

## ***TDHIF Position on Child Labour***

***Poverty, family struggle, migration, war or environmental degradation and climate change can be mentioned among the main root causes that push children into the worst forms of child labour. Many of them work to help their families, to pay for their own schooling or to compensate for the lack of jobs for their parents or lack of livelihood loans – with often severe consequences for their development. Others benefit from light forms of work that help them to develop skills in addition to the education that they receive at school. With the global upheaval of new forms of work in a highly technologized and agile economy that leads to the disappearance of traditional workplaces through processes of rationalization, automation and digitalization the number of children involved in the worst forms of child labour may increase.***

***Terre des Hommes aims to contribute to the abolition of the worst forms of child labour and to the creation of fruitful life perspectives for these children across the world in all stages of their life pursuant to the UN Convention on the Rights of the Child (CRC).***

### **Key terms - what is children's work or child labour?<sup>1</sup>**

In its fight against child labour, Terre des Hommes makes a distinction between child work and child labour to serve the best interest of the child in line with Art. 3(1) of the UNCRC, and gives top priority to eradicating the latter. **Child work** refers to the participation of children in any paid or unpaid economic activity, or activities to support families and family caregivers, which is not detrimental to their health and mental and physical development. It is light work for a limited amount of hours, according to their age and abilities, that doesn't interfere with a child's education or leisure activities. This work can even be seen as beneficial for the child's development. For example: Girls and boys support their parents and at home they learn the basic skills of house-keeping; by helping out in their parents' business they learn different mechanical skills or farming techniques and they impart

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<sup>1</sup> The discussion around the terminology used for correctly differentiating between different levels of children's involvement in any paid or unpaid economic activity has a long history. The term 'child labour' is widely used at national and international level. However, this term is inconsistently used by different agencies. Some governments, individuals or scholars use 'child labour' to describe all types of children's work. Others see the current human rights framework as being too narrow and understand the term 'labour' as covering only negative and harmful activities which ignores the potential benefits of any type of work for the individual child (Hungerland et al, p. 11, Boyden et al 1998, p. 19). (Hungerland et al, p. 11, Boyden et al 1998, p. 19). Some place existing forms along a continuum between beneficial and intolerable forms of child labour (White 1996, pp. 10-11)(White 1996, pp. 10-11) or differentiate between child work ("light forms") and child labour ("hazardous forms") like Terre des Hommes. These attempts are all driven by the aim to reduce the risk for misunderstandings and generalizations, which are prominent in the policy debates around child labour (Bourdillon et al, 2011). Nevertheless, none of these attempts leads to a universally accepted definition and each in itself has shortcomings. Terre des Hommes herewith acknowledges the complexity of the debate around the terminology and continues to work with a differentiation between "work" and "labour" knowing that this pathway does not fully resolve the problem.

important social values, e.g. cooperation and community commitment. Child work, however, can also take place outside of their parents' home or business.

On the contrary, **child labour** refers to the worst forms of child labour in line with ILO Convention 182 and thus all kinds of labour which jeopardize a child's physical, mental, educational or social development. Child labour in dangerous jobs, such as with toxics and dangerous substances, and criminal jobs such as bonded labour or sexual exploitation should be directly eliminated<sup>2</sup>.

### Key facts:

- 152 million children aged 5-17 years are involved in child labour worldwide. About 73 million of them are carrying out hazardous forms of labour. Modern slavery is a reality for more than 10 million children.
- Children often suffer from severe consequences of labour including health impacts, injury and death, violence and abuse and negative impacts on their psychological and physical development.
- Others benefit from light forms of work that help them to develop skills in addition to the education that they receive at school.
- Poverty, family struggle, economic hardship, lack of decent work opportunities as well as migration, war, environmental degradation and climate change or cultural traditions can be seen as the root causes for children's work and labour.
- The global upheaval of new forms of work in a highly technologized and agile economy that leads to the disappearance of traditional workplaces through processes of rationalization, automation and digitalization may increase the number of children involved in the worst forms of child labour (especially sexual exploitation online or trafficking, but it may also lead to less job opportunities for adults which may increase the economic pressure on children and push them into work; or increase the number of low-paid ancillary activities which can easily be filled by children)
- The transition from school to work as well as having access to decent work opportunities for youth are a major challenge in today's world. More than 64 million youth are unemployed worldwide and 145 million young workers live in poverty.
- So far, working children's own perspective is often neglected in national and global policy debates although they have the right to be heard in all matters affecting their lives (Art. 12 CRC). Terre des Hommes aims to involve working children actively at all times.
- Terre des Hommes tackles child labour as a complex and multidimensional phenomenon. No simple answer or single intervention will solve the issue. In contrast, context-specific measures taken by multi-disciplinary teams or multi-stakeholder alliances are seen as most promising to bring long-lasting change. This includes governments, international organizations, civil society, trade unions or employers' associations, business actors and children involved in child labour.

