (Philadelphia: University of Pennsylvania Press, 2014), 63.

²⁶⁰ B. J Casey, Rebecca Jones and Leah Somerville, “Braking and Accelerating of the Adolescent Brain,” *Journal of Research on Adolescence* 21:1 (2011), 21-33.

²⁶¹ Laurence Steinberg, *Age of Opportunity: Lessons from the New Science of Adolescence* (Boston: Houghton Mifflin Harcourt, 2014), 24-25.

²⁶² Laurence Steinberg, “Should the science of adolescent brain development inform public policy?” *Court Review*, 50 (2014) 70-77.

improvement exists. These policies can not only reduce harms to children already in hazardous work, but also work long-term towards prevention.

- 1. Create a list of prohibited hazardous industries and occupations, and implement effective sanctions and systems of monitoring and inspection.** While this is also important for eliminating exploitative child labour among younger groups, protecting adolescents older than compulsory schooling age from exploitative work is extremely difficult absent supporting legislation. A range of stakeholders should contribute meaningfully to the tripartite process creating these “hazardous work lists” and occupational safety and health guidelines, including adolescent workers themselves, experts on child health and development, and civil society. Effective monitoring and inspection mechanisms should engage a variety of actors beyond Labour Departments, including healthcare workers, police and community members.
- 2. Sector-specific, clear, implementable workplace standards for adolescents.** The particular challenges of different work environments cannot be thoroughly addressed by blanket Occupational Health and Safety (OSH) policy. Specialised training for employers on identifying risks and on-going monitoring and evaluation techniques can go a long way to protecting young workers. Such initiatives must:
 - Build on local practices;
 - Include incentives and focus on achievements;
 - Link OSH with improvement in productivity and other management goals;
 - Encourage exchange of experience among workers and employers; and
 - Include adolescent workers’ voices in development and implementation of policies.²⁶³
- 3. Mechanisms for children to safely report hazardous working conditions.** Children should be able to report hazards in the workplace to their employers, to workers organisations or to outside child protection agencies that will trigger thorough external evaluation and substantive remedial action.

Good practice: The Eliminating Child Labour in Tobacco Foundation (ECLF) provides OSH training for tobacco farmers to prevent adolescent labour in Malawi.

Today 91% of employed youth in Malawi have a stake in agriculture, where much of the work they do is considered hazardous. The ECLF and its local implementing partners, the National Smallholder Farmers’ Association of Malawi (NASFAM) and the Tobacco Association of Malawi (TAMA), implemented a project in 2012 to address this problem. They trained local farmers in safety and health risk assessment techniques, then provided information and direct technical assistance to help farmers put into place the safety and health improvements they identified in their risk assessments. The project generated local awareness on the issue of hazardous work among 15-17 year olds, while collecting data on the scope of the problem that was fed into national advocacy efforts, such as the national Symposiums on Decent Youth Employment, held in Lilongwe, Malawi. Early results have indicated that farmers who received the training have been able to minimize risks and provide greater opportunities for decent and safe youth employment in agriculture.

Source: Nicholas McCoy, "Combating Hazardous Child Labour in Agriculture Through Targeted Youth Employment Initiatives in Malawi, Zambia and Guatemala," *Eliminating Child Labour in Tobacco Growing* (March 4, 2015), accessed at: www.eclt.org/combating-hazardous-child-labour-agriculture-targeted-youth-employment-initiatives-malawi-zambia-guatemala/.

4. **Inclusion of older adolescents as advocates for decent working conditions.** Adolescents aged 15-17 should be actively included in the formation of labour policies and in workers rights groups.
5. **Robust data collection and research.** This at-risk population remains largely invisible in official data and academic and civil society agendas. Evidence-based research is essential to raise awareness about exploitative work among older adolescents. This can have short-term benefits and also mobilise societies in the long-term to reduce hazardous work.
6. **Access to and funding for secondary and tertiary education.** Human rights instruments and discourse emphasize not only the non-negotiability of the right to primary education but also the centrality of secondary and tertiary education to the realization of rights.²⁶⁴ Yet there are huge global inequalities in access to secondary and tertiary education, by income, gender, social group and geography.²⁶⁵ Exploitative work among adolescents aged 15-17 can be addressed through investment in opportunities for disadvantaged youth to stay in education and gain the skills, both academic and applied, that allow them to access decent work. By increasing the perceived and actual returns to education, children and their parents are incentivised to stay in school, longer.

Good practice: “Academies” on young worker safety in the U.S.

The “Young Worker Leadership Academy” (YWLA) is a collaboration between the University of Berkeley and State Government in California, an all-expense paid, 3-day leadership workshop for teens on workplace safety, rights, and responsibilities. First started in 2005, 12 academies have trained a total of 268 youth as advocates, educators and leaders on issues of workplace safety. Virtually all participants (94%) successfully went on to conduct activities in local communities and schools that promoted young worker health and safety. Youth have created training manuals and a mobile app to help adolescents know their rights in the workplace and advocate for themselves.

Source: Labor Occupational Health Program, "Teens Speak Out for Safety on the Job Lessons from the Young Worker Leadership Academy," (2008) youngworkers.org/wp-content/uploads/2014/03/full_curriculum.pdf

²⁶⁴ See Convention on the Rights of the Child, Article 28(c); International Covenant on Economic, Social and Cultural Rights, Articles 13(b) and (c); and UN Committee on Economic, Social and Cultural Rights (1999) General Comment No. 13: The Right to Education (Art. 13 of the Covenant), E/C.12/1999/10, December 8; See also UNICEF, *The State of the World's Children 2011: Adolescence – An Age of Opportunity* (New York: UNICEF, 2011), 138; The World Bank Group, *Constructing Knowledge Societies: New Challenges for Tertiary Education* (Washington DC: The World Bank, 2002), 204.

