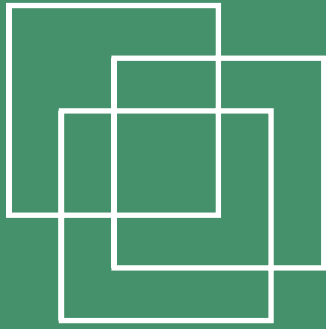




Mainstreaming Child Labour Issues in Key Development Policies and Programmes

Sri Lanka: Report of a Preliminary Review



International
Labour
Organization



Mainstreaming child labour issues in key development policies and programmes

Sri Lanka: Report on a preliminary review

Copyright © International Labour Organization 2010
First published 2010

Publications of the International Labour Office enjoy copyright under Protocol 2 of the Universal Copyright Convention. Nevertheless, short excerpts from them may be reproduced without authorization, on condition that the source is indicated. For rights of reproduction or translation, application should be made to ILO Publications (Rights and Permissions), International Labour Office, CH-1211 Geneva 22, Switzerland, or by email: pubdroit@ilo.org. The International Labour Office welcomes such applications.

Libraries, institutions and other users registered with reproduction rights organizations may make copies in accordance with the licences issued to them for this purpose. Visit www.ifrro.org to find the reproduction rights organization in your country.

Mainstreaming child labour issues in key development policies and programmes Sri Lanka: Report on a preliminary review/ILO, 2010

ISBN 978-92-2-125697-7 (print)
978-92-2-125698-4 (web pdf)

economic recession / labour market / labour relation / employment / Sri Lanka

ILO Cataloguing in Publication Data

The designations employed in ILO publications, which are in conformity with United Nations practice, and the presentation of material therein do not imply the expression of any opinion whatsoever on the part of the International Labour Office concerning the legal status of any country, area or territory or of its authorities, or concerning the delimitation of its frontiers.

The responsibility for opinions expressed in signed articles, studies and other contributions rests solely with their authors, and publication does not constitute an endorsement by the International Labour Office of the opinions expressed in them.

Reference to names of firms and commercial products and processes does not imply their endorsement by the International Labour Office, and any failure to mention a particular firm, commercial product or process is not a sign of disapproval.

ILO publications and electronic products can be obtained through major booksellers or ILO local offices in many countries, or direct from ILO Publications, International Labour Office, CH-1211 Geneva 22, Switzerland. Catalogues or lists of new publications are available free of charge from the above address, or by email: pubvente@ilo.org

Visit our web site: www.ilo.org/publns

Printed in Sri Lanka

Funding for this ILO publication was provided by the United States Department of Labor (SRL/05/50/USA).

This publication does not necessarily reflect the views or policies of the United States Department of Labor, nor does mention of trade names, commercial products, or organizations imply endorsement by the United States Government.

ISBN 978-92-2-125697-7

Table of contents

Executive Summary	i
Introduction.....	i
Sri Lanka's Roadmap to 2016.....	i
Mainstreaming: Strategy to the 2016 Target in Sri Lanka.....	I
Factors Conducive to Mainstreaming.....	ii
General Recommendations for Mainstreaming.....	iii

PART 1

Introduction	1
Background.....	1
Decent Work Country Programme (DWCP) in Sri Lanka.....	2
Child Labour.....	2
Legal Framework to Address Child Labour.....	3
Mainstreaming: Making Child Labour Concerns the Norm.....	5
Factors Conducive to Mainstreaming.....	5
Methodology and Framework.....	6
Limitations of the Review.....	8

PART 2

National Policies, Plans and Programmes	9
Mahinda Chintana 2010: Vision for the Future.....	9
The Ten-Year Horizon Development Plan 2006 to 2016 (TYDP).....	10
National Plan of Action for Children of Sri Lanka 2010-2014 (NPAC).....	10
National Programmes.....	11
Recommendations for Mainstreaming Child Labour Issues.....	11
Estates Sector – Policies, Plans and Programmes	12
Child labour issues on the plantations.....	13
Estate Sector in National Policies and Plans.....	14
Estate Sector Policies and Plans.....	15
Estate Sector Programmes.....	16
Funding for Estate Sector Programmes.....	17
Recommendations for mainstreaming child labour issues.....	17
Fisheries Sector – Policies, Plans and Programmes	20
Child Labour in Fisheries.....	20
Fisheries in National Policies and Plans.....	21
Fisheries Sector Policies and Plans.....	22
Fisheries Sector Programmes.....	22
Funding for Fisheries Sector Programmes.....	23
Recommendations for Mainstreaming Child Labour Issues.....	23
Tourism Sector – Policies, Plans and Programmes	24
Tourism in National Policies and Plans.....	25
Tourism Sector Policies and Plans.....	27
Tourism Sector Programmes.....	27
Funding for Tourism Sector Programmes.....	28
Recommendations for Mainstreaming Child Labour Issues.....	28

Social Protection – Policies, Plans and Programmes	29
Social Protection in National Policies and Plans.....	30
Social Protection Programmes and Funding.....	32
Recommendations for Mainstreaming Child Labour Issues.....	36
Education - Policies, Plans and Programmes	37
Education in National Policies and Plans.....	39
Education Sector Policies, Plans and Programmes.....	42
Funding for Education Sector Programmes.....	44
Recommendations for Mainstreaming Child Labour.....	44

PART 3

Conclusion	47
General Recommendations Pertaining to Mainstreaming.....	48
References	51
List of Abbreviations	53
Annexes	54
Annex 1: Draft Hazardous Work List.....	54

Acknowledgements

This Report was prepared by Sherin Khan, ILO, in conjunction with CEPA (Centre for Poverty Analysis). It is complementary to *Sri Lanka's Roadmap 2016 on the Worst Forms of Child Labour: From Commitment to Action* (2010).

CEPA (Azra Abdul Cader, Lakwimashi Perera, Priyanthi Fernando and Kishani Cader) did the initial review for the ILO, which served as an input to this Report and Sri Lanka's Roadmap to 2016.

Through a brief but intense consultative process between February and June 2010, valuable advice was provided by the members of the National Steering Committee on Child Labour, including the Ministry of Labour Relations and Productivity, Promotion National Authority for Protection of Children (NCPA), Social Partners, particularly the Employers' Federation of Ceylon (CFC), Ceylon Workers Council (CWC), UNICEF Colombo, and ILO-IPEC Geneva.

The preparation of the Report was further facilitated and supported by the ILO Colombo Project Team (Shyama Salgado, Saro Thirupatthi and Hiroshi Gunathilake) and the CEPA team (Sandhika Kamanee and Geetha Hashing).

Executive Summary

Introduction

The Asia and Pacific region is home to the largest number of children worldwide and also to the largest number children engaged in child labour. Sri Lanka has been in the forefront of the combat against child labour as illustrated through its national and international commitments, its promising indicators on education and its policies and programmes, particularly those extending social protection to disadvantaged groups. Sri Lanka has ratified ILO Convention on Minimum Age to Employment, 1973 (No.138) and Convention on the Worst Forms of Child Labour, 1999 (No.182). A hazardous work list has been prepared for work prohibited under the minimum age of 14 years. The new education policy recognises the need for increasing the compulsory education age to 16 years and there are simultaneous efforts seeking to increase minimum age for employment to 16 years as well to ensure consistency.

The National Survey on Child Labour conducted in 1999 estimated just over 900,000 children as being economically active in Sri Lanka.¹ The report of another survey completed with support of the ILO is expected shortly. There are indications that given the number of children who would need to be targeted for elimination of the worst forms (about 100,000), and the policies and programmes in place in the country, the worst forms could be eliminated by the 2016 if a rigorous and coherent approach is pursued urgently. The ILO, through its International Programme on the Elimination of Child Labour (IPEC), has provided support on the prevention and elimination of child labour to the Government of Sri Lanka, employers' and workers' organizations (Social Partners) and the civil society and this has contributed to strengthening the national mechanisms, knowledge base and action on child labour.

Sri Lanka's Roadmap to 2016

In 2006 the ILO urged Member States to commit themselves to eradicating the worst forms of child labour by 2016. A number of countries put in place plans of action but the financial and economic crises of 2008 started to undermine efforts. In May 2010, in order to accelerate efforts to meet the challenge, the Dutch Ministry of Social Affairs and Employment, in close collaboration with the ILO (and in cooperation with UNICEF and the World Bank), organized a Global Conference on Child Labour in The Hague (The Netherlands). Sri Lanka was among the 80 countries that adopted a Roadmap aimed at increasing global efforts to eliminate the worst forms of child labour by 2016 and it articulated its pledge to work towards achieving the target in Sri Lanka in context of its Decent Work Country Programme.

The concept of the 2016 target was also endorsed by the National Steering Committee on Child Labour (NSC), including the National Children's Protection Authority (NCPA) in February 2010. As the understanding of Worst Forms of Child Labour increased, it became clear to the NSC members that responsibility and ownership of the issue and its solutions extended beyond the ministry and departments of labour and that collaborative partnerships and mainstreaming of child labour issues and concerns in their respective policies and programmes would be critical to achieving the target.

Mainstreaming: Strategy to the 2016 Target in Sri Lanka

As noted in Sri Lanka's Roadmap to 2016 (Government of Sri Lanka and ILO, 2010), the responsibility for the prevention and elimination of the worst forms of child labour as related to Convention No. 182 Article 3 (a, b, c, d) extends beyond labour ministry and departments to others covering child development and women's empowerment, justice and law reforms, tourism, agriculture development and agrarian services, police and probation, and specific authorities, such as the National Child Protection Authority. Other agencies at the national, provincial and district levels provide critical support related to education, training and employment, social protection to families, and other social services. Employers' and workers' organizations provide support at the central policy level, particularly through the NSC, and at provincial

1. Department of Census and Statistics, Ministry of Finance and Planning: Child Activity Survey (Sri Lanka, 1999), survey undertaken with the support of the ILO.

and district levels at the governance and implementation levels. It was also clear that efforts were needed to leverage support from the private sector, particularly for training and enhancing youth employment linkages.

There is already some basic level of integration of the issue in Sri Lanka, particularly through the various inter-related national plans of action on children. Elements from the National Plan of Action for the Elimination of the Worst Forms (2004) were integrated in the National Plan of Action for Children (2004-2008; 2010-2014). The issue is also mainstreamed, often implicitly, in a number of key policies and frameworks, including the national development framework – *Mahinda Chintana*. This includes child abuse, child labour being considered a part of it, while the National Action Plan under the SAARC² Social Charter and other policy instruments also include child labour.

A feasible and realistic approach to achieving the 2016 target in Sri Lanka, and to sustaining this achievement, is on the one hand to promote and effect the integration of child labour issues and concerns into the policies, programmes and budgets of key agencies, and on the other hand to put in place targeted interventions to tackle particularly challenging contexts and to ensure a coherent and coordinated response, monitoring, evaluation and putting learning into practice.

This Report is based on a review of selected policies in Sri Lanka, done by Centre for Poverty (CEPA), under an ILO-IPEC initiative. The exercise was undertaken with a view to advocating for mainstreaming child labour issues and concerns into key public policies, programmes and their budgets in Sri Lanka. The review covered five sectors, namely, fisheries, tourism, plantations, social protection/welfare and education.

Information from this review was integrated into Sri Lanka's Road map to 2016 to eliminate and prevent the worst forms of child labour in the country, developed by the Ministry of Labour Relations and Productivity Promotion, with support from the ILO. The initiative is an attempt to put the issue of child labour on the wider public sector and social partner agenda, and to take it beyond the agencies that are primarily responsible for labour and child labour issues. It encourages a holistic, integrated and convergent approach to addressing the child labour problem.

This Report should be considered as the starting point for further and deeper analyses to help sectoral agencies to develop an action plan for integrating child labour issues and responses within their respective processes for policy development, overall planning and budgeting, implementation and evaluation. This Report provides specific initial recommendations on mainstreaming. Extending the analyses to the financial component is critical because effective mainstreaming involves consideration of resource, from existing and new allocations. Adequate financial analysis was not possible in the given timeframe and with the limited financial information available, but a few indicative examples are provided to illustrate the process. Although this review is restricted to selected public policies, similar review exercises would also be useful for the non-governmental and private sector processes, policies and plans.

In the context of this Report and the proposed action, mainstreaming refers to *concerted and systematic action by governmental and non-governmental agencies to integrate and reflect such elements into their processes, policies, programmes and budgets, which will contribute to the sustained prevention and elimination of child labour*.