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<sup>2</sup> Article 3 of ILO Convention No. 182:

[https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_INSTRUMENT\\_ID:312327](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312327)

## What's the evidence?

According to the global estimates published by ILO in 2017, **152 girls and boys aged 5-17 years are involved in child labour worldwide**. Almost 73 million minors are carrying out hazardous work, which seriously jeopardizes their health, safety and moral development.<sup>3</sup> Among the victims of child labour, 38% are under the age of 14 and are putting their safety and physical or mental health at risk. In addition, **modern slavery is a reality for 10 million children** around the world.<sup>4</sup>

Thousands of child **domestic workers** are hidden within households, working hard and long hours (often over 16 hours a day), for little or no pay, living in abusive situations, without regular contact with their family. They no longer attend school, missing the opportunity to improve their future prospects through education.

The **consequences of child labour are often severe**. Many children suffer from violence and abuse at the workplace, physical and psychological harm, injury and death as well as manifold health impacts, for instance resulting from the use of pesticides or working in mines. Others benefit from the skills they acquire through light forms of work that take place in addition to their schooling.

Child labour remains concentrated **primarily in agriculture (70.9 per cent)**. Almost one in five child labourers work in the services sector (17.1 per cent) while 11.9 per cent of child labourers work in industry.

**Poverty** is often identified as the main root cause of child labour. In addition, the lack of decent work opportunities for adults, cultural and social norms, war, migration, climate change, lack of quality educational opportunities as well as environmental degradation push children into work.

The transition from school to work as well as having access to decent work opportunities for youth are a major challenge in today's world. More than 64 million youth are unemployed worldwide and 145 million young workers live in poverty.<sup>5</sup> A twofold link between child labour and youth employment can be identified and will be further explored and tackled through advocacy and field interventions: a) child labour and early school dropouts affect the transition period and employment outcomes and b) a lack of youth employment options can influence family decisions concerning child labour and schooling earlier in the child's lifecycle.<sup>6</sup>

## Legal Framework

### UN Convention on the Rights of the Child (CRC)<sup>7</sup>

The CRC sets the framework for the protection of children's fundamental human rights and is, thus, the central point of reference when addressing the issue of child labour. In 1989, the CRC was adopted and established a universally agreed set of non-negotiable standards primarily specifying state obligations towards children under 18 years of age. Article 32 specifically addresses the protection of

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<sup>3</sup> ILO (2017) Global estimates of child labour: Results and trends, 2012-2016, Link:

[https://www.alliance87.org/global\\_estimates\\_of\\_child\\_labour-results\\_and\\_trends\\_2012-2016.pdf](https://www.alliance87.org/global_estimates_of_child_labour-results_and_trends_2012-2016.pdf)

<sup>4</sup> ILO/ Walk Free Foundation (2017) Global estimates of modern slavery: Forced labour and forced marriage, Link:

[https://www.alliance87.org/global\\_estimates\\_of\\_modern\\_slavery-forced\\_labour\\_and\\_forced\\_marriage.pdf](https://www.alliance87.org/global_estimates_of_modern_slavery-forced_labour_and_forced_marriage.pdf)

<sup>5</sup> ILO (2019) Youth employment, Link: <https://www.ilo.org/global/topics/youth-employment/lang--en/index.htm>

<sup>6</sup> ILO (2015) World Report on Child Labour – Paving the way to decent work for young people, Link:

