

Regional Workshop on Labor Standards Manila, 18-19 September 2002

Recommendations on Child Labor

THE EXTENT OF THE PROBLEM

- There are **127 million working children ages 5-14** in the Asian Pacific region. About one in five children in the region are economically active.

WHAT IS CHILD LABOR

- Child labor is work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. Whether or not particular forms of work can be called child labor depends on the child's age, the types of work performed and the conditions under which it is performed.
- Two core ILO Conventions serve as a yardstick for defining and regulating child labor:
 - The **Minimum Age Convention, 1973 (No.138)** and
 - the **Worst Forms of Child Labor Convention, 1999 (No.182)**.
- Child labor is also dealt with in the **UN Convention of the Rights of the Child** and the **ILO Declaration on Fundamental Principles and Rights at Work**.
- **ILO Convention No.138**
 - Stipulates that ratifying States fix a minimum age and defines a range of minimum ages below which no child should be allowed to work.
 - The general minimum age should not be less than the age of completion of compulsory schooling, and in any case not less than 15 years.
 - Light work is allowed as of the age of 13, hazardous work not under 18.
 - There are exceptions for countries where the economy and educational facilities are insufficiently developed. These countries may fix the minimum age for employment or work at 14 years for an initial period and at 12 years for light work.
 - Convention No.138 is currently ratified by 117 States globally of which 19 are in the Asian region.

DISCLAIMER: These findings and recommendations are a result of the ADB-ILO Regional Technical Assistance 5887 studies, national consultative processes during 2001-2002 and high level discussions at the concluding Manila Regional Workshop, and do not necessarily reflect the views of the ADB or the ILO.

- **ILO Convention No. 182**
 - Requires ratifying States to take immediate and effective measures to prohibit and eliminate the worst forms of child labor as a matter of urgency.
 - The Convention applies to all boys and girls under the age of 18.
 - The worst forms of child labor are defined as:
 - (i) 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 labor, including forced or compulsory recruitment, of children for use in armed conflict;
 - (ii) the use, procuring or offering a child for prostitution, for the production of pornography or for pornographic performances;
 - (iii) 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; and
 - (iv) 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.
 - Convention No. 182 is currently ratified by 129 States, 28 of which are in the Asian region. It is the most rapidly ratified ILO Convention ever.

WHY WE NEED TO TAKE ACTION AGAINST CHILD LABOR

- ***It is a matter of good economics***
 - Child labor is not only a consequence but also as a cause of poverty and underdevelopment.
 - Child labor has negative externalities, mainly in form of lost productivity and reduced capacity for income generation due to missed education and skills formation, stunted growth, and physiological damage.
 - Child labor contributes to a country's inability to achieve increasing returns to scale, technological advancement and efficiency improvements derived from a more skilled, productive and educated work force.
- ***It is a matter of human rights***
 - Children have rights of their own. The UN Convention on the Rights of the Child, the most comprehensive treaty on the rights of children ever adopted, provides for the right of children to be protected from economic exploitation and work that is likely to be hazardous, interferes with education or is harmful to the child's development.
 - Child labor may deprive a child of her/his right to study, to play, to socialize with her/his peers, and not to be physically, psychologically or emotionally abused and harmed.
- ***It is a matter of future foregone***
 - Some working children combine school and work, but most do not. Where they don't, there are significant consequences for the lack of human capital formation. Non-educated children will have little opportunities in an increasingly skill and knowledge-demanding world. Where children go both to work and to school, there is usually a negative impact on learning achievements. Premature work cuts into education, one way or the other, and hinders a child in developing its full potential.

- ***It is a matter of saving lives***

- It is estimated that there are globally 179 million children in the worst forms of child labor, exposing them to development-stunning and life-threatening hazards.
- The effects of hazardous work on children can be even more acute than they are for adults because of physiological and anatomical differences.
- Children are sometimes forced into outrageously hazardous situations to which even adults are not exposed. Irreversible physical and psychological damage is caused to these children.

RECOMMENDED ACTIONS

- Action against child labor should follow **three basic objectives**:
 - to prevent it altogether and provide alternatives, in particular attractive and affordable education;
 - to remove children from child labor, especially its worst forms; and
 - to provide for the rehabilitation and social integration of children affected by the worst forms of child labor.
- To attain these objectives requires action on various fronts. It **includes sensitizing public opinion** on the long-term negative impacts of child labor; adopting and enforcing **legislation** regulating the work of children; establishing affordable and quality **education for all**; and providing **support for children and their families**.
- Child labor requires a response from a **broad alliance of national and international actors**. Following are some recommendations in the areas of country programming, project design and implementation of projects.