²⁶⁵ Ernesto Cuadra & Juan Manuel Moreno, *Expanding Opportunities and Building Competencies for Young People: A New Agenda for Secondary Education* (Washington D.C.: The World Bank, 2005).

Good practice: Linking safe work for youth to productivity for employers in Egypt

The Work Improvement for Small Enterprises (WISE) programme is a training-based approach, developed by the ILO, that encourages entrepreneurs and workers to make simple, low-cost improvements in their working environment and methods in order to improve OSH as well as performance. It has been implemented in many countries throughout Africa, Asia and the Americas.

The Swiss NGO, Terre des Hommes (TDH), adapted WISE to address hazardous child labour in small furniture-making workshops in Cairo. They initially ran OSH training with 42 small enterprise owners and created action plans to improve their working conditions. The initiative presented simple messages that made business sense; allowed workshop owners to communicate among themselves and identify existing “good practices” in the community; and presented real-life case studies with local photos and examples. The project has now been expanded and will reach 600 furniture-making enterprises. Trainers have been identified from the shop owners who attended the pilot workshops.

Source: IPEC, *Towards the elimination of hazardous child labour. Practices with good potential* (Geneva: ILO, 2012), 23

Removal and reintegration

When adolescents aged 15-17 are found to be working in designated hazardous industries or occupations, there is an imperative to remove them from hazardous work. Many of the good practices and strategies from the section above also apply in this context. However, this group has distinct reintegration needs as compared to younger children. According to Joost Koojimans, very few organizations take a *differentiated approach to reintegration* based on their age: “If these older children don’t want or cannot return to school, and there are no decent work opportunities, they will simply return to hazardous work.” There is a clear lack of academic analysis on the specific needs of older adolescents in reintegration programs.

7. Identify and remove adolescents aged 15-17 from hazardous occupations or activities.

Guidelines on effective removal from the section above apply (page 41). Where possible, interventions that respect the agency and voices of older adolescents, such as negotiated withdrawal, are preferable. However, in instances of forced labour or slavery or slave-like practices, rescue through raid operations may be necessary.

8. Provide opportunities for return to education, decent work or vocational training. Where possible, after their removal adolescents aged 15-17 should be provided with the option of return to education. Where such opportunity does not exist, or the child does not wish to study, they should be assisted with finding decent work and/or vocational training. These programs can “not only help include former child workers in education and training but also prevent their exclusion from the labor market as adults.”²⁶⁶ According to IPEC, these programs should allow

²⁶⁶ IPEC, *Education as an Intervention Strategy to Eliminate and Prevent Child Labour* (2006), 15.

for easy geographic accessibility for participants, involve families to ensure children do not return to hazardous work, target age appropriate skills, include a detailed assessment of local labour market needs, and engage with employers to provide opportunities for apprenticeships and employment.²⁶⁷

“There is some effort to address this problem, but government residential facilities that exist for older children are very high risk locations: in terms of health, hygiene, and also the issue of child abuse.
-- Arjun Sanyal, American India Foundation ²⁶⁸

- 9. Meet healthcare and accommodation needs.** Similar to younger children, after removal from exploitative work adolescents aged 15-17 should receive a medical evaluation and be provided with any necessary mental and physical healthcare services.²⁶⁹ Assisted independent living arrangements and kinship care, which involves informal arrangements made with grandparents, other relatives or other persons in the community, should be carefully considered as accommodation options for older children. Children’s opinions and wishes should be included in any best interests determination with regards accommodation and return to education or skill training.

Good practice: From hazardous child labour to safe work in agriculture (Rwanda)

Winrock International’s Rwanda Education Alternatives for Children (REACH) programme, which ran from 2009-2012, helped to identify and withdraw 4,800 children in hazardous agricultural labour across seven districts. 2,300 of these children aged 16–18, who were not interested in returning to formal schools, were subsequently integrated into the Model Farm Schools (MFS) that provided agricultural vocational education training. In these six-month training courses local specialists provided training on subjects such as advanced farming skills, beekeeping, and livestock rearing. The children also learned how to set up a cooperative, some basic entrepreneurship skills and how to link to microfinance institutions (MFIs). Teachers were trained in Kigali, Rwanda, followed up by quarterly meetings that included refresher training. An independent evaluation by the U.S. Department of Labor found that students who had been enrolled in the MFS largely returned to work where conditions of work were not hazardous, and many were channelled into apprenticeships on local farms.

Source: U.S. Department of Labor, *Independent Final Evaluation of the Rwanda Education Alternatives for Children (REACH) Project* (2013), available at: www.dol.gov/ilab/projects/summaries/Rwanda_REACH_feval.pdf

²⁶⁷ *Ibid.*; see also Surtees, "Re/integration of trafficked persons: supporting economic empowerment" (2012): 61-64.

²⁶⁸ Interview with the author (February 12, 2016).

²⁶⁹ Zimmerman et al., *Health and human trafficking in the Greater Mekong Subregion* (2014), 5-6.

III. Child Labour and Corporate Social Responsibility

Child labour is perhaps the most visible children’s rights issue on the Corporate Social Responsibility (CSR) agenda. In recent years, companies have received unprecedented public scrutiny for instances of child exploitation in their operations and particularly supply chains, and taken positive steps to address this issue. This has been spurred by the proliferation of international standards for supply chain responsibility and global forums for cooperation. Despite these initiatives, all too often companies fail to identify or tackle abuses, failing to go far enough down the supply chain to identify these problems. Exploitative child labour remains pervasive in the production processes of our global economy.