[https://www.ilo.org/ipecc/Informationresources/WCMS\\_358969/lang--en/index.htm](https://www.ilo.org/ipecc/Informationresources/WCMS_358969/lang--en/index.htm)

<sup>7</sup> United Nations (1989): Convention on the Rights of the Child, 20 November 1989, UN Doc. A/RES/44/25,

<http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

children “[...] from economic exploitation and from performing any work that interferes with his or her education or is harmful to his or her mental, spiritual or social development.” During the course of time, the CRC has been further developed by the adoption of three Optional Protocols.<sup>8</sup> These focus on the sale of children, child prostitution and child pornography, the involvement of children in armed conflict, and the communications procedure for child rights violations. All these are, therefore, highly relevant to the context of child labour.

### **ILO Conventions 138 and 182**

In addition, the framework for determining child labour and defining its worst forms is established in two ILO Conventions: Convention 138 concerning the Minimum Age (1973, No. 1384)<sup>9</sup>, and ILO Convention 182 on the Worst Forms of Child Labour (1999, No. 1825)<sup>10</sup>. According to ILO Convention 138, the minimum age limit should not be below the age when compulsory schooling is completed – and in any case not below 15 years of age (Art. 3). In addition, employment of persons aged 13 and upwards is allowed where this is not harmful to the health or development of a child and does not prejudice school attendance (Art. 5). ILO Convention 182 defines the “worst forms of child labour”:

- “all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflicts;
- the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- 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;
- 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.”

### **Sustainable Development Goals (SDGs)**

On 25 September 2015, Heads of State from 193 countries launched the Post-2015 Global Development Agenda, adopting 17 Sustainable Development Goals (SDGs) and 169 specific targets to be implemented worldwide over a decade and a half – 2015 to 2030. Targets 8.7 and 16.2 directly focus on eliminating the worst forms of child labour by 2030<sup>11</sup>:

- **Goal 8.7** “Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child

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<sup>8</sup> United Nations (2000): Optional Protocol to the UN Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, 25 May 2000, UN Doc. A/RES/54/263, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPSCCRC.aspx>; United Nations (2000): Optional Protocol to the UN Convention on the Rights of the Child on the involvement of children in armed conflict, 25 May 2000, UN Doc. A/RES/54/263, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPACRC.aspx>; United Nations (2011): Optional Protocol to the UN Convention on the Rights of the Child on a communications procedure, 19 December 2011, UN Doc. A/RES/66/138, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPICCRC.asp>

<sup>9</sup> ILO (1973): Convention No. 138 concerning Minimum Age for Admission to Employment, 26 June 1973,

[http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100\\_INSTRUMENT\\_ID:312283:NO](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312283:NO)

<sup>10</sup> ILO (1999): Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 17 June 1999,

[http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100\\_INSTRUMENT\\_ID:312327:NO](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312327:NO)

<sup>11</sup> United Nations (2015) Transforming our world: the 2030 Agenda for Sustainable Development, UN Doc. A/RES/70/1, Link: [https://www.un.org/ga/search/view\\_doc.asp?symbol=A/RES/70/1&Lang=E](https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E)

labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms;”

- **Goal 16.2.** “End abuse, exploitation, trafficking and all forms of violence against and torture of children.”

### Legislation and regulations relevant to Corporate Social Responsibility (CSR)

In the past years, several laws and regulations have been adopted at national and international level that seek to ensure the realization of human rights as well as the abolition of the worst forms of child labour along global supply chains. Examples of such legislation are:

#### National Level:

- The Dutch Senate voted to adopt the Child Labour Due Diligence Bill. In doing so, the Netherlands undertake serious efforts to combat child labour in global supply chains. When the law enters into force, Dutch companies will have to declare that they have addressed the issue of child labour in their supply chains. Next to this legislation, there are IRBC (International Responsible Business Conduct) Agreements where parties involved - business, government and CSOs agree on steps to be taken to introduce due diligence in the supply chains. The latest Agreement, number eight, is the IRBC Agreement for the Metals Sector, where child labour and protection of children’s rights are clearly grounded<sup>12</sup> and which Terre des Hommes Netherlands signed as Stakeholder.<sup>13</sup>
- The Indian Companies Act (2013) urges companies of a certain size to adopt a CSR policy and large companies to spend a certain amount (at least 2% of their average net profits made during the three immediately preceding financial years) to fund activities that serve the implementation of their CSR policy.<sup>14</sup>
- Other interesting developments: In France a duty of vigilance law was definitely adopted in March 2017. A similar law is currently being considered in Switzerland. The German government has prepared a draft law, which it will introduce if a majority of large companies fails to implement due diligence by 2020.