COUNTRY PROGRAMMING STRATEGIES

- ***The need for a national policy and action plan on child labor***

- Child labor can only be effectively acted against if there is the political will and commitment of the government. The formulation of a national policy and plan of action can be an expression of the above. Policy formulation should be based on sound knowledge of the problem and should be preceded by comprehensive data collection and analysis on child labor. It should also include a detailed definition of the different forms of work hazardous to children.
- Policies and programmes at the country level will only succeed if they are based on consensus among the major parties having a stake in it. Country programmes and a national policy should be developed taking into account a wide array of stakeholder views. Consultative processes should be engaged in, including relevant non-government entities such as workers' and employers' organizations and other civil society groups.

- ***The need for holistic and integrated area-based and thematic strategies***

- Tackling the child labor issue calls for a holistic approach and knowledge of all the factors contributing to child labor. A partial solution may not lead to an improvement in the child labor situation, and may make things worse at the household level.
- Concentrating on prohibitions without tackling income and employment opportunities and lack of access to resources at the household level may increase the poverty situation of the child workers' families, and may even lead to worse forms of illegal and underground use of child labor
- Any holistic and integrated area-based or thematic strategy should be based on comprehensive data collection and analysis in order to understand the phenomenon of child labor in its multiple forms.
- Holistic and integrated approaches may involve income, employment, livelihood, credit, education, training, values formation and information dissemination programmes at the household levels, combined with effective strategies with governments' agencies, trade unions, employers' groups, civil society groups and media in awareness raising and in putting social pressures on the employers of child labor.

- ***The need to provide quality education***

- Education is the best possible alternative to child labor. In order to make it attractive, it needs to be affordable, of good quality and relevant to the needs of the community and economy. Basic education should be made compulsory.

- ***The need to link child labor eradication to anti-poverty and human development programmes***

- Child labor eradication concerns should become part and parcel of poverty alleviation and human development strategies. They should be included in targets set for human development, as much as illiteracy eradication, preventive and curative health and poverty alleviation itself.
- Costs to prevent children from undertaking child labor should be incorporated in determining poverty thresholds. In particular, we should consider including costs for basic education as part of basic needs, and in calculating poverty thresholds.
- Poverty alleviation and social protection programmes (such as integrated area programmes) should include prevalence and intensity of child labor as one of the criteria in identifying target groups and areas.
- In line with the above, areas with high dependency burden and high population growth and other cultural and demographic characteristics that may lead to high incidence of child labor to a particular group of children should be targeted as areas for intervention.

- ***The need to rethink labor-intensive strategies based on unskilled labor***

- Labor-intensive strategies and employment generating activities should also focus on the development of human capital, skills and productivity enhancement.
- Labor-intensive strategies should specifically include the view that child labor is detrimental to economic development, and therefore should be prevented and corrected.

- ***The need to rethink stabilization policies and liberalization processes***

- In times of crises and economic downturns, child labor is usually undertaken as a coping mechanism of poor households to supplement income and to avoid the high costs of schooling. On the demand side, child labor is often resorted to in order to reduce cost. Subcontract and flexible arrangements such as home-based work gain prominence during difficult times. The effects of strong stabilization policies proposed by multilateral agencies on the social sectors and on child labor should be considered before harsh economic policies are imposed.
- Stringent budget deficit requirements during stabilization periods that cut key social services and assistance including that for child protection especially during economically difficult periods should also be analyzed and documented.
- Prioritization of fiscal expenditures especially during periods of contraction and tight fiscal policy should be done without jeopardizing key social expenditures, including that for child protection. The inclusion of child protection and reduction of child labor in the exclusion list for budget cuts is imperative.

- ***The need to rethink the use of sanctions against child labor***

- Using sanctions alone, if they are limited to prohibitions only, as they tend to be - including both trade sanctions and other sanctions within the national context - against firms employing child labor will most likely lead to the informalization, casualization and hiding of child labor, and shift it to worse forms.
- Trade sanctions may also shut off a coping mechanism used by poor families without providing an alternative one, leading to much more serious poverty and deprivation. Providing alternative sources of income for the affected families is a vital prerequisite for tackling child labor.

- ***The need to tackle inter and intra-country migration of children***

- Migrant children are some of the most vulnerable child laborers. This is true both for external as well as internal migrants. Many of these children are victims of children trafficking and become bonded laborers.
- If the source and destination of the migration patterns are in different countries, it may be difficult to solve the problem without involving inter-country and multinational efforts. Multilateral organizations could play a crucial role in initiating inter-country agreements and cooperation among the countries involved. One of the goals here is to legitimize these children in the destination countries and to give them access to the social assistance (e.g. rescue and rehabilitation) direly needed by the children.