While it is ultimately the state’s responsibility to protect children from the harm of sale for labour exploitation, it is undeniable that the private sector plays a huge role in its elimination, both in terms of its direct/indirect impact, and also as a funder. Engagement of the corporate sector in a more systematic and coordinated manner is therefore essential to the elimination of child labour exploitation. This section maps out the scope of the problem, some of the difficulties associated with implementing effective CSR, and promising practices that should complement, not substitute, vigilant government enforcement of labour laws and workplace safety codes.

“The private sector needs to be brought in more significantly. It’s a big gap. You can talk about voluntary codes of conduct, but when it comes down to changing the behaviour of local producers and manufacturers that feed into supply chains, we need a different kind of dialogue.”
-- Joost Koojimans, UNICEF²⁷⁰

“We think that the private sector is a sleeping giant that needs to wake up and come to the aid of children.”
-- Pascal Mascocha, CACLAZ²⁷¹

WHY FOCUS ON THIS ISSUE?

The scale of the problem is huge.

The United States Department of Labor has produced a list of 136 goods produced in 74 countries using child labour, including everything from strawberries, coffee, chocolate and palm oil to footballs, bricks, rubber and cotton.²⁷² There is little reliable data on the prevalence of child labour exploitation in the private sector due to methodological challenges and the lack of platforms for systematic sharing of research on its location, nature, and strategies to confront it. However, case-specific evidence points to significant numbers. According to the International Labour Organization (ILO), forced labour in the global private economy generates profits of USD 150 billion a year.²⁷³ Given that children make up an estimated 26% of all forced labour victims, they likely contribute a

²⁷⁰ Interview with the author (February 11, 2016).

²⁷¹ Interview with the author (January 25, 2016).

²⁷² United States Department of Labor, "List of Goods Produced by Child Labor or Forced Labor," accessed March 5, 2016 at: www.dol.gov/ilab/reports/child-labor/list-of-goods/

²⁷³ ILO, *Profits and Poverty: The economics of forced labour* (Geneva: ILO, 2014), accessed at: http://www.ilo.org/global/publications/ilo-bookstore/order-online/books/WCMS_243391/lang--en/index.htm.

sizeable share of this figure. There are no available estimates for the profits generated globally by other forms of child labour exploitation.

Case Study: Child Labour cobalt mines in the DRC

According to a recent investigation by Amnesty International and African Resources Watch (Afrewatch), children as young as seven are working in hazardous conditions in the Democratic Republic of the Congo to mine cobalt that ends up in smartphones, cars and computers sold to millions across the world, by household electronic brands including Apple, Microsoft and Vodafone. Children reported they worked for up to 12 hours a day in the mines, carrying heavy loads in intense heat, without facemasks or gloves. Several stated they had been beaten by security guards employed by mining companies and forced to pay “fines” by unauthorised mines police sent by state officials to extort money and intimidate workers. Children earn between one and two dollars a day. According to UNICEF, in 2014 approximately 40,000 children worked in mines across southern DRC, many of them mining cobalt.

Source: Amnesty International, *This is what we die for: Human rights abuses in the Democratic Republic of the Congo power the global trade in cobalt* (London: Amnesty International, 2016); Cornelia Walter, "In DR Congo, UNICEF supports efforts to help child labourers return to school," UNICEF (June 13, 2012), available at: www.unicef.org/childsurvival/drcongo_62627.html

Case Study: Child Labour in cocoa production in Ghana and Ivory Coast

Despite nearly 14 years of government and industry efforts aimed at combatting child labour in cocoa production, 21% more children are in child labour on cocoa farms in Ghana and Ivory Coast than five years ago, according to a recent survey by Tulane University. The study found that in 2013/2014, an estimated 2.03 million children were found in child labour in cocoa production in the two countries, the vast majority under hazardous conditions. The survey served as a five-year update on the progress of the 2001 Harkin-Engel Protocol, which seeks to eliminate the worst forms of child labour in the world's largest cocoa growing countries.

The study notes the obstacles that face governments, industry and non-governmental organizations to eliminate child labour while increased demand for chocolate has intensified efforts to raise cocoa production. During the period surveyed, the percentage of children 5-17 years attending school increased. Yet in the Ivory Coast, the number of children working under hazardous conditions rose 46% between 2009 and 2014, performing tasks that are illegal for children under 17 years old such as clearing land, carrying heavy loads, working long hours or at night, or with exposure to agro-chemicals. These same numbers fell by 6% in Ghana, although there was a sharp increase in the number of Ghanaian child exposed to dangerous chemicals.

Source: Tulane University, *Survey Research on Child Labor in West African Cocoa Growing Areas 2013/2014* (New Orleans: Tulane University, 2015).

The landscape of Corporate Social Responsibility is shifting, providing opportunity for progress.

- **Proliferation of voluntary CSR.** Over the last twenty years, there has been steady progression towards recognizing the human rights obligations of private sector companies.²⁷⁴ The UN Guiding Principles on Business and Human Rights, endorsed unanimously in June 2011,²⁷⁵ provides a broad framework for companies to operationalize respect for human rights. Other voluntary initiatives include: the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy; the OECD Guidelines for Multinational Enterprises; and the UN Global Compact, whose Child Labour Platform offers a forum for multinationals to share experiences and lessons learned.²⁷⁶ Numerous industry-specific guidelines have been created for garments, internet technology, toys, precious minerals, and more.²⁷⁷ To date, these frameworks have largely impacted large multinational corporations. Yet as noted by Ben Chin at the UN Global Compact, “Our immediate goal is to expand beyond these large individual companies, to the regional and national players involved.”²⁷⁸
- **Movement towards mandatory frameworks.** States are increasingly “attempting to address forced labour in supply chains through transparency and disclosure regulations.” However, “the viability and effectiveness of [these] regulations to eliminate forced labour are still in-flux.”²⁷⁹ Examples include US President Obama’s executive order on trafficking and federal procurement;²⁸⁰ the California Transparency in Supply Chains Act; the UK Modern Slavery Bill’s recent amendment to include supply chain disclosure provisions;²⁸¹ and the EU’s adoption of a non-financial reporting directive.²⁸² Early analysis of such legislation shows that “it is necessary that governments and civil society work with businesses to create as much buy-in and positive incentives for cooperation as possible, but also employ true financial penalties for non-compliance.”²⁸³

²⁷⁴ Justine Nolan, "Refining the Rules of the Game: The Corporate Responsibility to Respect Human Rights," *Utrecht Journal of International and European Law* 30:78 (2014), 7–23.