#### International Level:

- *The OECD Due Diligence Guidance for responsible Business Conduct provides enterprises practical explanations on due diligence in order to identify, prevent, mitigate and account for actual and potential adverse impacts of business conduct.* <sup>15</sup> OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas is a government-backed multi-stakeholder initiative that targets the supply chain management of minerals from conflict-affected areas. It aims to help business actors to respect and realize human rights along their supply chains and to avoid any further fueling of the conflict through mineral sourcing practices.<sup>16</sup>

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<sup>12</sup> IRBC Agreements: Metals sector commits to responsible metals supply chains, 23 May 2019, Link: [https://www.imvoconvenanten.nl/metallurgisch/news/2019/5/verantwoorde%20metaalketens?sc\\_lang=en](https://www.imvoconvenanten.nl/metallurgisch/news/2019/5/verantwoorde%20metaalketens?sc_lang=en)

<sup>13</sup> IRBC Agreements: Metals sector commits to responsible metals supply chains, 23 May 2019, Link: [https://www.imvoconvenanten.nl/metallurgisch/news/2019/5/verantwoorde%20metaalketens?sc\\_lang=en](https://www.imvoconvenanten.nl/metallurgisch/news/2019/5/verantwoorde%20metaalketens?sc_lang=en)

<sup>14</sup> The Government of India/ Ministry of Corporate Affairs (2013) The Companies Act, <http://www.mca.gov.in/MinistryV2/companiesact2013.html>

<sup>15</sup> OECD (2018) OECD Due Diligence Guidance for Responsible Business Conduct, <https://www.oecd.org/investment/due-diligence-guidance-for-responsible-business-conduct.htm>

<sup>16</sup> OECD (2012) OECD Due Diligence Guidance for Responsible supply Chains of Minerals from Conflict-Affected and High-Risk Areas, Link: <https://www.oecd.org/corporate/mne/GuidanceEdition2.pdf>

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- The UN Guiding Principles on Business and Human Rights are a set of guidelines for States and companies to prevent, address and remedy human rights abuses committed in business operations. They were proposed by UN Special Representative on business & human rights John Ruggie, and endorsed by the UN Human Rights Council in June 2011.<sup>17</sup> Since then, many governments have adopted National Action Plans to agree on the measures for the implementation of the Principles.

All these policies and guidelines address responsible business practices and human rights protection, and often specifically refer to the challenges posed by child labour.

## What can be done?

Terre des Hommes fights the worst forms of child labour with an integrated approach consisting of policy influencing activities, awareness-raising and prevention - like education, health care and socio economic development - targeting all stakeholders involved including businesses and offering direct assistance to victims of child labour and exploitation. If no other alternatives are available, or if children are not willing or able to stop all their working activities immediately, Terre des Hommes ensures that working children are provided with a parallel school education. We do not disapprove evening schools, but only insofar as no other alternative can be offered to children and their families.

Terre des Hommes strives to an immediate improvement of labour standards and the regulation of working hours for adolescent children to decrease the direct danger for a child's health and development. Work in decent conditions (e.g. safe working environment, maximum working time, and fair wages) in combination with education is the first step towards our goal of eliminating child labour.

Terre des Hommes does not believe that a boycott of products made with child labour can be a solution for abolishing child labour. A ban will not change any of the social and economic needs, which compel children to enter into employment. In addition, we encourage companies not to immediately leave areas and production sites where the worst forms of child labour have been identified in their supply chains but – instead – to engage actively to improve the situation. Trade measures should therefore always be combined with poverty reduction strategies, social and economic development aid, alternatives for child labourers and their families and the enforcement of labour laws and decent wages for adult workers.