Factors Conducive to Mainstreaming

In promoting the case for mainstreaming child labour issues and concerns, the Report highlights factors that are likely to facilitate successful mainstreaming. Among these are the following:

Evidence-based advocacy: An accessible and user-friendly, credible and updated evidence base is needed to convince policy makers that child labour is an issue that should be addressed by multiple

2. South Asian Association for Regional Cooperation (SAARC)

stakeholders. An evidence base that relies on a combination of credible sources, such as specialized studies as well as standardized surveys and impact assessment studies, is likely to provide more comprehensive, relevant and reliable information than information from a single source.

Facilitating processes: Mainstreaming is not an end in itself but a means to an end. It requires that the issue be attended to from the outset in the processes for policy development, and the planning and implementation of national development plans and special intervention programmes.

Value-added dimension: Mainstreaming is most effective when the issue is internalized in organizational values and culture so it is seen as value-added to the mandate, work and achievements of the organization and not merely as an add-on.

Strategic stakeholders and partnerships: Efforts at promoting a participatory approach to give stakeholders a voice in policy development and implementation are likely to result in policies that are relevant and action for which there is greater ownership amongst the beneficiaries and other key stakeholders.

Resources to implement, but also to plan: Adequate and timely resources are required for participatory planning drawing on evidence-based knowledge, experience and good practices. Resource mobilization needs to follow a two-pronged strategy to seek not only *new* resources, but *existing* resources tied to existing strategies and priorities.

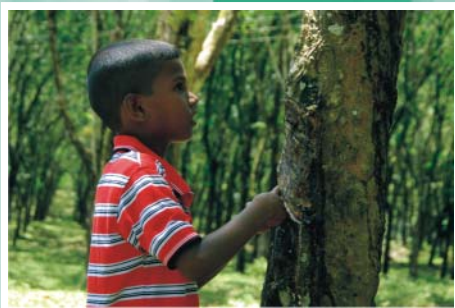
Customized strategies: While some strategies for mainstreaming, such as awareness raising and capacity development, are general and apply across sectors, others are specific to different sectors and contexts. Approaches and specifics often vary from sector to sector and context to context – even for the common strategies.

General Recommendations for Mainstreaming

The sectoral analyses in this Report provide recommendations on a sectoral basis to facilitate follow-up by actors in the respective sectors. There are, however, a number of basic and important recommendations that apply across the sectors. These are noted below and are also provided with further detail in the concluding section of the Report.

The recommendations are aimed at policy makers and practitioners, but also more generally at the numerous development workers and service providers who are involved at the various levels.

- Improve the knowledge base to be able to promote policy integration;
- Consider and plan for any potential impact of development programmes on children's school-work situation;
- Create ownership of the issue at the community level, through engagement and greater community participation, including the participation of children, leading to empowerment and participation in local political processes;
- Increase awareness at all levels and on a range of related issues;
- Strengthen the capacity of key stakeholders, including employers, workers and teachers and their organizations, and the private sector;
- Capacitate law enforcement and monitoring in the various sectors and create linkages;
- Ensure vulnerable children and those involved in child labour are target beneficiaries for welfare and protection programmes;
- Ensure gender concerns are reflected in the mainstreaming process, its planning and implementation;
- Support the plans and roadmaps of other sectors and establish linkages;
- Examine good practices from various parts of the country and other countries; and
- Monitor, evaluate and channel learning into practice, policy and provide feedback to communities.



Introduction

Background

*Sri Lanka's Roadmap to 2016 on the Worst Forms of Child Labour – From Commitment to Action*³ is a multi-stakeholder initiative that promotes a holistic and integrated approach to addressing child labour, aiming at sustained and convergent impact. Such an approach requires taking the child labour issues beyond those governmental and non-governmental agencies that are explicitly responsible for labour and integrating the issues with the set of issues for which these agencies have responsibility. This report is based on a review of selected policies in Sri Lanka. The review was done by the Centre for Poverty (CEPA) under an initiative of the ILO's International Programme on the Elimination of Child Labour (IPEC), with a view to promoting the mainstreaming of child labour issues and concerns into key policies, programmes and their budgets in Sri Lanka. The review covered five sectors, namely, fisheries, tourism, plantations, social welfare/protection and education.

Information from this review was integrated into the Sri Lanka Roadmap to 2016 to eliminate and prevent the Worst Forms of Child Labour in Sri Lanka, which was developed by the Ministry of Labour Relations and Productivity Promotion, with support from the ILO. At The Hague Global Child Labour Conference in May 2010 organized by the Dutch Ministry of Social Affairs in collaboration with the ILO and the United Nations Children's Fund (UNICEF), the delegation from the Ministry presented a Roadmap concept paper and pledged to meet the target of elimination of the worst forms of child labour by 2016. The Sri Lanka Roadmap to 2016 was subsequently endorsed by the Ministry of Labour Relations and Productivity Promotion and other stakeholders at a workshop in Colombo in June 2010.

The overall objective of the review was to inform the development of the Sri Lanka Roadmap 2016 by identifying opportunities provided in selected policies to address child labour issues and concerns. The review highlighted the significance of mainstreaming as a key strategy to combat child labour. This approach of shared responsibility can accelerate the elimination and prevention of the worst forms of child labour, and to the progressive elimination of all forms of child labour in Sri Lanka.

More specifically the review aimed to:

- Identify and analyse selected policies in five sectors, namely fisheries, tourism, estates, social welfare/protection and education and determine how child labour issues and concerns, particularly those related to the worst forms, can be incorporated into key policy documents within these sectors.
- Determine, as far as information was made available by relevant authorities, the financial resources needed to ensure that child labour issues and concerns can be mainstreamed into these policies.
- Provide a series of recommendations for each sector to be considered in the Roadmap development process.

This report is structured to facilitate sector-wise follow-up action in a concerted and collaborative manner. A set of recommendations, based on the analyses, is provided for each of the sectors that were reviewed. This Report is intended as a policy tool to support sectoral ministries, employers' and workers' organizations and civil society groups in developing action plans to mainstream child labour in their respective work as well as to create and promote linkages beyond their work.

The financial component is important because effective mainstreaming involves budgetary allocations, from existing and new resources. A thorough review was not possible in the given timeframe and the

3. Ministry of Labour and Productivity Promotion, Government of Sri Lanka: Sri Lanka's Roadmap 2016 on the Worst Forms of Child Labour – From Commitment to Action (ILO, June 2010)

limited financial information available at the time, but a few practical examples are provided to illustrate the nature of the process. A more in-depth consultative and review process involving the concerned officials and stakeholders is necessary to arrive at specific and precise mainstreaming action points for each of the agencies.

Decent Work Country Programme (DWCP) in Sri Lanka

The Decent Work Country Programme in Sri Lanka is the main vehicle for delivery of ILO support to the country. Decent work is based on four strategic objectives: fundamental principles and rights at work and international labour standards; employment and income opportunities; social protection and social security; and social dialogue and tripartism. These objectives relate to all workers in the formal and informal economies; in wage employment or those working on their own account; in the fields, factories and offices; in their home or in the community.⁴ The Programme mainstreams cross-cutting themes: informal economy, gender equality, international labour standards and HIV/AIDS in the workplace.⁵

Addressing child labour is integral to the DWCP in Sri Lanka. The Roadmap for Sri Lanka to eliminate the worst forms of child labour was developed to be implemented within the wider framework of the DWCP.

Child Labour

Not all work done by children is classified as child labour. Children's or adolescents' participation in work that does not affect their health and personal development nor interferes with their schooling is generally regarded as being something positive. This includes activities such as helping their parents around the home, assisting in a family business or earning pocket money outside school hours or during school holidays. These kinds of activities contribute to children's development and to the welfare of their families; they provide older children with skills and experience, and help to prepare them to be productive members of society during their adult life.

The term “child labour” is often defined as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development.

It refers to work that:

- Is mentally, physically, socially or morally dangerous and harmful to children; and
- Interferes with their schooling by: depriving them of the opportunity to attend school; obliging them to leave school prematurely; or requiring them to attempt to combine school attendance with excessively long and heavy work.

In its most extreme forms, child labour involves children being enslaved, separated from their families, exposed to serious hazards and illnesses and/or left to fend for themselves on the streets of large cities – often at a very early age. Whether or not particular forms of work can be called child labour depends on the child's age, the type and hours of work performed, the conditions under which it is performed and the objectives pursued by individual countries. The answer varies from country to country, as well as among sectors within countries.

According to the ILO supported 1999 National Survey on Child Labour (DCS, 1999), about 900,000 children in Sri Lanka were economically active,⁶ including those also attending school or other educational institution. Some 26 per cent of these children (just over 234,000) were not combining education with work. It was reported that 52 per cent (over 475,000) of all working children were below 15 years, with the majority (62.3 per cent) being boys. Furthermore, 95 per cent of all working children resided in rural areas and nearly 60 per cent of all working children were reported to be working as agricultural workers. The number of child domestic labourers was estimated to be about 19,000, of which a majority were girls from rural areas.

4. https://www.ilo.org/global/About_the_ILO/Mainpillars/WhatisDecentWork/lang--en/index.htm

5. For more details on the Decent Work Programme for Sri Lanka see http://www.ilo.org/colombo/whatwedo/publications/lang--en/docName--WCMS_113706/index.htm

6. 'Economic activity' includes both paid and unpaid, casual and illegal work, as well as work in the informal sector, but excludes unpaid domestic services within own household.

Mainstreaming Child Labour Issues in Key Development Policies

The Report for the Child Activity Survey 2008/09 conducted by the Department of Census and Statistics was not put forth at the time of publication of this document. Preliminary information indicates a downward trend in the incidence of working children in the country. The survey did not include the Northern Province, which was affected by conflict at the time.

Children involved in child labour are often subjected to different forms of abuse and are often denied access to education, good health and safety, and in some instances are trafficked. Child labour in Sri Lanka is generally categorized in the following groups:⁷

- Children engaged in child domestic labour perform household work, including child care, care of household pets, gardening and loading goods onto vehicles for economic enterprises. In doing their work, these children tend to use sharp objects, handle fire, lift heavy weights, and climb heights;
- Children employed in the formal/informal manufacturing sector: These are children working in large-and medium-sized factories. Some are also employed in small-scale household fireworks production, and the smaller scale garment factories;
- Children engaged in economic activities in the informal sector in the agriculture, industry and service sectors, including home-based enterprises;
- Child beggars are generally part of organized networks of beggars. Often, these children take up begging to help support their families;
- Street children are those who live permanently or temporarily on the streets to earn a living. Some of these children have access to informal education programmes, but they often continue to beg;
- Children involved in commercial sexual exploitation are generally found in the tourism sector. They include boys and girls and are clearly in the worst forms of child labour;
- Children engaged in illegal activities, including transporting of locally produced alcohol, are also clearly in the worst forms of child labour;
- Children engaged in economic activities in conflict-affected areas are also often in the worst forms of child labour;
- Children who were involved in armed conflict were in the worst forms of child labour, with long-lasting impact; and
- Children who have been trafficked are also in the worst forms of child labour.

Legal Framework to Address Child Labour

Sri Lanka has ratified ILO Convention on Minimum Age for Admission to Employment, 1973 (No. 138) and ILO Convention on the Worst Forms of Child Labour, 1999 (No.182). It is signatory to a number of United Nations Conventions and treatise on labour and child rights. These include the UN Convention on the Rights of the Child 1989, Universal Declaration of Human Rights; the Convention on the Elimination of All Forms of Discrimination Against Women; Convention against Discrimination in Education, 1960; World Declaration on Education for All, 1990; the Dakar Framework for Action, 2000, and the Millennium Development Goals, 2000 (NPAC, p.12) all of which have elements of protecting children.

Convention No. 138 on Minimum Age stipulates the minimum age of employment as 15 years while countries that do not have developed economies or educational facilities can set the minimum age to 14 years. It states that children between 13 and 15 years can engage in light work that is not detrimental to their health, development and does not hinder their school attendance. It further calls on ratifying member States “to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons.” A new Education Act for Sri Lanka, which recommends that the minimum age of compulsory education is raised to 16 years from the current 14 years is under discussion in Parliament. Education and child labour experts and advocates recommend that the minimum age of employment in Sri Lanka also be changed, from 14 years to 16 years, in order to address problems in implementation and enforcement.⁸

7. Knowledge-Based Mapping and Review of Child labour Information in Sri Lanka (undated, un-authored), provided by the ILO for this review.

8. As per discussions at the Conference on Zero Worst Forms of Child Labour by 2016: Sharing experiences to achieve the goal, held from the 21-23 June 2010 in Colombo.