²⁷⁵ United Nations Human Rights Council, *Guiding Principles on Business and Human Rights: Implementing the UN 'Protect, Respect and Remedy' Framework*, 2011, A/HRC/17/31 (March 2, 2011), accessed at: http://www.ohchr.org/Documents/Issues/Business/A-HRC-17-31_AEV.pdf.

²⁷⁶ See “Child Labour Platform,” ILO, accessed March 5, 2016 at: <http://www.ilo.org/ippec/Action/CSR/clp/lang-en/index.htm>.

²⁷⁷ Juliane Kippenberg, "Dispatches: Businesses Need to Walk the Walk," *Human Rights Watch* (January 22, 2016), accessed at: <https://www.hrw.org/news/2016/01/22/dispatches-businesses-need-walk-walk>.

²⁷⁸ Interview with author, February 3, 2016.

²⁷⁹ Ashley Feasley, "Deploying Disclosure Laws to Eliminate Forced Labour: Supply chain transparency efforts of Brazil and the United States of America," *Anti-Trafficking Review* 5 (2015); Chris Burkett, "What are multinationals doing to champion rights of millions trapped in modern-day slavery?" *The Guardian* (February 20, 2015) accessed at: www.theguardian.com/sustainable-business/2015/feb/20/trafficking-labour-corporations-compliance-human-rights.

²⁸⁰ United States White House Office of the Press Secretary, "Executive Order - Strengthening Protections Against Trafficking In Persons In Federal Contracts," (September 25, 2012), accessed at: <https://www.whitehouse.gov/the-press-office/2012/09/25/executive-order-strengthening-protections-against-trafficking-persons-fe>.

²⁸¹ UK Home Office & Karen Bradley, "Big Business to be held to account to keep supply chains slavery free," (October 13, 2014), accessed at: <https://www.gov.uk/government/news/big-business-to-be-held-to-account-to-keep-supply-chains-slavery-free>.

²⁸² European Commission Banking and Finance, "Non-Financial Reporting," accessed March 5, 2016, at: ec.europa.eu/finance/company-reporting/non-financial_reporting/index_en.htm

²⁸³ Feasley, “Deploying Disclosure Laws,” (2015).

“Legislation is important because it mainstreams CSR, forcing companies that wouldn’t otherwise engage to look seriously at these issues in the future.”

-- Anita Househam, UN Global Compact²⁸⁴

“‘Regulation’ is almost always a controversial word in the business sector. But often the self-assessments done by companies aren’t serious or don’t dig deep enough.”

-- John Ruggie, author of the UN Principles on Business and Human Rights²⁸⁵

There remain significant challenges to effective CSR

Beside the lack of robust data collection and research on the impacts of CSR and extend of child labour in global supply chains, there are several obstacles to effective CSR:

- **Long supply chains and difficulty in regulating/monitoring small- and medium-enterprises.** Most child labour happens in the unregulated market at the end of long supply chains, in small- and medium-size enterprises (SMEs).²⁸⁶ Multiple levels of subcontracting, particularly throughout impoverished regions where labour laws are non-existent or not enforced, often creates barriers to effective monitoring of supply chains.²⁸⁷ Communication is lacking in most SMEs with external stakeholders, which contributes to low awareness of existing legislation and codes of conduct.²⁸⁸ Companies often can only monitor the first-tier suppliers or simply cannot control the suppliers’ site.²⁸⁹
- **Negative knock-on effects.** There is concern among activists and experts that well-intentioned CSR policies to eliminate child labour from supply chains may result in simply displacing the problem elsewhere. Thus, effective CSR must linked to robust state social protection programs.
- **Problem of incentives.** Voluntary compliance with CSR relies on consumer behaviour and on consumers being informed of the practices of corporations.²⁹⁰ However, while some studies establish a link between a corporation’s socially responsible behaviour and its profits,²⁹¹ there is no decisive conclusion that consumers in fact act differently based on particular knowledge of a corporation’s business practices.²⁹² Incentives beyond the fear of reputational harm – either positive or punitive – must be identified and engaged if the corporate sector is to take sustained and substantive action to eliminate child labour exploitation.

²⁸⁴ Interview with the author (February 3, 2016).

²⁸⁵ Interview with the author (January 25, 2016).

²⁸⁶ Sadaat Ali Yawar, *Corporate Social Responsibility in Supply Chains: Relevance of Supplier Development* (Kassel: Kassel University Press, 2014).

²⁸⁷ M. Andersen, & T. Skjoett-Larsen, “Corporate social responsibility in global supply chains,” *Supply Chain Management: An International Journal*, 14:2 (2009), 75–86.

²⁸⁸ F. Ciliberti et al., “Investigating corporate social responsibility in supply chains: An SME perspective,” *Journal of Cleaner Production* 16 (2008), 1579–1588.

²⁸⁹ Michael Blowfield & Jedrezej George Frynas, "Editorial Setting new agendas: critical perspectives on Corporate Social Responsibility in the developing world," *International Affairs* 81:3 (2005), 499-513.