Terre des Hommes has identified **ten methods that proof to be efficient and appropriate for tackling child labour**<sup>18</sup>:

1. **Evidence-based programmes and advocacy**, requiring research early on to obtain accurate information on a pattern of child labour and to find out what changes are sought by children or young workers, as well as others in their communities (followed up by further research to monitor whether interventions have the desired effect);
2. **Making education compulsory for children up to a specified age**, when the country's infrastructure is sufficiently developed to allow this to become a reality. It is clear that making

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<sup>17</sup> Business and Human Rights Resource Centre (2019) UN Guiding Principles, <https://www.business-humanrights.org/en/un-guiding-principles>

<sup>18</sup> Terre des Hommes (2019) What works for working children – being effective when tackling child labour.

school attendance compulsory is only effective once significant efforts have been made to convince public opinion of the benefits of universal primary education. The minimum age at which children can leave school should be consistent with the minimum age at which children are entitled to start full-time work, and adequate resources must be provided (to schools and to poor families with school-age children) to ensure not only compulsory but also quality education;

3. Supporting working children and child labourers themselves in their efforts to persuade local and national authorities to implement the policies that children recommend – **participative and child-led advocacy** at both national and international levels;
4. **Providing accurate information** to children, families and communities about workplace abuse and violations of children’s rights, to discourage recruitment into harmful jobs and before children reach a minimum age;
5. Supporting the **creation of alternative employment** in areas where there is high recruitment of children) and providing vocational training and livelihood opportunities to young child labourers who leave their jobs;
6. **Providing advice and other services to young people while they continue to work** (tailoring the advice to the children’s needs), including life-skills education and advice on workplace rights, bearing in mind the research finding that many adolescents prefer to combine work with education, rather than to abandon work and the income it generates;
7. **Using child protection methods and case management** for children who have been subjected to harm as a result of a worst form of child labour or are at high risk of harm. This means enabling local-level organisations to provide support and services to child workers (such as care for former child workers who suffer from ill-health or other harms caused at work);
8. **Using legal procedures** to challenge exploitation or bad employment practice;
9. **Calling for (and helping organise) ‘supply chain’ pressure** by businesses that buy products from workplaces where child labour occurs, particularly one of the worst forms;
10. **Making use of the numerous different local and national level specialists and interest groups** that share an interest in protecting children to ensure that each makes a suitable contribution; and providing coordination of the various separate initiatives, which are needed to lead to a sustainable reduction in child labour. This may result in the formation of multi-disciplinary teams or multi-stakeholder alliances, while in other circumstances coordination may be more effective if it remains informal.

## Recommendations and key messages

Terre des Hommes is making four broad recommendations to ensure that future action on child labour (and investments by government and private donors) genuinely has the results that are intended – stopping young lives being blighted by child labour.

1. Give efforts to end the worst forms of child labour and to withdraw child labourers from the worst forms the highest priority, in a coherent way that meets their aspirations (Art. 32 CRC, ILO Convention 182).
2. Support the participation of child workers in efforts to end the worst forms of child labour, putting their involvement as actors and advocates at the heart of all interventions.

Participation is needed at all levels in line with Art. 12 CRC and needs to be practiced systematically at local, national and international level.

3. There is no single “magic bullet” to solve all patterns of child labour – a holistic view and multi-dimensional approaches are needed. This means looking at a pattern of child labour and carefully identifying what works for working children – girls and boys - in a given and specific context. The key question to ask is: What makes the lives of children better and ends exploitation in a sustainable way? This question should be answered in the best interest of the child (Art. 3 CRC).
4. It is necessary to cooperate with all stakeholders willing to contribute to ending the worst forms of child labour (SDG 8.7 and 17, Art. 32 CRC). To end patterns of exploitation, the importance of strong cooperation, coordination and joint activities cannot be underestimated.<sup>19</sup>

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<sup>19</sup> Terre des Hommes (2019) What works for working children – being effective when tackling child labour.

## Relevant law, guidelines and further reading

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