Mainstreaming Child Labour Issues in Key Development Policies

Convention No. 182 on the Worst Forms of Child Labour⁹ calls on ratifying States to “take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency”. These forms as defined in the Convention No. 182 on the Worst Forms of Child Labour are:

- All forms of slavery and such practices, sale and trafficking of children, debt bondage and serfdom, forced and compulsory labour, including forced or compulsory recruitment in armed conflict;
- 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.

Employment of children in Sri Lanka is regulated by the Employment of Women, Young Persons and Children Act No. 47 of 1956, which defines a child as a person under the age of 14 years and a young person as a person who has attained the age of 14 but is under 18 years. The Act in its Regulation defines hazardous occupations according to section 20A of the Act. A list of 51 occupations that are considered the worst forms of child labour in Sri Lanka have been determined and are awaiting passage through parliament at the time of printing this report. It is expected to be approved within the last quarter of 2010.

Article 27(3) of the Sri Lankan constitution, which looks at Directive Principles of State Policy, identifies the duty of the State, promotes the interests of children and youth to ensure physical, mental, moral, religious and social development and also to protect them from exploitation and discrimination.

Box 1: Child Labour Legislation, Sri Lanka

- The Constitution of Sri Lanka 1978 - Chapter 3 enshrining fundamental rights
- The Criminal Procedure Code No.15 of 1979 and Amendment Acts, Nos. 20 of 1995 and Nos. 28 and 29 of 1998
- Employment of Women, Young Persons and Children Act No. 47 of 1956
- Vagrants Ordinance No. 4 of 1841
- Abolition of Slavery Ordinance 1844
- Maintenance Ordinance No 19 of 1889
- Children and Young Persons Ordinance (CYPO) No. 48 of 1939
- Shop and Office Employees (Regulation of Employment and Remuneration) Act No. 10 of 1945
- Employment of Women and Young Persons and Children Act No. 47 of 1956 and Amendments
- Children and Young Persons' (Harmful Publications) Act No. 48 of 1956
- Registration of Domestic Servants Ordinance No. 28 of 1971
- The Penal Code, as amended by Act, No.22 of 1995 and Act No.29 of 1998
- The National Child Protection Authority Act, No. 50 of 1998
- Compulsory Education Act, No. 1 of 1998
- Other Acts, including: the Mines and minerals Act, the Explosives Act, the Trade Unions Ordinance, the Brothels ordinance, and Obscene Publications Ordinance

Source: ILO 2005

9. <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C182> accessed on June 2010

Mainstreaming: Making Child Labour Concerns the Norm

The overall objective of the review was to understand how child labour issues and concerns, particularly the worst forms of child labour, could be mainstreamed into existing policies, programmes and their budgets in selected sectors in Sri Lanka. The working definition of mainstreaming used for this exercise draws from literature on gender mainstreaming and the limited literature on mainstreaming child labour issues and concerns.

The ILO's International Programme on the Elimination of Child Labour (IPEC) promotes the mainstreaming concept as a policy and operational strategy for ensuring that child labour is approached and addressed as a multi-sectoral issue through coordinated and sustained efforts by multiple agencies and stakeholders.

Mainstreaming in this context refers to concerted and systematic action by governmental and non-governmental agencies to integrate and reflect such elements into their processes, policies, programmes and budgets, which will contribute to the sustained prevention and elimination of child labour.

Factors Conducive to Mainstreaming

Mainstreaming efforts are more likely to succeed in the presence of certain factors. Among these are the following:

Evidence-based advocacy: An accessible and user-friendly evidence base is needed to convince policy makers that child labour is an issue that should be addressed by multiple stakeholders. The information needs to be credible and updated. It should cover aspects such as the extent of the problem and how it is an impediment to local and national development and competitiveness; root causes of child labour, household coping strategies; dynamics of child labour; and good practices that have addressed the problem. An evidence base that relies on a combination of credible sources, such as specialized studies as well as standardized surveys, impact assessment studies, and reports of evaluations and experiences, is likely to provide more comprehensive, relevant and reliable information than information from a single source.

Facilitating processes: Mainstreaming is not an end in itself but a means to an end. It requires that the issue be attended to from the outset in the processes for policy development, and the planning and implementation of national development plans and special intervention programmes.

Value-added dimension: Mainstreaming is most effective when the issue is internalized in organizational values and culture so it is seen as value-added to the mandate, work and achievements of the organization and not merely as an add-on. Sensitization and training will increase understanding and the linkages of child labour issues to the work of the organization from the rights-based, socio-economic, business or other perspective. Political commitment is the impetus to such internalization.

Strategic stakeholders and partnerships: Efforts at promoting a participatory approach to give stakeholders a voice in policy development and implementation are more likely to result in policies that are relevant and action for which there is greater ownership amongst the beneficiaries and other key stakeholders. Among these stakeholders are the employers and workers and their organizations, the children and their families, and civil society.

Resources to implement, but also to plan: Adequate and timely resources are required for participatory planning to enable drawing on evidence-based knowledge, experience and good practices. Resource mobilization needs to follow a two-pronged strategy to seek not only *new* resources, but *existing* resources tied to existing strategies and priorities. With a broad resource base, comprising of public, private sector and external donor funding, the action outlined in the Roadmap to 2016 can be undertaken at levels to make

Mainstreaming Child Labour Issues in Key Development Policies

the attainment of the 2016 goal feasible. Resources to be mobilized are not only financial, but also human resources through institutional and individual capacity development in the public and private sectors, communities and networks of trade unions and teachers, as well as technical resources through transfer of knowledge, information and good practices and lessons.

Customized strategies: While some strategies for mainstreaming, such as awareness raising and capacity development, are general and apply to most cases, others are specific to different sectors and contexts. Approaches and specifics often vary from sector to sector and context to context – even for those strategies that are common across sectors. Therefore, while taking into account the existing practices, each mainstreaming case needs to be assessed and approached in its specific context, taking into account the nature of child labour, the socio-economic, education, legal and enforcement contexts, as well as partnerships, challenges and opportunities.

Methodology and Framework

The methodology for the review was based on the terms of reference prepared by the ILO and refined in close consultation with stakeholders. It involved the review of documents to map the strategic direction within each area, the relevance of these issues for children and child labour, getting a broad overview of the projects that were being implemented and the available funding. It also involved in-person discussions and participation in consultative meetings with officials working in line ministries and other departments and the employers' and workers' representatives to determine the potential to mainstream. The framework for review and analyses involved the following elements, which are by no means exhaustive. Diagram 1 presents the conceptual framework used to review the sectoral policies and programmes.

Mainstreaming child labour

This Report looks at the potential for mainstreaming child labour issues by providing brief analyses of the *relevant policies, plans and programmes from the child labour perspective*. These include the *Mahinda Chintana*, the Ten-Year Horizon Development Plan, and the National Plan of Action for Children 2010-2014 provide the context for the main overarching policies and plans. Sectoral policies related to the five selected sectors are reviewed to identify gaps and opportunities for mainstreaming of child labour issues and concerns.

Budget analysis of the key plans and programmes was attempted. Due to limited information on the budgets, this aspect was not as fully elaborated as was foreseen at the onset of the review. However, it is a significant aspect of mainstreaming and needs to be looked into in-depth as the process of the Roadmap to 2016 moves to implementation.

Recommendations to mainstream child labour issues into policies and plans are provided for each sector, keeping in view the goals and targets of the respective sectoral policies and plans of action. A set of recommendations that are common across the sectors is provided as well. These are by no means exhaustive and can be built on, particularly in further stakeholder consultations and the in-depth budgetary review.



Diagram 1: Analyses Framework for Mainstreaming

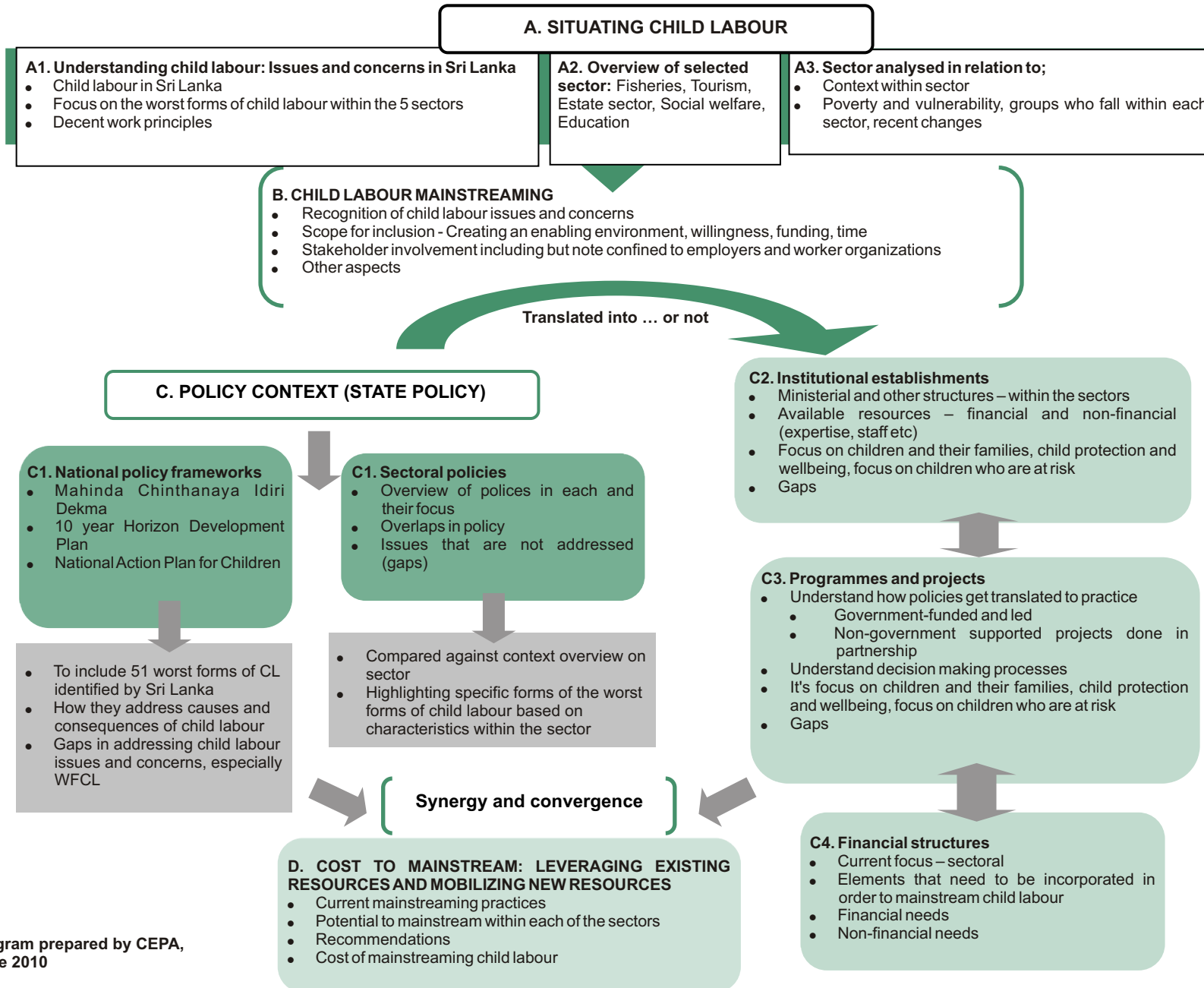


Diagram prepared by CEPA,
June 2010

Mainstreaming Child Labour Issues in Key Development Policies

Understanding the problem

A good understanding of the problems, the institutional structures and processes, key partners and beneficiaries is necessary to enable feasible and effective mainstreaming. Table 1 lists the sectors reviewed.

Box 2: Sectors Reviewed	
Sector/area of policy focus	Rationale
Plantations/estates	The estate sector is a key sending area for child domestic labour and continues to be a problem in the small holder tea and rubber estates.
Fisheries	Child labour is prevalent within the sector, especially the worst forms, as identified in the Hazardous Child Labour List in Sri Lanka. As a part of the agricultural sector, fisheries is a key sector for mainstreaming child labour issues and concerns.
Tourism	The sector has been studied in relation to child labour, particularly in relation to child abuse and commercial sexual exploitation of children. It is a key sector when focusing on prevention and elimination of the worst forms of child labour in light of current rapid increase in tourism in the country.
Social welfare/protection	Social welfare and social protection measures are critical to addressing the causes of child labour – such as poverty and vulnerability and help to strengthen the social protection measures available to children and families at-risk of child labour and those in need or rehabilitation services. The review looks at broad policies which try to address these issues to some extent through a series of programmes.
Education	Given the causal factors of child labour and the consequences to long term human capital development the review underscores the significance of mainstreaming child labour issues and concerns in education policy, programmes and budgets so as to ensure enrolment and retention of working children and those at-risk of child labour, including hard-to-reach children.