²⁹⁰ Jan Wouters & Leen Chanet, “Corporate Human Rights Responsibility: A European Perspective,” *Northwestern Journal of International Human Rights* 6:2 (2008), 274.

²⁹¹ David Vogel, *The Market For Virtue: The Potential And Limits Of Corporate Social Responsibility* (Washington, D.C.: Brookings Institution Press, 2005), 30-33.

²⁹² While many studies report a positive relationship between ethics and profits, some find a negative relationship, and still others find the relationship to be either neutral or mixed. *Ibid.*, 29.

Case Study: Child Labour in India's handmade carpet industry

In 2014, the largest-ever investigation into labour practices in India's handmade carpet industry revealed startling details of slavery and child labour. The study, conducted by Harvard University's FXB Center for Health and Human Rights, documented over 3,000 cases of forced labour and as many as 1,400 cases of child labour in the industry across nine northern states. In 2012, major U.S. retailers imported handmade carpets from India worth \$306 million.

The study found that the working conditions for these children "are nothing short of sub-human." They work up to 18 hours a day in shacks in remote rural areas to which they have been trafficked, locked inside and subjected to physical and verbal abuse, without sufficient food or water. The report states that "the children were too young, frail, and frightened to attempt to escape." According to the report, children suffered from several ailments including loss of vision, spinal deformation, malnutrition, and trauma because of hazardous working conditions.

Source: Siddharth Kara, *Tainted Carpets: Slavery and Child Labor in India's Hand-Made Carpet Sector*, FXB Center for Health and Human Rights at Harvard University (2014).

Case Study: Negative knock-on effects of a child labour intervention in Bangladesh

In 1995, the Bangladesh Garment Manufacturers and Exporters Association, UNICEF and the ILO initiated a six-year project to withdraw children from exploitative labour in Bangladesh's garment industry and place them in schools. At the time, the sector employed an estimated 75,000 child labourers, mostly girls, and was worth \$1.4 billion, more than Bangladesh's total foreign aid assistance. This widely studied intervention has had significant impact on the child labour debate.

Around 30 per cent of children in the garment industry between 1995-2001 went to one of the program schools. However, studies were inconclusive as to whether dismissed children were better off as a result of the intervention. Children's overall health outcomes did not improve and their welfare decreased due to lost income. One study found that "the vast majority of affected children" reported that dismissal "had an adverse impact on them, six per cent said that they were forced into hazardous work, such as brick chipping, pushing carts and rickshaw pulling... Children who did not go to a [program-provided] school or who dropped out were more likely to go into hazardous work. Of those girls surveyed who did not enrol or who dropped out, around 1 per cent stated they were *aware* that young female works had been forced into prostitution after being [removed from work]." Nevertheless, those children that did enrol and stay in schools showed long-term improvements in occupation and earnings, as well as other social impacts.

Source: UNICEF & ILO, *Addressing Child Labour in the Bangladesh Garment Industry 1995-2001: A Synthesis of UNICEF and ILO evaluation studies of the Bangladesh garment sector projects*, (New York and Geneva: UNICEF & ILO, 2004); UNICEF, *Assessment of the Memorandum of Understanding (MOU) regarding Placement of Child Workers in School Programmes and Elimination of Child Labour in the Bangladesh Garment Industry (1995-2001)* (Kathmandu: UNICEF Regional Office for South Asia, 2003).

The corporate sector plays an increasingly critical role in initiatives to end child labour exploitation.

Some of the experts interviewed for this project indicated that the corporate sector is an increasingly importance source of funding for child labour eradication programs:

The ILO in India has largely phased out its child labour work...Child labour used to be very high on the international, regional and national agenda in the 1990s and 2000s, but it has now been overtaken by other priority issues. Yet there are still millions of children who are exploited. UNICEF continues to work on child labour issues with funding support from private sector donors, such as IKEA Foundation, H&M etc. and through CSR partnerships...If it wasn't for them, there would be even less focus on child labour.
 -- Joachim Theis, UNICEF India²⁹³

STRATEGIES AND GOOD PRACTICES

SUMMARY

Data collection, information sharing and awareness	<ol style="list-style-type: none"> 1. Multistakeholder initiatives to systematize the information that enters and exits the corporate sector. 2. Include workers in monitoring working conditions. 3. Use ICTs to disseminate information on child labour in supply chains 4. Ensure that consumer organizations have a voice in formation of national policy and private sector forums.
Mandatory standards on sustainability and impact	<ol style="list-style-type: none"> 5. Expand and enforce national and regional mandatory reporting. 6. A CSR Convention.
Corporate Social Responsibility practices and interventions	<ol style="list-style-type: none"> 7. Invest beyond the immediate supply chain. 8. Link CSR with local policies to ensure sustainability 9. Support child labour policy with clear operational guidelines. 10. Tailor training for key employees. 11. Support and engage with suppliers. 12. Support reintegration processes once child labour is found.

Data collection, information sharing and awareness

1. **Multistakeholder initiatives to systematize the information that enters and exits the corporate sector.** Ethical trademark initiatives to provide consumers with information on corporate supply chains are highly fragmented, as are existing platforms to provide researchers, activists and policymakers with reliable information on CSR. There is a need to bring all these

²⁹³ Interview with the author (February 2, 2016).

together and make them accessible. This might look similar to the Child Labour Platform, but include mechanisms for other stakeholders to participate.