PROJECT DESIGN

- **The need to respect core labor standards on child labor in project design**

- Ensuring that no child labor contrary to Conventions No. 138 and 182 is used on any ADB-funded project
- Directing ADB-funded activities to immediate and effective measures to eliminate the worst forms of child labor

- **The need for proactive investments**

The following should be established:

- Programmes and policies in the community that undertake community or area-based economic development schemes providing adult employment, income-generating activities and credit lines to families with child workers.
- Related to the above, programmes and policies in the community that strengthen labor markets and provide linkages and information between the adult labor force, on one hand, and employers and firms, on the other.
- Programmes and policies in the community affecting family size, fertility and dependency burden.
- Programmes and policies in the community providing social assistance and welfare services for vulnerable groups.
- Programmes and policies in the community improving access to and quality of formal and non-formal education, skills formation and training.
- Programmes and policies in the community to correct caste, ethnic and gender discrimination.
- Programmes and policies in the community to raise awareness about the effects of child labor and educate about applicable legislation.
- Programmes and policies in the community to identify, detect and monitor the areas and sectors where child labor is situated, and analyze the child labor problem in the identified areas and sectors (via data collection and research).
- Programmes and policies in the community to reduce the worst forms of child labor and to rescue and rehabilitate affected children.
- Programmes and policies in the community to identify employers of child labor, especially in its worst forms, and to identify adults who violate children's rights and who force children to enter child labor and to work with both parties towards tangible solutions.

- Programmes and policies to provide support to small scale and family enterprises, credit schemes (combined with savings schemes for household enterprises), employment training and apprenticeship programmes.
 - Programmes and policies to address the specific concerns and needs of certain groups of child workers, such as trafficked children.
 - Capacity building for government and non-government institutions addressing the child labor problem.
- ***The need to involve various stakeholders and institutions***
 - Interventions against child labor will necessarily involve the local government and various local government agencies as well as community and civil society groups and organizations. **Proper coordination** and good relations among these entities are vital for any successful resolution of the child labor problem at the community level.
 - Child labor is also an emotionally charged issue which people feel strongly about and which has the potential to mobilize and commit people to positive action. Thus, social pressure and awareness-raising in the community will go a long way in addressing the shortcomings in economic development, lack of social insurance and social assistance, lack of improvement in basic and vocational education, poor law enforcement and labor inspection that contribute to the child labor problem.
 - The role of **awareness raising** and securing **the cooperation of key stakeholders**, especially government agencies, trade unions, employers' associations, local governments, community organizations, civil society organizations and media, are critical in a community based, regionally based or nationally-based programme and policy.
- ***The need to integrate child labor concerns in formal and non-formal education programmes***
 - Programmes and projects in primary and secondary education should have teachers' and parents' programmes for poor students to ensure proper monitoring and prevention of children's drop-out and bad performance because of child labor. Many child labor programmes have met various degrees of success employing teachers and parents to prevent child labor and deterioration of child's performance due to absences and lack of study time due to child labor.
 - Due emphasis should be given to feeding programs and other subsidies and cost reduction for school expenses (subsidies for books and school supplies, transportation, tuition and related expenses). These programs would be better conceptualized and implemented if they were enriched with studies on the household decision-making processes and analyses concerning opportunity costs to schooling plus actual school expenses. Child labor would most likely figure prominently in these analyses and considerations.
 - Formal and non-formal education for out-of-school youth and children (whether working or not) should also be given due emphasis. There are many success stories and best practices to base programmes and policies on. Skills development

programmes should be especially geared to young laborers and labor entrants, so that their human capital will not deteriorate in unskilled, unproductive activities.

- In formal and non-formal education, the children and youth should be taught about their human and labor rights, the system of laws and regulations that protect them, and the facilities and services (both government and non-government) that should provide them protection and services, and how to access them.
- ***The need for prevention/mitigation plans***
 - Any development programme or project may inadvertently bring about or encourage the use of child labor. Similarly, negative unintended results may arise from child labor related programmes and projects.
 - In order to avoid the above, prevention measures related to child labor should be drawn up as part of the programme/project design. The prevention/mitigation measures will set the institutional framework, mechanisms for consultation and grievance resolution, the time frame, and cost estimates. It is important to note that preventive measures entail cooperation and consultation with the various agencies and institutions that are handling child labor and/or affecting factors contributing to its expansion.

PROJECT IMPLEMENTATION

- ***The need for stakeholder involvement***
 - It is important to involve major stakeholders at the community and national levels not only during the design stage of an intervention, but also in the implementation of it. Community groups, workers and employers organizations and other concerned actors should actively support the implementation process. Where there is no direct executing role for them, they should critically accompany the process of project implementation and be given the opportunity to provide advice, if and when necessary.
- ***The need for corrective reporting mechanisms***
 - Despite precautions taken in the design phase, projects may still inadvertently contribute to child labor. Monitoring and reporting mechanisms should be put in place to alert the responsible parties as early as possible. Plans for settlement of the issues arising should also be prepared.

Overall, the **success of the child labor programmes and policies** will depend on:

1. The feasibility and soundness of the plan of action
2. The institutional capacity and earnestness of the proponents
3. The level of coordination and cooperation among the agencies and institutions
4. The level of cooperation of the community members and/or various stakeholders (e.g. employers, labor unions),
5. The level of awareness and social capital in the community or sector