Limitations of the Review

Duration and timing of the review

The two-month review period made it necessary to focus on a few selected sectors. It also limited the scope of the consultations mainly to the central government agencies, and employers' and workers' representatives. Consultations at the provincial and district level with stakeholders including intended beneficiaries, service providers (governmental and non-governmental), and local level employers' and workers' representatives would have added further value to the outcome of the review.

The review was undertaken during a transition period following the General Elections of April 2010. This affected the second stage of the review, i.e., meetings with key officials. Some officials in key agencies were moved and the new officials were just taking on their responsibilities at the time.

Access to financial information

At the suggestion of officials from the sectoral and finance ministries, the CEPA team accessed most of the financial information through the Ministry of Finance and Planning website. While this information provided some details it did not facilitate a detailed budgetary analysis as was initially envisaged. Nonetheless, the exercise did serve the purpose of confirming that budgetary analysis is a key element in efforts at mainstreaming child labour issues and concerns.

The outcome of this review is a beginning and the expectation is that the process will be taken forward in a more in-depth and comprehensive manner along with the Sri Lanka Roadmap 2016 process towards implementation.

National Policies, Plans and Programmes

The recognition of child labour as a problem to be addressed within national policies and implementation plans can provide entry points for mainstreaming child labour issues and concerns not only into overall policy commitments and plans of action but also into more specific sectoral policies.

An attempt is made to include a brief financial analysis based on information available for the particular sector. The review does not attempt to work out monetary allocations for the gap areas but highlights broad line items that can be used to develop funding requests to secure the resources for action to combat child labour. The review provides a good starting point for stakeholders to develop detailed plans for integrating child labour in each sector's policies, programmes, and budgets.

***Mahinda Chintana* 2010: Vision for the Future**

The *Mahinda Chintana* 2010 is the broad-based policy direction of the present government of Sri Lanka. It was first introduced in 2004 as the election manifesto of the then presidential candidate Mahinda Rajapaksa, and has been used as the main policy document since 2005 by President Rajapaksa's Administration.

The *Mahinda Chintana* gives consideration to children in the wider context of society and the household. It calls for children to be protected and their rights to be ensured. Some examples are given below:

“I will set up a Police Bureau affiliated to the National Child Protection Authority to ensure the protection and security of all children. The Authority will be vested with adequate powers, independence and authority to take action against all forms of child abuse and related crimes.” (MC, p. 24)

“A Court system dedicated to deal with grievances relating to children will be introduced so as to ensure that their privacy is assured.” (p. 24)

“A mechanism will be introduced through which protection will be granted to children whose mothers or fathers have been imprisoned.” (p. 24)

There is recognition that children are victimized within the juvenile justice system and as a result their protection within the system needs to be ensured.

“I will amend the law to ensure that orphaned children who complete 18 years of age and are in Children's Homes but do not yet have adequate protection, be allowed to remain in such homes until their marriage, or permit them to be employed in such homes as and when vacancies arise.” (p. 24)

The focus on institutionalized children is restricted to ensuring that these children remain within institutions for as long as necessary. It does not highlight conditions and development opportunities within the institution or the prevention of abuse therein other than for the employment opportunities within the institutions.

Child labour is recognized by the legal and social protection systems and programmes in the country. Though the *Mahinda Chintana* does not make specific reference to it, there is reference to protection from all forms of violence – child labour is a form of violence against children. Child protection is mentioned particularly in relation to the justice system.

The Ten-Year Horizon Development Plan 2006 to 2016 (TYDP)

The Ten-Year Horizon Development Plan (TYDP), the implementation plan of the *Mahinda Chintana*, tries to balance growth: economic development with social development. The Development Plan is recognized by the United Nations Country Assistance Framework (UNDAF) 2008-2012 as the key national development strategy. It recognizes the major development challenges as being the high level of poverty (23 per cent); regional disparities; employment (2.8 million new entrants to the workforce); marginalized and vulnerable groups (the ageing, disabled, internally displaced persons and people of the North and East; and plantation workers (for human resource development and for housing). The broad strategy to overcome these is raising GDP growth rates – 8 per cent in the first 6 years, and 10 per cent in the following four years.

The Development Plan covers macroeconomic and pro-social development challenges and strategies, but does not specifically refer to child labour in its strategies. The linkages to child labour are implicit through the poverty reduction and social protection focus. The Plan also details the sectoral focus of activities to a certain degree, which provides further avenues for mainstreaming of child labour issues and concerns.

National Plan of Action for Children of Sri Lanka 2010-2014 (NPAC)

“In the constituent sectors of the NPAC, the Right for Survival is related to nutrition, health care and improved access to reliable water supply and sanitation facilities, the Right to growth and development is related to equity in access to education, and Right for Protection is related to juvenile justice, child labour, protecting disadvantaged children.” (NPAC, p.11)

The NPAC identifies child labour as a factor compromising child protection and as an issue that needs to be tackled if child protection is to be ensured. While the broader policy framework by the current government makes limited reference to issues that affect children, particularly child labour, the NPAC provides specific reference to child labour, including its worst forms. It promotes a strategy of reducing mainly child domestic labour through improved punitive action and legal enforcement as well as improving awareness regarding child labour issues.

The NPAC recognizes the need to increase the capacity and the number of officials to address child labour, particularly the worst forms. It also recognizes the need to follow-up on progress of children removed from child labour to ensure that they do not fall back into child labour (4a, p.111). Furthermore, the NPAC advocates for creating an environment for more effective partnerships between state and non-state actors as well as amongst state actors themselves. The Ministry of Labour Relations and Productivity Promotion (MLR&PP)¹⁰ is identified as a key player in the process, along with other government departments such as the Departments of Probation and Child Care and the Police (4a, p.111).

The NPAC recognizes the Ministry of Labour Relations and Productivity Promotion in the lead role, together with other key agencies such as the Departments of Probation and Child Care and Education and the Ministry of Social Services and Social Welfare to provide livelihood opportunities to families of child labourers. In addition, more localized groups are identified to help monitor incidences of child labour and create awareness (4a, pp.110-111). Further linkages can be identified and encouraged to bring livelihood opportunities to the families and education and training opportunities to the children.

Although the NPAC does not specify a role for trade unions and employers' organizations, they do have an important role in addressing child labour and child protection issues. This has been demonstrated in Sri Lanka and elsewhere in numerous programmes supported by the ILO as well other initiatives.

Child labour is found mainly in the informal sector, but this is not reflected rigorously in the NPAC. The informal economy is often the target of various social welfare programmes focusing on social welfare

10. Identified as the Ministry of Labour in the NPAC

Mainstreaming Child Labour Issues in Key Development Policies

support services, social protection schemes, and insurance schemes, small- and medium-scale entrepreneurship programmes, livelihoods support programmes, industry development, micro-finance initiatives, employee protection programmes, trade union led programmes, and others. These are aimed at improving basic needs of people working within the informal sector. They provide opportunities for addressing child labour issues and concerns.

The manifestations of child labour in the estate sector need more in-depth discussion when considering the strategic and programme direction. While the worst forms of child labour are acknowledged, the NPAC provides limited detail on what these are and where they are to be found in Sri Lanka. The NPAC stresses the need to create awareness on child labour issues.

National Programmes

Of particular interest for mainstreaming purposes are the following programmes under the NPAC, which are resourced:

Capital expenditure – Ministry of Social Services and Social Welfare for the National Institute of Social Development, vocational training centres for internally displaced persons, community-based rehabilitation programme, self-employment opportunities for single parents and families, national counselling programmes, and social care centres.

Development, uplift living standards (capital), capital, and welfare development – resources are available through programmes of the Ministry of Social Services and Social Welfare, Ministry of Nation Building and Estate Infrastructure Development, Ministry of Child Development and Women's Empowerment. Programmes covered include child protection, probation and childcare services, income generating and basic social protection for disadvantaged groups, and various poverty alleviation and community development initiatives.

Recommendations for Mainstreaming Child Labour Issues

Utilize the hazardous work list

This will facilitate greater impact of child labour interventions implemented through the NPAC and is an essential step in mainstreaming. The NPAC (p.73) notes that “the Employment of Women, Young Persons and Children (Amendment) Act 2003 has served to strengthen child labour law by increasing the minimum age of employment from 12 to 14 years and prohibiting the employment of children under 14 years.” The legislation will cover the hazardous work identified in the hazardous work list, which is expected to be gazetted in 2010.

Improve the knowledge base

The general evidence base for child labour, particularly its work forms, needs to be enhanced in Sri Lanka to be able to provide the necessary basis for policy making and preparation of development programmes for overall and sectoral responses to the range of issues that impact child labour. Information from a variety of sources is necessary to provide a comprehensive and in-depth view and the options for policy and programmes. Among these sources are quantitative and non-quantitative surveys, reports of evaluations and lessons learned, and experiences of different stakeholders and from other countries.

Address child labour in the informal economy

As a high percentage of child labour exists in the informal sector, it is important that the national poverty alleviation policies and programmes address the issue clearly and in its multifaceted dimensions. Opportunities to mainstream child labour issue:

- Awareness raising on child labour issues within the sector;

Mainstreaming Child Labour Issues in Key Development Policies

- With limited, if any, labour inspection in the informal sector, child labour monitoring can be an effective complementary means of prevention and withdrawal of children from child labour. Such child labour monitoring can be integrated with other monitoring measures, for instance those for education or social protection/welfare.
- Programmes that focus on improving conditions so that children at legal working age and youth can work in protected and conducive working environments; and
- Engaging government functionaries, employers' and workers' and their organizations, and civil society to work in a coherent and coordinated manner.

Increase awareness

This need is prevalent amongst different stakeholders, not only the public. Opportunities to mainstream include:

- Facilitating awareness raising in the informal economy. The NPAC does not acknowledge the difficulties of addressing the issues in the informal economy given the limited restrictions and protective measures for most employees;
- Involving children to identify cases and risk factors as well as to be part of the solution; and
- Making employers and potential employers aware of both punitive action and the benefits of not perpetuating child labour, and encouraging them to undertake campaigns, to prepare, implement and monitor codes of conduct, and to promote their good practices in this regard.

Involve the private sector

The NPAC recognizes the need to engage with the private sector through its corporate social responsibility agenda. Opportunities to mainstream include the following:

- Involving small- and medium-size businesses in the discussion and action processes;
- Involving home-based industries, particularly those that are part of the formal sector supply chain; and
- Promoting effective social dialogue and building capacity of employers' and workers' organizations.

Estates Sector – Policies, Plans and Programmes

This section provides a brief historical perspective of the situation and working conditions on the plantations and estates, and looks at the policy orientation of the estates sector – highlighting opportunities for mainstreaming. The *Mahinda Chintana* and the related Ten-Year Horizon Development Plan and the National Plan of Action for Children 2010-2014 were reviewed to understand the policy and implementation contexts from the perspective of the sector and to determine the extent to which these policies, plans and programmes reflect (a) estates, and (b) the child labour problem and solutions. Policies and programmes specific to the sector were also reviewed and key points are noted below. An attempt was made to review the funds scenario for the implementation of the policies and the programmes but, as noted previously, the information was not adequate to enable meaningful discussion on the allocations. Nonetheless, the programmes which were funded and could provide opportunities for mainstreaming are listed. The section also provides recommendations specific to the sector. Recommendations that are more likely to be applicable across the sectors are provided in the concluding section.

Large plantations were introduced to Sri Lanka during the British colonial period from the early 1800s till independence in 1948. They were established as closed enclaves, which had little socio-economic interaction with other entities in the country. Capital, labour and management were from outside the estate areas. The migrant workers from south India worked on the plantations as residential labour and were dependent on management for all aspects of their well-being (CEPA/Gunatilleke et. al, 2008).

Since independence the sector has seen many changes to the living and working conditions of workers as a

result of targeted policies. The shifting of ownership from foreign companies to national ones and greater civic participation by workers contributed to the erosion of the tight estate enclave formation (CEPA/Gunatilleke et. al, 2008).