“Without the necessary evidence on prevalence of child labour and its impacts on the whole community, you cannot put pressure on companies to change.”
-- Akky de Hort, Director of Stop Child Labour²⁹⁴

“Some companies are on board with investing in child labour elimination, and some are less so. It makes sense to systematize the mechanisms to get reliable information out there.”
-- Joost Kooijmans²⁹⁵

- 2. Include workers in monitoring working conditions.** Some organizations have shifted away from top-down monitoring of working conditions to a more worker-centric approach. Such initiatives are unlikely to reach illegally hired and exploited child labourers. However, they provide older adolescents and adults with tools to report instances of exploitative child labour.
- 3. Use ICTs to make information on child labour in supply chains widely accessible.** Several NGOs currently map supply chains for popular products and raise awareness about the labour policies and practices of private sector companies. Others more directly work with businesses to make supply chains more transparent.
- 4. Ensure that consumer organizations have a voice in formation of national policy and private sector forums.** Several of the CSR experts interviewed discussed the importance of engaging consumer organizations to communicate demand for products made without child labour exploitation. According to John Ruggie, “The individual voice of the consumer does not carry much weight in shaping corporate policy. Consumer organizations should take a more significant role in demanding thorough and transparent CSR practices.”²⁹⁶

However, existing groups do not regularly engage in advocacy around the issue of child labour exploitation. For example, the Transatlantic Consumer Dialogue (TACD), a forum of US and EU consumer organizations that develops policy recommendations promoting consumer interests, does not focus on this topic.²⁹⁷ Nor does the European Consumer Consultative Group (ECCG), the permanent forum established by the European Commission to consult national and European consumer organisations.²⁹⁸ One positive example is the National Consumers League in the US, a private, non-profit advocacy group that brings together 22 groups, including several of America’s largest labour unions. In 1989 it helped launch the Child Labor Coalition (CLC) to ameliorate the WFCL and protect teen workers from health and safety hazards through informational and education advocacy in public and private spheres.²⁹⁹

²⁹⁴ Interview with the author (January 29, 2016).

²⁹⁵ Interview with the author (February 11, 2016).

²⁹⁶ Interview with the author (January 25, 2016).

²⁹⁷ Gerald Thain, “The Transatlantic Consumer Dialogue: A Study of Consumer Advocacy on the International Level,” Paper presented at the annual meeting of the The Law and Society, Las Vegas, NV (February 2009).

²⁹⁸ “European Consumer Consultative Group (ECCG)” European Commission, accessed March 6, 2016 at: ec.europa.eu/consumers/eu_consumer_policy/consumer_consultative_group/eccg/index_en.htm.

²⁹⁹ “Child Labor Coalition,” National Consumers League, accessed March 6, 2016 at: www.nclnet.org/child_labor_coalition_content.

Good practice: Raising awareness through mobile apps – Sweat & Toil App and Free 2 Work

In 2015, the United States Department of Labor (DOL) introduced the Sweat & Toil app, which makes the department's extensive child labour information available on one searchable, offline-available format. It includes information from the DOL's reports – Findings on the Worst Forms of Child Labour, the List of Goods Produced by Child Labour or Forced Labour and List of Products Produced by Forced or Indentured Child Labour – as well as relevant international laws, efforts to eliminate child labour, and different goods produced with child or forced labour. Another similar project is the Free2Work website and mobile app, created and updated by the non-profit Not For Sale, which offers consumers information on whether the products they buy are connected to forced labour or child labour. It grades companies on a scale of A to F according to supply chain transparencies, codes of conduct, responses to child and forced labour, and overall efforts to empower workers.

Source: United States Department of Labor, "Sweat & Toil: Child Labor, Forced Labor, and Human Trafficking Around the World," accessed March 6, 2016 at: www.dol.gov/dol/apps/ilab.htm; "Free 2 Work," accessed March 6, 2016 at: <http://www.free2work.org/>.

Good practice: Worker-sourced monitoring through LaborVoices and Labor Link

LaborVoices is a social enterprise that provides global brands and their supply chains with an early warning system based on direct feedback from workers, by anonymously polling workers through their mobile phones. Its voice recording systems survey workers in their native languages, aggregate their responses, and send them recordings with information about local support services, from health care to trade unions. To assure workers that their participation won't bring repercussions, LaborVoices enlists local trade unions and nonprofits to get the word out about its mission.

Labor Link, a product of the non-profit social enterprise Good World Solutions, builds transparency across global supply chains by communicating directly with workers at the base of the pyramid. Workers and farmers can call a local number for free and answer recorded questions using their telephone keypad to anonymously report directly to decision-makers about their working conditions, opinions, and needs. The organization does not pay workers for the information it collects. This affordable, scalable mobile platform has reached over 600,000 workers and farmers in 16+ countries since 2010. Labor Link aims to "positively impact" more than 1 million workers by 2020.

Source: "LaborVoices," accessed March 6, 2016 at: www.laborvoices.com; "Good World Solutions" accessed March 6, 2016 at: <http://goodworldsolutions.org/about-us/>

Mandatory standards on sustainability and impact

- 5. Expand and enforce national and regional mandatory reporting.** Experience shows that mandatory reporting is most effective when noncompliance leads to consequences, either financial or reputational. For example, a recent study of companies mandated to report under the UK's Modern Slavery Act found that "good intent is not yet translating into action. With

little motivation and no sanctions to speak of, this requirement rests on goodwill and general awareness.”³⁰⁰

- 6. A CSR Convention.** To address unevenness in current national and regional reporting, the Rapporteur could call for a global standard on CSR that would oblige states to institute a basic level of reporting from corporations with operations in sectors known to have pervasive child labour. Despite challenges of political feasibility (potential push-back from the private sector) and operational feasibility (ensuring adequate monitoring and enforcement), there is growing consensus around the urgency of this problem and the duty of the private sector to address it. Regulations such as the California Transparency in Supply Chains Act, and the UK Modern Slavery Act provide useful precedent.

“We should push for a global standard for sustainable reporting that goes beyond what we have now: a convention, where member states set rules that makes current practice more systematic. This would address the current levels of unevenness ... Regulation is a necessary part of concretizing reporting norms that already exist. How it is enforced is a secondary, but equally important question.”
-- Joost Kooijmans, UNICEF³⁰¹

Good practice: Brazil’s “Dirty List” of companies using child labour

In Brazil, the Ministry of Labour publishes a *lista suja* or ‘Dirty List’ which publicly names almost 300 companies, from major brands to small enterprises, who have been found to be profiting from slave labour. This impedes financing opportunities for non-compliant businesses. As a result, more than 400 Brazilian companies, collectively responsible for more than 30 per cent of Brazil’s gross national product, have signed the National Pact for the Eradication of Slave Labour, pledging to keep their businesses free of forced labour proactively and cut ties with businesses profiting from slavery.

Source: Annie Kelly, "Brazil's 'dirty list' names and shames companies involved in slave labour," *The Guardian* (July 24, 2013), accessed at: www.theguardian.com/sustainable-business/brazil-dirty-list-names-shames-slave-labour; Pacto Nacional, “Brazilian pact to eradicate slave labor,” accessed March 6, 2016 at: <http://www.reporterbrasil.com.br/pacto/conteudo/view/9>.

Corporate Social Responsibility practices and interventions

- 7. Invest beyond the immediate supply chain.** Companies must go beyond code observance and audits in first-tier, formal economy suppliers in order to mitigate potential negative knock-on effects of CSR and address the root causes of child labour exploitation in the areas where they invest. It is important that such private-public or private-non-profit partnerships are designed in collaboration with local experts, reflect the expressed priorities of target populations

³⁰⁰ Priyanka Mogul, “Modern Slavery Act: UK firms 'lack skills' to prevent child or slave labour in supply chains,” *International Business Times* (Jan 21, 2016) www.ibtimes.co.uk/modern-slavery-act-uk-firms-lack-skills-prevent-child-slave-labour-supply-chains-1539058.

³⁰¹ Interview with the author (February 11, 2016).

and involve robust monitoring and evaluation mechanisms. They should address the educational, health and livelihoods needs of affected communities.

8. **Link CSR with local policies to ensure sustainability.** In connection with the previous recommendation, efforts to eliminate child labour from corporate supply chains and the broader communities in which they operate must be synchronized with state policies. This can allow successful initiatives to be scaled up by government actors and ensure long-term social protection for vulnerable children and their families.
9. **Support corporate child labour policy with clear operational guidelines.** This is important as it “helps to ensure that employees, service providers and suppliers know how to recognize and prevent child labour and also how to respond adequately when child labour is found.”³⁰² Such guidelines should be developed with the involvement of external expertise to make sure stakeholder’s voices, particularly those of children themselves, are included.
10. **Tailor training for key employees.** Good training programmes help employees to understand issues of child labour exploitation, give them due weight and act appropriately when instances are found. Such programmes should be “tailored to the specifics of the supply chain and the needs of the target group...address topics specific to the sector...make clear the lines and systems of accountability with respect to child labour [and] should be regularly updated and repeated.”³⁰³
11. **Support and engage with suppliers.** In order to eradicate child labour further down the supply chain, it is important for companies to work closely with suppliers, encouraging them to implement Codes of Conduct and to map and monitor their own supply chain. □
12. **Support reintegration processes once child labour is found.** In these cases, companies should work with suppliers to eliminate all instances of child labour and provide reintegration services to affected children, severing the supplier relationship only as a final strategy.³⁰⁴ Reintegration is best conducted in cooperation with government and other stakeholders. Companies must release children from hazardous circumstances, support family reunification procedures by the relevant public authorities, ensure that underage workers are enrolled in formal schools or quality transitional schooling (for those who have fallen behind) and that they do not drop out and support efforts to compensate the child’s family for the loss of income. Companies can offer work to another member of the same household who has reached the legal minimum age to work, make a one-off payment to compensate for loss of wages and education, or require the supplier to guarantee rehiring the child when he or she has reached the minimum legal age if he/she desires.³⁰⁵

³⁰² Child Labour Platform (CLP), *Good Practice Notes With recommendations for companies* (New York: Child Labour Platform, 2014), 12, accessed at: http://www.ilo.org/ipec/Informationresources/WCMS_324013/lang-en/index.htm.

³⁰³ *Ibid.*, 13-14.

³⁰⁴ CLP, *Business practices and lessons learned on addressing child labour* (New York: Child Labour Platform, 2011), accessed at: http://www.indianet.nl/pdf/Child_Labour_Platform_Report_2010-11.pdf.

³⁰⁵ CLP, *Good Practice Notes* (2014), 23.

Good practice: ‘Aquí estoy y Actúo’ in Latin America

In 2011, the Colombian companies Telefónica and Telefónica Movistar, in alliance with the UN Global Compact, developed the program “Aquí estoy y Actúo,” a website and app that brings companies, consumers and the State together to raise awareness and act against child labour in supply chains. It has partnered with Colombia’s Ministry of Employment, Institute for Family Welfare and National Association of Entrepreneurs. The program has been implemented in more than 100 companies across 12 countries in Latin America. It has developed a guide for risk prevention and child labour eradication. It runs awareness-raising and education workshops; creates internal teams within companies responsible for the execution of a voluntary plan of improvement; and allows for crowdsourcing of reports of child labour through a mobile app. The program has received 15 recognitions, among them the UN’s Social Investment Pioneer Award.

Source: International Organisation of Employers (IOE), *Corporate Social Responsibility For All: Best Practice Compilation* (July 2015), accessed at: www.ioe-emp.org/fileadmin/ioe_documents/publications/Policy%20Areas/csr/EN/_2015-09-11_CSR_Best_Practice_Compilation.pdf.