Box 3: Key structural changes in the plantation sector

- The economic liberalisation of the early 1980s, started to transform the primarily commodity exporting Sri Lankan economy. By the 1990s, cash crops had become less important as a source of foreign exchange, giving way to a thriving garment industry and migrant remittances.
- Several key policy measures resulted in changes in ownership and management. The most important in recent times have been the re-privatization of the estates in 1992 and the setting up of 22 Regional Plantation Companies; and the establishment of the Plantation Housing and Social Welfare Trust (now called the Plantation Human Development Trust) – a tripartite body of government, estate management and trade unions.
- The composition of the plantation sector has changed one being predominated by large-scale estates to one dominated by small holdings. They have more than doubled in the tea and rubber sectors.
- The estate sector share of agriculture declined from 27 per cent in 1982 to 20 per cent in 2002, while the share of total tea and rubber holdings has also seen significant reductions over the past two decades.¹¹
- The official definition (DCS June 2010, p.7) maintains plantations as having an area of at least 20 acres and at least 10 residential labourers. While this definition captures many Regional Plantation Companies (RPCs), it does not capture smallholder private tea and non-tea plantations and, therefore, misses addressing socio-economic conditions within these smaller estates.

The institutions of the plantation sector, and the policies governing them can be categorized by (a) *type of produce*, such as tree crop (tea, rubber, coconut, cashew, cinnamon and palmyrah); (b) *relative size of holding* (large scale plantations or small holdings); and (c) *type of ownership* (government, leased from government, or private). The implications for child labour in each setup are different.

There have been improvements, such as less structural rigidity, improved worker protection through trade union involvement, implementation of sectoral development programmes and greater integration into the mainstream economy. However, progress on human development indicators lags behind the rest of the country (CEPA/ Gunatilleke *et.al.* 2008). The least developed plantation community workers are descendants of the 'imported' indentured labour from south India and were brought from the 1800s to the 1940s. Estate workers in general, and this group in particular has not benefited from development to the same extent as other workers in other sectors of the economy.

Households in the estate sector are among the poorest in the country. Consumption poverty increased in the estate sector from 30 per cent of the estate population falling below the poverty line in 2002 to 32 per cent in 2006/07 (DCS 2009).

Child labour issues on the plantations

Children are impacted in different ways by the deprivation of the estate workers. They are either engaged in child labour on the estates, or end up doing household work and taking care of siblings, instead of going to school, while both parents go out to work. Of concern also is the fact that poverty drives some families to send their children to work outside of the estates, as child domestic workers, or as workers in the informal sector enterprises.

Within the tea and rubber estate sector differences of impact on children can be found between the estates run by the plantation companies (that have leased the land from the government and have long term management arrangements) and those owned by private landowners. The former are governed by collective agreements with the trade unions that ensure minimum wages for workers; work closely with the Plantation Human Development Trust, which is mandated to address social development issues of the plantation community; and are also subject to international pressures by their buyers to ensure ethical production. As such, child labour is not likely to be an issue on these estates. However, this does not

11. Gunatilleke et.al. 2008 (reference to Central Bank of Sri Lanka: 2006)

Mainstreaming Child Labour Issues in Key Development Policies

prevent the parents from sending their children away from the estates to other regions in the country to work as domestic workers or to do other, often hazardous work, in the informal economy.

According to the Tea Small Holder Census of 2005, there are almost about 400,000 tea small holdings, contributing almost 65 per cent of total tea production. Rubber small holdings also contribute about 65 per cent of the total rubber production. Productivity in the tea sector small holders ranges from the highly productive group in the southern districts of Galle and Matara, to very low productivity in the mid-country districts of Kandy and Matale or those engaging in mixed farming in Nurawara Eliya and in the Uva province (Sivaram, 1997).

The private estates are not always subject to collective agreements. They are often less profitable and provide less facilities to their workers. Data on labour and child labour conditions in the private estates is scarce, particularly for non-tea smallholder estates, such as cinnamon, cashew and palmyrah plantations. These privately owned plantations are often affected by shortages of labour, which in turn encourages child labour. Child labour is likely to be a greater problem where small holders struggle to make a viable livelihood (e.g. in the Uva province) and where access to education is difficult than where small holdings provide a good income (e.g. among tea small holdings in the south).

A rapid assessment report based on selected households in five districts of three provinces, Uva (Badulla district), Sabaragamuwa (Kegalle and Ratnapura districts), and Central (Kandy, Matale and Nuwaraeliya districts), noted that among factors leading to child labour are the low level of parental education, low level of household income, particularly in the case of a widowed parent and burden of debt among other factors. Bonded labour was not reported. It further noted that because these families were employed they did not qualify for social benefits under the *Samurdhi* programme. The report states that, unlike parents in non-plantation communities, those on the plantations consider education to be of little value and therefore do not make an effort to ensure their children continue schooling. Other factors noted as contributing to child labour are unfavourable conditions at home including alcoholism, migration of mothers for work, crowded and inadequate facilities at home which make doing homework difficult, and the work schedules on plantations that require parents to leave home before children are sent off to school. (ILO 2003).

Other research studies reviewed indicate that employment for children is identified by parents, relatives and through brokers, who sometimes receive payment. It is also reported that prospective employers also directly approach the family to negotiate the employment of the child. Low education attainment and high dropout rates from schools have contributed to child labour sourced from plantations to the informal labour economy. (Remnant and Cader, 2008)

Estate Sector in National Policies and Plans

The overarching national policies do not *explicitly* address the issue of child labour but they do set out a framework for creating a favourable environment and thereby reducing the contextual factors that drive children to work. These enabling contextual factors include: reducing poverty, encouraging universal primary and secondary education, providing for vocational training. This section looks at the overarching and sectoral policies that have a particular bearing on the estate sector child labour.

Mahinda Chintana 2010

The *Mahinda Chintana 2010* envisions investment in the development of children and their rights to equality in education. The family unit is core to the vision of the *Mahinda Chintana 2010*.

The focus on the plantation community in the *Mahinda Chintana 2010* is to make it a house-owning society (MC, 2010 p.41). It also recognizes that women plantation workers should be given 'high priority' (p.22) and plans to equip plantation schools with science laboratories and libraries and to train a 1,000 young

12. Remnant and Abdul Cader (2008)

Mainstreaming Child Labour Issues in Key Development Policies

women and men in the plantation sector as teachers of science and mathematics in the Tamil language (p. 74). The *Mahinda Chintana* describes the shortage of labour in the cinnamon plantations, and the need to increase productivity in the private sector managed plantation companies so that more benefits could accrue to the workers.

National Plan of Action for Children of Sri Lanka, 2010-14 (NPAC)

The National Plan of Action for Children of Sri Lanka 2010-2014 recognizes children among the poor of the plantations and particularly disadvantaged in terms of education. It asserts that the comparatively low literacy rates, lower educational achievements, higher rates of non-schooling and dropouts especially after 9th grade, and avoidance of senior secondary level education mean that the benefits of free education have not reached the plantations (NPAC, p.36). It also notes that poverty of the plantation community has “stunted the ambitions of most parents and children” and that children avoid school for meagre economic gains (NPAC, p.36).

The degree to which these overarching policy frameworks can address in specific terms the issue of child labour in the plantations depends on a number of factors. Primarily, it depends on how far the plantation sector itself is brought into the mainstream of Sri Lanka's public delivery service, and that plantations do not continue to retain their enclave structure. Both the *Mahinda Chintana* and the NPAC, recognize that the plantation sector has fallen back in terms of schooling. By proposing to deal with the schooling issue it provides opportunities to reduce child labour within the sector and its sourcing out to the informal economy, including the domestic sector.

The strong focus in the NPAC on early childhood development facilities will have a positive impact on children, provided that these policies are implemented in the plantation sector. Such measures can benefit older siblings, particularly girls, who often take on responsibility for younger siblings and other care responsibilities while parents are at work.

Estate Sector Policies and Plans

The policy orientation is towards changing the circumstances that are pushing children in child labour. This it intends to do by improving living standards and increasing the provision of services. Few of the policies or programmes directly target the problem or look at factors at the workplace that encourage children to engage in child labour. Among these pull factors are easy access to the workplaces as they are in the informal sector, lack of labour inspection in the informal sector, lack of information on the dangers of unsafe migration and the hazards at the workplace that can be detrimental to the growth and development of the children, but also the steady income that the children can earn and opportunities to learn a skill.

National Plan of Action for Social Development of the Plantation Community (NPA-SDPC)

The main sectoral policy for the plantation community is the National Plan of Action for Social Development of the Plantation Community (NPA-SDPC), developed in 2006 by the Ministry of National Building and Estate Infrastructure. Its implementation was entrusted to the Estate Infrastructure Division. The Plan aims to address all aspects of human poverty on the estates, to ensure that the standard of service provision is on par with other communities, and women, men and children are able to fully enjoy their political, social and economic rights. In mid-2010, a Roadmap based on the sectoral policy was being developed with support from the United Nations Development Programme.

The main thrust of the NPA-SDPC to create better living standards and more opportunities for the plantation community can reduce the potential to send children to work if targeting of beneficiaries is effective. The recognition that service provision is very different in the Regional Plantation Companies and in the privately owned estates is evident throughout the NPA-SDPC and attempts are made to address the

Mainstreaming Child Labour Issues in Key Development Policies

conditions in the latter estates as well. The NPA-SDPC also seeks to integrate the social development institutions on the estates (e.g. pre-schools, schools, and health centres, among others) into government structures such as the Provincial Councils and Local Authorities.

Some of the specific elements that will have a bearing on the incidence of child labour are:

- Increasing coverage of early childhood care and education and bringing the crèche-cum-pre-schools that will be set up under the purview of the Provincial Councils and Local Authorities;
- Encouraging greater participation in the compulsory education cycle by upgrading primary schools, reintegrating those children who dropped out of school through 'catch-up' education in the local Tamil language, and improving the quality of teaching through changes to teacher training;
- Increasing the enrolment of estate children in Ordinary Level (General Certification of Education) classes and introducing Advance Level (A/L) science teaching in schools and upgrading facilities to increase the successful completion rate for O/L and A/L;
- Developing non-formal education through community learning centres; and
- Addressing the challenge of labour shortage in a situation of high youth unemployment, by upgrading the working conditions on the plantations to attract youth, as well as to increase opportunities for tertiary education especially vocational training and for formal sector employment for young people outside of the plantations.

The NPA-SDPC recognizes that due to the high incidence of poverty and ignorance, many children from the plantation community are sent out to work. This is further complicated by the lack of birth certificates and other documentation that impedes children's admissions to schools. The overall focus on reducing poverty and making the community more aware of the value of is expected to have impact on the child labour situation. Other child labour specific strategies to address specific issues will reinforce the efforts. The NPA-SDPC proposes Anti-Child Labour Committees in every estate or cluster of estates and mobilization of active champions to address some of the issues.

Estate Sector Programmes

Two institutions have an overarching responsibility for social development in the plantation sector. The Ministry of Nation Building and Estate Infrastructure; now subsumed under the Ministry of Economic Development, and the Plantation Human Development Trust; a tripartite organization comprised of representatives of government, plantation management and the trade unions. In addition there are other Ministries and agencies that contribute to social development of the plantation community.

Ministries and agencies that are fully involved are: the Ministries of Livestock Rural Community Development, Plantation Industries, Education, Healthcare and Nutrition, and Posts and Telecommunication. The Ministries of Social Services, National Languages and Social Integration, Power and Energy, Child Development and Women's Affairs, Sports, Youth Affairs, Local Government and Provincial Councils, State Resources and Enterprise Development and the National Housing Development Authority are marginally involved in carrying out programmes.

In most of the sectoral ministries (other than education and health) there is no special unit that focuses on the plantation sector. At the Provincial Level, the Offices of the Chief Secretary and the Provincial Ministries cover the subject of education and healthcare, and they are directly involved in the programmes identified in the National Plan of Action for the Estates, but the overall development programmes and budget of the Provincial Councils, makes no specific mention of the Plantation Sector. Typically, activities under Estate Infrastructure development cover education (building of classrooms, school buildings and teachers' quarters), health facilities (including out-patient departments, maternity and other wards, hospital buildings and lavatories, drainage systems, quarters, dental laboratories and ambulance parks), vocational

Mainstreaming Child Labour Issues in Key Development Policies

training (covering driver training, ornamental woodcraft, curtain making, house wiring and beauty culture), housing (particularly self-help housing) repairs to estate roads and bridges, water and sanitary facilities and the establishment of cultural centres.

The Plantation Human Development Trust has worked on strengthening the Estate Worker Housing Cooperative Societies (EWHCS). As a representative organization of the plantation community, its programmes related to women's health and development, early childhood care and development, reducing alcoholism and gender-based violence, improving health and sanitation services in collaboration with Provincial Health Authorities and improving shelter. More recently, it has also taken on some estate road infrastructure development programmes. The Plantation Human Development Trust's main stakeholders are the State Owned Plantations and the Regional Plantation Companies. The Saumiyaamoorthi Thondaman Foundation, under the Ministry of Livestock and Rural Community Development, is another agency that is mandated with providing support to the plantation community.

Funding for Estate Sector Programmes

Some programmes and their source of funding are as follow:

Capital expenditure – Ministry of Social Services and Social Welfare;

National Plan – Department of Up-Country Peasantry Rehabilitation;

Community development, Rehabilitation – Department of Up-Country Peasantry Rehabilitation;

Education – Department of Up-Country Peasantry Rehabilitation, Ministry of Department of Up-Country Peasantry Rehabilitation; and

Capacity development – Ministry of National Building and Estate Infrastructure Development.

Recommendations for mainstreaming child labour issues

Despite policy and development focus on the plantations, gaps remain in implementation of measures to address child labour issues. The following recommendations are provided with a view to promoting effective mainstreaming of child labour issues and concerns in policy and implementation initiatives. Some recommendations can be carried out with existing resources in the various programmes.

Moving away from the exclusive enclave structure

For overall development in the plantation sector, the exclusive enclave structure needs to give way to a more accessible and open structure that is ethnically diversified. This can be facilitated by making life and work on the plantations attractive through linkages to other policies and programmes for community development, quality education, social protection and other development aspects as envisaged in the *Mahinda Chintana*, and ensuring decent work for adults.

Enhance the knowledge base on child labour in the sector

There is an implicit understanding that the poverty of plantation community and the lack of adequate facilities are keeping children out of school and driving them into employment in the informal sector, particularly in child domestic labour. Enhancing the knowledge base will include:

- Systematic collection, analyses and dissemination of information on the nature and extent of child labour in the sector and the impact of policies and programmes; and
- Research and analyses of workplace pull factors that attract children from estates homes and schools to child labour.

Increase awareness

Awareness on a range of issues needs to be created among the children and estate communities, including parents, teachers, estate owners, members of the Plantations Human Development Trust and various other associations, adult workers and trade unions, law enforcement officials and other networks.

13. CEPA interview with official of Planning, Tourism Division, Ministry of Economic Development (June 2010)

Mainstreaming Child Labour Issues in Key Development Policies

Issues to be covered by awareness raising programmes would include, among others: identification of children in child labour or at risk of being engaged in child labour; the impact of child labour on children, families and communities and how this can be avoided; information on safe migration for those who are at legal working age; education and training alternatives to child labour; means of linkages to the various service providers and social welfare agencies and programmes, and youth employment opportunities.

Strengthen the role of key stakeholders, including employers and workers and their organizations, and the private sector

The Government and the private sector can play a significant and proactive role in preventing child labour among children of estate workers as well as eliminating existing child labour and ensuring that all children have relevant and adequate educational and developmental options.

Integrating child labour in the capacity development programmes is needed to ensure there is comprehensive and coordinated response to the estate sector child labour problem. The Estate Infrastructure Development (EID) Division of the Ministry of Economic Development is the focal point to facilitate and to coordinate the implementation of the National Plan of Action and Roadmap for Social Development of the Plantation Community. However, significant gaps in staffing capacity¹² restrict the ability of the Division to provide the leadership, and to fully take on the coordinating role that is needed to implement the National Plan of Action and Road Map. The work is further restricted by the lack of Tamil language capacity in the decentralised administration (i.e. the District and Divisional Secretariats) and limited representation of the plantation community in the *Pradeshiya Sabah's* (village councils).

Suggested action in this regard includes:

- Strengthening coordination mechanisms between the various governmental and non-governmental stakeholders and ensuring that the mechanisms include the child labour issue;
- Specifying private sector action and monitoring its implementation. Action on should include codes of conduct promoting zero tolerance for child labour, particularly its worst form, among children living and working on the plantations and those who engage in child labour in surrounding villages or migrate to other areas; and
- Putting in place and monitoring, measures to ensure there is no child labour.

Capacitate law enforcement in the sector

Opportunities for mainstreaming include:

- Strengthening capacity of law enforcement officials, including tourist police;
- Ensuring the smooth flow of information between relevant departments such as the Police, the Department of Probation and Childcare and the Labour Department and service providers;
- Ensuring sufficient and trained personnel to work on the issue; and
- Involving other stakeholders to support law enforcement in various ways, such as through provision of information to enforcement officials and creating awareness of the issues and laws in the communities.

Develop and strengthen the Anti-Child Labour Committees

The NPA-SDPC is proposing Anti-Child Labour Committees in every estate or cluster of estates, but it is not clear what the mandate of these committees will be and what they are expected to achieve in order to eradicate child labour from the estate sector. However, the social development component is perceived to be strong within the sector.¹³

Set up community-based child labour monitoring system

These do not have to be new structures but the capacitating and alignment of existing structures involved in the protection of children or families, including the Anti-Child Labour committees to identify children

12. CEPA: As of June 2010 only 58 per cent of the total cadre is in place.

13. CEPA Interview with official of Estate Infrastructure Division, Ministry of Economic Development (May-June 2010).

Mainstreaming Child Labour Issues in Key Development Policies

involved in child labour and at-risk of starting it, to link them to service providers, and motivate the families and the children to avoid child labour.

Include smallholder and non-tea estates in the debate, policies and plans to address social development in the estates

- Paying greater attention, including on child labour, to privately owned estates and small holdings. Within the estate sector, much of the focus also tends to be on the Regional Plantation Companies and the Government Owned Estates;
- Implementing the measures outlined for the privately owned estates in the NPA-SDPC;
- Expanding the focus to estates beyond tea and rubber, such as cinnamon, cashew, palmyrah and coconut. The *Mahinda Chintana* refers to incentives for growing and processing coffee, pepper and non-traditional cash crops;
- Bringing the smallholders under the cover social policies and programmes; and
- Paying particular attention to the more deprived smallholders, such as those engaged in mixed farming in Nuwara Eliya and in the Uva province, as their poverty situation makes their children vulnerable to child labour on their holdings or for sourcing to the informal economy beyond their holdings.

Support the Roadmaps for the plantation sector and the worst forms of child labour

The implementation of the Roadmap of the NPA-SDPC will help raise the living standards of the community and promote children's education and well-being, and create opportunities for formal youth employment. Implementation in synergy with the Roadmap on the worst forms of child labour can reinforce action towards the target of elimination of all worst forms of child labour by 2016.

Particular opportunities for mainstreaming child labour issues are provided through the following entry points of the NPA-SDPC:

- Training of social mobilizers and the strengthening of community based organizations in the sector;
- Activities focused on enhancing the plantation community's awareness of their rights, which includes also the formation of Anti-Child Labour Committees;
- Training of teachers, the provision of reintegrating out-of-school children, in the upgrading of schools and in particular, the upgrading of secondary school facilities and in the provision of non-formal education;
- Activities to develop vocational training and self-employment among youth; and
- Infrastructure contracts that could include contractors' ability to ensure their labour force is child labour free as a selection criteria and then monitoring of the situation.¹⁴

Involve the social partners

The social partners (employers' and workers' organizations) have their respective and significant role to play in preventing and eliminating child labour. Efforts should be made to identify and involve them from the planning stage. There are numerous good practices from within and outside the country related to their work on the issue.

Engage the sector's private sector in child labour issues

While the private sector has been engaged to improve the productivity of the sector as well as working conditions, its direct engagement with child labour issues beyond its influence of the ethical trade mandate has been limited.

14. CEPA Interview with official of Donor Coordination, Estate Infrastructure Division, Ministry of Economic Development (May-June 2010).



Opportunities for mainstreaming child labour issues include:

- Integrating child labour issues, particularly the target of the 2016 Roadmap on the elimination of the worst forms of child labour, in the corporate social responsibility programmes and promoting respect for core labour standards;
- Providing training opportunities for older children;
- Developing and facilitating processes that enable the withdrawal of children from child labour and provision to them of appropriate rehabilitation and reintegration services; and
- Creating or supporting on-going awareness raising efforts within communities about the impact of child labour on children.

Fisheries Sector – Policies, Plans and Programmes

The Fisheries sector is part of the wider agriculture sector, but has often been overlooked in the discussion about child labour in agriculture. With the end of the conflict in Sri Lanka, the fisheries sector is anticipating a revival, particularly in the North and the East.

This section looks at the policy orientation of the fisheries sector and highlights opportunities for mainstreaming. The *Mahinda Chintana* and the related Ten-Year Horizon Development Plan and the National Plan of Action for Children 2010-2014 were reviewed to understand the policy and implementation contexts from the perspective of the sector and to determine the extent to which these policies, plans and programmes reflect (a) fisheries, and (b) the child labour problem and solutions. Policies and programmes specific to the sector were also reviewed and key points are noted below. An attempt was made to review the funds scenario for the implementation of the policies and the programmes but, as noted previously, the information was not adequate to enable meaningful discussion on the allocations. Nonetheless, the programmes which were funded and could provide opportunities for mainstreaming are listed. The section also provides recommendations specific to the sector. Recommendations that are more likely to be applicable across the sectors are provided in the concluding section.

With a coastline extending 1,700 km, fisheries constitute an important livelihood for people living along the coast, and around the irrigation tanks and reservoirs. The sector currently provides direct employment to about 650,000 people (in some 1,300 villages) comprising 150,000 in fishing, 100,000 in associated service activities and 400,000 in fish trade. Approximately 3,000 of these fisheries workers are engaged in subsistence fisheries. Discussion regarding the sector usually constitutes three sub-sectors; coastal fisheries, offshore/deep sea fisheries, and inland fisheries and aquaculture (MFAR 2007a and DCS).¹⁵

The Department of Census and Statistics (2009) identifies fisheries workers as being among the most vulnerable poverty groups. It notes that poverty is highly associated with the employment of household heads and poverty incidence is highest among households headed by persons with elementary occupations such as unskilled labourers, and agricultural and fishery workers. According to the poverty headcount index, 19.2 per cent of households in the agriculture and fisheries sector are poor.

Child Labour in Fisheries

Child activity within the sector can be seen in the fishing camp (*wadiya*) along the coast of Sri Lanka. Children engage in activities related to cleaning and drying fish, which can be undertaken as home-based work or at the employers' workplace. Children also have been found to engage in activities involving cleaning nets, assisting with fish vending carts, and fishing in shallow water.

While child labour in agriculture has been highlighted, specific reference to child labour in fishing is limited (ILO 2008a; Amarasinghe 2002). As a result the incidence and nature of child labour within the sector are noted only minimally in national policies and frameworks.

15. Available online <http://www.statistics.gov.lk/agriculture/fishery/table4.pdf>, accessed June 2010.

Mainstreaming Child Labour Issues in Key Development Policies

The list of hazardous forms of child labour identifies a range of activities that could put children at risk of engaging in the worst forms of child labour. Among these are the following:

“... any work connected with the act of fishing [such as] deep sea fishing, diving to chase fish to nets [that expose children to hazards] exposure to poisonous snakes and other harmful sea creatures, prolonged exposure to cold water, drowning [with possible consequences of] snake poisoning, psychosocial problems...”

“Any work connected with working on a vessel or craft, shipping, water, transport [such as] any kind of work on a vessel or craft [that expose children to hazards such as] accidents, moral degradation due to prevailing conditions at port, sexual abuse [with possible consequences of] psychosocial problems, sexually transmitted infections.”

“Any work connected with work in ports or harbours [such as] any kind of work in harbours including sale of food [that expose children to hazards] moral degradation due to prevailing conditions at port, sexual abuse [with possible consequences of] psychosocial problems, sexually transmitted infections.”

“Any work which involves diving [such as] any diving work for commercial purposes [that expose children to hazards] accidents, formation of air bubbles in blood vessels; drowning [with possible consequences of] injuries, decompression, sickness (bone necrosis) and neurological problems; death.”

“Sand mining [such as] loading of sand, diving [that expose children to hazards of] ergonomic problems, inhalation of dust, accidents, hazards associated with diving [with possible consequences of] musculoskeletal disorders, respiratory disease, injuries, drowning.”

Children from fishing communities are also prone to being trafficked to rural and urban areas for domestic labour, exposing them to other worst forms of child labour, including sexual exploitation. Research reviewed¹⁶ also indicates that children from regions that have been affected by the tsunami were prone to the worst forms of child labour. The protection of children vulnerable to child labour needs to be ensured in disaster affectedness frameworks and programmes.