Good practice: IKEA Social Initiative

The Swedish furniture giant IKEA has received wide acclaim for its CSR work both in Sweden and abroad, despite maintaining an openly aggressive focus on cutting costs. In the early 1990s, widespread instances of child labour were highlighted in IKEA’s supply chain. The organization responded by working with the ILO, Save the Children and UNICEF to develop the IKEA Way of Preventing Child Labour. This institutionalized close engagement with suppliers and other companies, a Trust Line in many supplier factories to report instances of child labour, and an active auditing programme.

This approach then developed into a broader commitment to child protection. In 2005, the IKEA Social Initiative was formed to invest in a range of child-centred programmes, principally in South Asia, that improve health and enable access to a quality education, as well as empower women to create a better future for themselves and their families. The largest corporate cash donor to UNICEF, IKEA Social Initiative has committed more than \$180 million in cash and in-kind donations to UNICEF’s programmes to save and improve the lives of children and their families. By 2015, around 10 million children in more than 20,000 villages in India and Pakistan had benefited through improved access to quality education as a result of those programmes.

Source: Steve Howard, "Business in the best interests of children," *The Guardian*, accessed at: www.theguardian.com/sustainable-business/ikea-childrens-rights-beyond-supply-chain; UN Business, "Partner Story: IKEA Social Initiative." accessed March 6, 2016 at: <https://business.un.org/en/documents/8372>.

“CSR initiatives are most successful when companies go above and beyond compliance and risk mitigation”
-- Anita Househam, UN Global Compact³⁰⁶

There is increasing recognition among companies of the importance of engaging with communities more broadly, especially in education. But many initiatives are short-term: sustained buy-in is fundamental.
-- Arjun Sanyal, American India Foundation³⁰⁷

³⁰⁶ Interview with the author (February 3, 2016).

³⁰⁷ Interview with the author (February 12, 2016).

Appendices

A. List of Qualitative Interview Participants

1. Joachim Theis – Child Protection Chief – UNICEF India
2. Pascal Masocha – Director – Coalition Against Child Labour in Zimbabwe (CACLAZ)
3. Fabrizio Terenzio – Regional Coordinator – Enda Tiers Monde
4. James Boyon - Child Protection Officer – African Movement of Working Children and Youth
5. Joost Koojimans – Senior Advisor on Child Labour – UNICEF
6. John Ruggie – Author of UN Guiding Principles on Business and Human Rights
7. Akky de Kort – Technical Advisor Stop Child Labour Program – Hivos
8. Heba Abdel Latif – National Programme Officer – IOM Egypt
9. Anastasia Anthopoulos – International Programme Officer – The OAK Foundation
10. Anita Househam - Manager, Legal & Policy, Supply Chain Sustainability and Children – UN Global Compact
11. Ben Chin – Coordinator, Relationship Management & Labour – Global Compact
12. Bipina Sharma – National Project Coordinator – ILO Nepal
13. Arjun Sanyal – Deputy Education Director – American India Foundation

B. Summary of Good Practices

Child Migrants in Child Labour

Prevention

A “horizontal” approach to children on the move

1. A return to basic human rights principles.
2. Integrate migration perspectives into policy, research and practice on child labour exploitation, and vice versa.

Strategies in the home state

3. Anti-poverty strategies, employment support and access to quality education.
4. Support for community-based child protection mechanisms.
5. Information campaigns and pre-departure orientation.
6. Licensed and monitored recruitment agencies and training services.

Safer movement

7. Temporary work permits and migration schemes.
8. Information and support services along migration routes.
9. Hotline services with trained staff and referral services.

Strategies for children at their destination

10. Access to justice and guardianship systems.
11. Access to social services, education, and vocational training and apprenticeships.
12. Labour market monitoring and regulation enforcement.
13. Membership of trade unions, workers’ groups and peer support groups.
14. Access to labour markets for parents.

Removal and Reintegration

15. Identification and removal from exploitative labour.
16. Immediate post-rescue care.
17. Prosecution of offenders.
18. Long-term, holistic reintegration plan administered by the state.
19. Safe and appropriate accommodation.
20. Education support.
21. Economic support.
22. Comprehensive health-care.

Children Aged 15-17 in Hazardous Labour**Prevention**

1. Create list of prohibited hazardous industries and occupations, and implement effective sanctions and systems of monitoring and inspection.
2. Sector-specific, clear, implementable workplace standards for adolescents.
3. Mechanisms for children to safely report hazardous working conditions.
4. Inclusion of older adolescents as advocates for decent working conditions.
5. Robust data collection and research.
6. Access to and funding for secondary and tertiary education.

Removal and Reintegration

7. Identify and remove adolescents aged 15-17 from hazardous occupations or activities.
8. Opportunities for return to education, decent work or vocational training.
9. Healthcare and accommodation needs.

Child Labour and Corporate Social Responsibility**Data collection, information sharing and awareness**

1. Multistakeholder initiatives to systematize the information that enters and exits the corporate sector.
2. Include workers in monitoring working conditions.
3. Use ICTs to disseminate information on child labour in supply chains
4. Ensure that consumer organizations have a voice in formation of national policy and private sector forums.

Mandatory standards on sustainability and impact

5. Expand and enforce national and regional mandatory reporting.
6. A CSR Convention.

Corporate Social Responsibility practices and interventions

7. Invest beyond the immediate supply chain.
8. Link CSR with local policies to ensure sustainability
9. Support child labour policy with clear operational guidelines.
10. Tailor training for key employees.
11. Support and engage with suppliers.
12. Support reintegration processes once child labour is found.

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