Fisheries in National Policies and Plans

Mahinda Chintana 2010

The fisheries sector is noted as a key sector in the *Mahinda Chintana 2010*. The goal of the sectoral approaches is to increase productivity and improve access to markets locally and globally. As noted below, the *Mahinda Chintana 2010* recognizes the difficulties of the condition of people within the sector and highlights the need to provide for basic needs, making provision to improve conditions of the poorer and more vulnerable segments of the fishing community.

“Since the housing difficulties faced by the fisheries community have not been fully solved yet, an initial allocation of Rs.1,500 million will be made for building 30,000 houses in fishing villages and towns”. (MC, p.41)

“All fishermen will be provided with fishing equipment.... Two fish processing centres will be established in Mannar and Jaffna”. (p.64)

“... the fuel concession to small scale fishermen.” (p.90)

Ten-Year Horizon Development Plan

The Ten-Year Horizon Development Plan (TDYP), which is the implementation plan for the *Mahinda Chintana*, also highlights the sector as being an important component of the economy for creating valuable employment opportunities and adding to GDP growth. As with the *Mahinda Chintana*, the main focus is on improving the productivity and economic viability of the sector.

16. Remnant and Abdul Cader (2008)

Fisheries Sector Policies and Plans

Ten-Year Development Policy Framework of the Fisheries and Aquatic Resources Sector 2007-2016 (FFARS)

The *Mahinda Chintana* and the Ten-Year Horizon Development Plan (TYDP) are reflected in the Ten-Year Development Policy Framework of the Fisheries and Aquatic Resources Sector 2007-2016 (FFARS) of the Ministry of Fisheries and Aquatic Resources Development (MFAR). The FFARS, drawing heavily from the TYDP, focuses on improved production to increase revenues, increase the sector's GDP contribution, greater mechanization, technical enhancements and equipment, improvements to infrastructure, uplifting communities working in the sector, and coastal and environmental conservation.

The policy objectives of the FFARS (p.5) are:

- Improving the nutritional status and food security of the people by increasing the national fish production;
- Minimising post-harvest losses and improving quality and safety standards of fish products;
- Increasing employment opportunities in fisheries and related industries and improving the socio-economic status of the fisher community;
- Increasing foreign exchange earnings from fish products; and
- Conserving the coastal and aquatic environment.

Of particular relevance to this review is the focus on the livelihoods and poverty orientation within the sector, underscoring the need to ensure more holistic development of the fishing communities. This reflects the commitment of the government to ensuring the welfare and protection of all members of this community, including children.

The FFARS identifies a number of problems that constrain development in the sector. It also identifies policy measures to address the problems. One of the problems identified is weak fisheries management. Among the several measures identified to address this problem is strengthening community-based organizations, such as fisheries cooperatives, to enable their active involvement in management. This is an opportunity for mainstreaming child labour issues through the capacity development initiatives to orient the members of the community organizations so they can understand the issue and alternatives. Experience from different parts of the world shows the effectiveness of well-informed communities in dealing with the issue.

Fisheries Sector Programmes

The FFARS provides some details of projects and programmes over the short, medium and long term to implement the policy. Many of these plans focus on production and marketing and the development and protection of the coastal areas rather than detailing how social infrastructure will be improved within the sector. The Plan proposes the following measures (p.20):

- Establishing income-generating activities among coastal fishing communities, by
 - Strengthening community-based organizations to support income generating activities; and
 - Strengthening women's groups in fishing communities and encouraging them to promote savings;
- Improving the living conditions and quality of life of fishing families, by
 - Providing requisite amenities and facilities conducive to livelihood development and better quality of life of those involved in fisheries; and
 - Setting up ten model fishing villages replete with amenities and facilities.

The FFARS focuses mainly on improving employment opportunities in fisheries and related industries. Meeting of basic needs, such as housing, electricity, education and health, is identified as a critical factor in the FFARS. It does not provide the specifics on how these community needs can be met.

Mainstreaming Child Labour Issues in Key Development Policies

Implementation of projects initiated under the *Mahinda Chintana* framework follow a trend similar to the sectoral policy plan, with a focus on productivity within the sector.

Funding for Fisheries Sector Programmes

Some programmes that are funded are noted below:

Capital expenditure – Ministries of Social Services and Social Welfare, Fisheries and Aquatic Resources, Resettlement and Disaster Relief Services, Department of Coastal Conservation, and Child Development and Women's Empowerment. The capital expenditure is related to self-employment opportunities for single parent families, national counselling programmes, social care centres, housing, technical college, community development, and National Child Protection Authority, among other items;

Capacity development – for Ministry of Fisheries and Aquatic Resources from its budget; and

Disaster relief – Ministry of Resettlement and Disaster Relief Services for work in Batticaloa district.

Recommendations for Mainstreaming Child Labour Issues

Build on the sectoral plan to create linkages to provisions identified therein

The FFARS provides entry points for mainstreaming child labour issues and concerns. For instance, the provision of the fuel subsidy and other benefits could be linked to the enrolment and participation of children in education and training. Some projects, such as the disaster and income generation programmes, do focus on vulnerability, and the issue of child labour can be addressed directly through these programmes. The provision of relief to those affected by the disaster can also help to prevent reliance on child labour as a coping mechanism when households are hit by disaster and their main sources of livelihood have been destroyed.

Enhance socio-economic data so that it recognises social conditions and vulnerabilities, including child labour, particularly its worst forms

The policy documents from the fisheries sector highlight the need for more specific and up-to-date information, which can be used in support of resources for action to impact the child labour and family situation. The recognition by the state that the worst forms of child labour have to be prohibited within the sector provides an opportunity to enhance the knowledge base on child labour in the sector. It is also a starting point for integrating child labour issues and solutions in policies and programmes that focus on improving the conditions of communities and households within the sector. This includes the inland fisheries sector, which the TYDP advocates as part of sector development.

Building the information base on fishing communities in the North and the East is particularly important to understanding the context and need of these fishing communities because of the impact of conflict on them. With this information it would be possible to develop a plan of action for addressing the socio-economic conditions, including child labour, in the fisheries sector.

Enhance ownership of the issues and solutions at the community level, through engagement and greater community participation, including the participation of children

In advocating for more research in the area of fisheries the MFAR (2007a) also advocates for improving the transfer of this knowledge to the fishing communities. This provides entry points for addressing child labour. Going beyond knowledge on production and marketing, the communities can benefit from being informed about child labour, how it can affect the health and development of their children, the value of education and the type of child protection and child labour monitoring measures that can be put in place in their communities. With this knowledge communities can take the lead in ensuring the development of

Mainstreaming Child Labour Issues in Key Development Policies

their children. They can monitor the situation and bring incidents of child labour to the notice of the authorities who provide support to households and communities. Local level officials, trade unions, employer groups and NGO practitioners can be trained to enable to support the communities to prevent and eliminate child labour through partnerships and cooperative work.

Anchor onto specific social development initiatives within the sector

The MFAR (2007a) has a social and community development component that provides opportunities for integrating child labour issues and concerns into very specific components. Although the social development component of the MFAR (2007a) lacks the level of detail that other sections have, it does state its goals as the improvement of the social infrastructure available to households and communities by meeting their basic needs. Meeting the needs is elaborated as provision of housing, water, and electricity, enhancing health and education, institutional strengthening and representation. The primary element in this list is education, where clear efforts can be made to ensure that working children and children at-risk of child labour are enrolled and retained in schools, putting in place specific strategies as necessary. Where there are provisions for capacity building and training, targeting of older children can ensure that they have the requisite and marketable skills once they reach legal working age. Moreover, systematic targeting of adult beneficiaries for the various benefits under the sectoral projects of the MFAR (2007a) will to some degree ensure that with improved socio-economic condition the families will not resort to child labour.

The MFAR (2007a) aims to mitigate vulnerability by including social security and insurance against natural disaster and setting up a Disaster Fund. This is significant in addressing child labour, but again, systematic targeting is essential if it is to impact the child labour situation.

The greatest opportunity for mainstreaming action to address child labour is with resources earmarked for capacity development, uplifting living standards and disaster relief projects, however, where capital investments involve schools, training, counselling or health centres, child labour can be addressed by ensuring that the criteria for selection of communities and locations include areas with prevalence of child labour and child migration and trafficking.

Tourism Sector – Policies, Plans and Programmes

Tourism is identified by the government as one of the fastest growing economic sectors in Sri Lanka. It is a valuable source of foreign exchange, with a significant role in economic development. In 2006, tourism generated 3.8 per cent of the total foreign exchange earnings, making it the fourth highest source of foreign exchange earnings, amounting to over Rs. 42 billion annually (MOT 2009-11, National Strategy), creating about 200,000 direct and indirect jobs. Successive governments in Sri Lanka have placed high priority on the sector. The end of the conflict in 2009 led to greater attention to the previously inaccessible areas in the North and the East, which have become the focus of development.

As in other countries that focus on tourism opportunities, sexual exploitation of children related to tourism has plagued Sri Lankan tourism for many years. While efforts seem to have reduced incidents, it is difficult to ascertain if the situation has improved or if it has gone further underground as the available data is based on incidents that are reported. It is well-known that cases of commercial sexual exploitation of children generally tend to go unreported.

Officials noted the lack of information on child labour as being the primary reason for their inability to identify and tackle the problem within the sector. Also noted was the lack of capacity to deal with the issue. Some officials said that they are familiar with the general child labour issues of the country but are unable to identify it within the tourism sector because of a lack of evidence. It was further noted that even when incidents were reported, the information was trimmed as it moved, with only an abridged summary reaching the levels where policies and plans are designed.¹⁷

17. CEPA interview with official of Planning, Tourism Division, Ministry of Economic Development (June 2010)

Mainstreaming Child Labour Issues in Key Development Policies

A large part of the sector is informal and the prevalence of child labour within it could be more hidden than in the formal sector. This can pose challenges for monitoring the situation. Other ministries, institutions and partners, including employers' organizations, trade unions and non-governmental organizations have important role in preventing child labour within the sector, removing children from child labour situations and providing them rehabilitation and re-integration services.

Initiatives are being put in place to achieve a target of 2.5 million tourist arrivals by the year 2016. With the rapid increase in tourism there is ever greater need to ensure that protection and monitoring systems are in place to prevent children from the risks posed by tourism and the potential for its negative impact on children.

The worst forms of child labour relevant to the tourism sector, as identified to be legislated under the Regulations to the Employment of Women, Young Persons and Children Act No. 47 of 1956, are as noted below:

- Any work connected with alcohol production, transportation and sale;
- Any work connected with tobacco production, making of *beedi*/ cigarettes/cigars and such other similar items and their sale;
- Any form of work in day and night clubs, bars and casinos;
- Any work related to transportation of passengers and heavy goods;
- Any form of night work between 8.00 pm and 6.00 am;
- Any work inside the forest;
- Hotel work – working in eating houses, restaurants and shops;
- Tourist related work;
- Dangerous performance; and
- Textiles – including batik industry.

Tourism in National Policies and Plans

This section looks at the policy orientation of the tourism sector and highlights opportunities for mainstreaming. The *Mahinda Chintana* and the related Ten-Year Horizon Development Plan and the National Plan of Action for Children 2010-2014 were reviewed to understand the policy and implementation contexts from the perspective of the sector and to determine the extent to which these policies, plans and programmes reflect (a) tourism and (b) the child labour problem and solutions. Policies and programmes specific to the sector were also reviewed and key points are noted below. An attempt was made to review the funds scenario for the implementation of the policies and the programmes but, as noted previously, the information was not adequate to enable meaningful discussion on the allocations. Nonetheless, the programmes which were funded and could provide opportunities for mainstreaming are listed. The section also provides recommendations specific to the sector. Recommendations that are more likely to be applicable across the sectors are provided in the concluding section.

National development policies generally consider tourism as an important source of revenue for the country and focus on the promotion of Sri Lanka as a tourist destination.

Mahinda Chintana 2010

The *Mahinda Chintana 2010* concentrates heavily on infrastructural improvements through accelerated development programmes for development of the physical facilities for an estimated 2.5 million tourist arrivals annually by 2016. Plans include over 50,000 new hotel rooms to be developed. Loan schemes are proposed for entrepreneurs to enable them to improve the tourism industry. There are also provisions for small, medium and large-scale hoteliers to set up operations or expand their businesses in the country (MC, 2010. pp 94-96).

Mainstreaming Child Labour Issues in Key Development Policies

The *Mahinda Chintana* envisages tourism, together with the schemes for development of ports, as a generator of employment opportunities, especially for young people. Cities, such as Galle and Kalpitya, are to be developed as tourist attractions, with the Galle Port being developed for passenger ships and other smaller vessels to dock so tourists can visit the city (MC 2010, p 12).

Although children and their welfare is a recurrent theme in the *Mahinda Chintana*, with a section devoted entirely to children, the issue of child labour in tourism is not expressed. The *Mahinda Chintana* looks at strengthening mechanisms for the protection and security for all children in general. One such measure is the setting up of a Police Bureau associated to the National Child Protection Authority, vested with powers and authority to act on instances of child abuse and related crime. Also envisaged is a dedicated court system that will handle grievances related to children (MC, 2010).

Ten-Year Horizon Development Plan (TYDP)

The Ten-Year Horizon Development Plan foresees tourism becoming Sri Lanka's third largest source of foreign exchange and generating 500,000 jobs by 2016. It envisages a key role for the Government in providing a policy framework and for the private sector in the development of the sector. The informal sector is considered in the policy framework of the TYDP, which mentions the large number of small time businesses that exist to service tourists but fall outside the regulatory network. The TYDP envisages concrete action to encourage these businesses to improve their standard of service without having to decrease their profitability.

In regard to tourism, the TYDP focuses on infrastructure development. In assuring tourism product quality, the Sri Lanka Tourist Board (SLTB) has been assigned regulatory functions and it will carry out periodic inspections to ensure compliance. It also envisages the SLTB in a coordinating role, bringing together all relevant ministries and departments of the government, for ensuring speedy facilitation of investors (GOSL, TYDP).

The TYDP reiterates the intention of the *Mahinda Chintana* to strengthen security to prevent tourism related crimes. This includes strict police vigilance to combat sexual exploitation of children and raising awareness. It is also important to have initiatives and processes in place to deal with cases to ensure that affected children are protected and not further victimised, and relevant and adequate rehabilitation and re-integration services are provided.

National Plan of Action for Children of Sri Lanka 2010-14 (NPAC)

The National Plan of Action for Children of Sri Lanka 2010-14 (NPAC) refers to a range of factors including social and economic poverty, ignorance, domestic violence, and single parent families that have contributed to the present state of child abuse in Sri Lanka.

“The promotion of tourism in Sri Lanka has created opportunities for foreign tourists interested in the sexual exploitation of children to visit Sri Lanka and a host of issues relating to the abuse of children.” (p 72)

The NPAC further notes that:

“Growth in the industry and the accompanying growth in interest in the concept of responsible and sustainable tourism, together with corporate social responsibility, have resulted in joining forces with government and non-governmental sector to combat sexual exploitation of children in tourism.” (p 112)

“The State through its control on tourism development through national tourism authorities and agencies is responsible for child protection is also involved in combating Child Sex Tourism (CST).” (p.113)

Mainstreaming Child Labour Issues in Key Development Policies

The NPAC recognises that all children are at risk of sexual exploitation and mentions, particularly:

“... those living in poverty, those who have been abandoned or abused, children who live and work on the streets, domestic servants, the disabled, and others affected by armed conflict.” (p.112)

While the NPAC focuses on child sex tourism and trafficking as issues that the tourism industry and the State need to work to eradicate from the country (p.112), it does not explicitly mention the other worst forms of child labour in which children could be engaged.

The NPAC notes that the State has an obligation to step in to assist a child and decide on the best interest of the child when:

“... the basic needs of the child are not met, or when their rights are violated, as with cases of child abuse, exploitation and neglect, including trafficking and involvement in commercial sex networks.” (p.92)

Tourism Sector Policies and Plans

National Strategy for Sri Lanka Tourism 2009-2012

The National Strategy for Sri Lanka Tourism 2009-2012, which is the current development plan for the tourism sector, aims to increase the number of tourists coming into the country, in line with the vision of the *Mahinda Chintana* 2010.

The National Strategy has identified clear strategic targets, focusing on elements that include: providing a diverse product range, accessibility, increasing international and domestic tourism, increasing yield per tourist from US\$80 to US\$130 per day, increasing the capacity of hotels by an additional 7,000 rooms, exceeding world-class tourism, and assisting micro, small and medium size enterprise sector to grow to support tourism (MOT, National Strategy 2009-11).

The National Strategy focuses primarily on the economic growth aspects. With expansion spearheading into many parts of the country, including areas that were affected by the recent conflict, specific strategies are needed to offset any negative impact, particularly on the vulnerable children, such as those from the economically marginalized communities.

Tourism Sector Programmes

Presently the main programme under implementation¹⁸ is the Community Tourism Village Programme. It aims at uplifting the standard of life of rural communities and ensuring economic benefits from both local and international tourism. It started in 2009 with funding from the national budget. The programme is carried out under the eco-tourism concept to attract tourists into villages with traditional handicrafts. It seeks to link increased tourism with community development through improved village infrastructure and higher income levels, while conserving the environment. Awareness of child labour issues is critical for the implementers of the project as it promotes home-based industries. In such cases, mechanisms need to be put in place to prevent child labour from occurring and help monitor the situation.

Some proposals focusing on the tourism sector are encouraging in that if implemented, they will help monitor the occurrence of child labour in the sector and also provide good opportunities to mainstream the issue into the work of the tourism industry. For instance, the NPAC proposes to develop the capacities of law enforcement, increase surveillance by these officials in areas where children are at high-risk for commercial sexual exploitation, and to monitor rates of prosecutions and convictions through the Police, the National Child Protection Authority and the Tourist Police (NPAC, p.114). The NPAC notes that “traditional methods have not been successful in collecting qualitative and quantitative information on commercial sexual exploitation of children” (p. 112) highlighting the need for more information and methodologies for information collection.

18. CEPA Interview with official of Planning, Tourism Division, Ministry of Economic Development (May-June 2010).

Mainstreaming Child Labour Issues in Key Development Policies

The National Strategy proposes working with Provincial Councils in the next four years on issues such as quality and service standards as well as education programmes about tourism (p. 31). This is an opportunity to increase awareness on child labour in the sector and disseminate information on the issue to a wider audience, so that monitoring can be carried out more consistently and effectively.

Funding for Tourism Sector Programmes

Some programmes and their source of funding are as follow:

Capital expenditure – Ministries of Social Services and Social Welfare, Child Development and Women's Empowerment, Tourism, Resettlement and Disaster Relief Services, Department of Coastal Conservation, and UNICEF. The capital expenditure is related to community and rehabilitation, self-employment opportunities for single parent families, national counselling programmes, child protection programmes (UNICEF), probation and childcare services, National Child Protection Authority, among other items;

Capacity development – for Ministry of Tourism and Ministry of National Building and Estate Infrastructure Development from their respective budgets. Previous years' records (2007-08) show allocation for combating sexual exploitation of children and awareness creation and combating child sex; and

Disaster relief – Ministry of Resettlement and Disaster Relief Services for work in Batticaloa district.

Recommendations for Mainstreaming Child Labour Issues

While growth from an increase in tourism has the potential to contribute to the economy of the country, it also poses risks of harmful impact on the children, particularly those trying to cope with socio-economic vulnerabilities. The incidence and magnitude of commercial sexual exploitation of children in the tourism sector remains largely hidden and this makes it particularly difficult to identify and address the problem. Some recommendations for mainstreaming child labour issues in the tourism sector policies, programme and budgets follow:

Enhance knowledge and information on child labour and related issues

Authorities often cite lack of information as a primary reason for inability to take action to address the problem. To overcome this gap, the governmental agencies responsible for tourism, child labour and child protection need to put in place a system for gathering credible data and ensuring its timely dissemination and feedback.

Knowledge and information can be enhanced through:

- Integrating questions related to child labour and child protection in assessments and surveys undertaken by and for the tourism sector;
- Undertaking research and analyses on child labour topics, such as social impact of tourism on children and their families; vulnerabilities that lead to child labour, particularly the worst forms in tourism; nature and magnitude of child labour in the tourism sector; mapping of geographical areas from where these children come, and others;
- Initiating linkages, coordination and collaboration amongst all relevant ministries, departments and government agencies to ensure information sharing and to promote follow-up action;
- Engaging grass root level public functionaries, such as mid-wives, post men, *grama niladhari* (village administrators), officers, trade union workers, young people, among others, to report instances of child labour; and
- Putting in place strategies, such as hotlines, for the general public to report instances of children in the worst forms of child labour.

Mainstreaming Child Labour Issues in Key Development Policies

Increase awareness

Awareness on a range of issues needs to be created among the children and communities. It is also important for hoteliers (particularly those who are part of the tourism expansion programmes and those in areas prone to child migration and trafficking), workers and trade unions (including those in the transport sector), law enforcement officials and other networks.

Issues to be covered by awareness raising programmes would include, among others: identification of children in child labour or at-risk of it; the pitfalls for children in the tourism sector and how these can be avoided; information on safe migration for those who are at legal working age, and safe tourism for the sector; education and training alternatives for the child labour; means of linkages to the various service providers and social welfare agencies and programmes.

Strengthen the role of key stakeholders, including employers and workers and their organizations, and the private sector

The government and the private sector can play a significant and proactive role in preventing child labour in the tourism industry as well as eliminating existing child labour and ensuring that all children have relevant and adequate educational and developmental options.

Action in this regard includes the following:

- Strengthening coordination mechanisms between the various governmental and non-governmental stakeholders;
- Specifying private sector action and monitoring its implementation. Among these: codes of conduct promoting zero tolerance for child labour, particularly its worst form, in the tourism sector;
- Including “no child labour” in establishments as a criteria for renewal of licenses of hotel owners; and
- Putting in place and monitoring, measures to ensure there is no child labour in the supply chains that serve the tourism sector.

Capacitate law enforcement in the sector

Opportunities for mainstreaming include:

- Strengthening capacity on child labour of law enforcement officials, including tourist police;
- Ensuring the smooth flow of information, including on child labour, between relevant departments such as the Police, the Department of Probation and Childcare and the Labour Department and service providers;
- Ensuring sufficient and trained personnel to work on the issue;
- Involving other stakeholders to support law enforcement in various ways, such as through provision of information to enforcement officials and creating awareness of the issues and laws in the communities; and
- Ensuring that the process and mechanisms for the prosecution of perpetrators of child labour are in place and functioning effectively.

Social Protection – Policies, Plans and Programmes

This section looks at the policy orientation of the social welfare/protection sector and highlights opportunities for mainstreaming. The *Mahinda Chintana* and the related Ten-Year Horizon Development Plan and the National Plan of Action for Children 2010-2014 were reviewed to understand the policy and implementation contexts from the perspective of the sector and to determine the extent to which these policies, plans and programmes reflect (a) social protection, and (b) the child labour problem and solutions.

Mainstreaming Child Labour Issues in Key Development Policies

Policies and programmes specific to the sector were also reviewed and key points are noted below. Examples given indicate the span and multitude of social protection measures at the household and individual level. Some of these measures would be contributing to reducing the household's reliance on child labour in difficult times. An attempt was made to review the funds scenario for the implementation of the policies and the programmes but, as noted previously, the information was not adequate to enable meaningful discussion on the allocations. Nonetheless, the programmes which were funded and could provide opportunities for mainstreaming are listed. The section also provides recommendations specific to the sector. Recommendations that are more likely to be applicable across the sectors are provided in the concluding section.

Despite gains in economic growth, Sri Lanka continues to grapple with poverty and growing income inequality in some regions. The estate sector continues to hold many of the country's poor. Social protection has been welfare focused and is targeted at the underprivileged and vulnerable. Sri Lanka has had a range of social welfare programmes since its independence, giving effect to its welfare state policy processes. The average allocation of social sector expenditures as a percentage of GDP is approximately 3 per cent (2000-2007) while 30 per cent of the allocation of social expenditure is on social security and welfare (Choler, Cali & Stirrup 2009). Despite the inadequacies that are noted by practitioners and academics the welfare policy approach has helped Sri Lanka sustain its positive social indicators on health and education over the years.

An ILO review identified various gaps, including lack of unemployment insurance, limited protection in case of disability and absence of statutory sickness or maternity benefits. Private sector workers also do not receive adequate benefits under existing schemes and a pension scheme for private sector workers is under consideration. Social assistance programmes have had positive impact with the *Samurdhi* programme providing cash transfers to over 40 per cent of the population. Yet, several weaknesses of the programme have been observed including “deficient targeting, administrative obstacles, inefficiency of the delivery system, non-coordination of the different benefits provided under the programme and inadequate levels of benefits” (ILO 2008b). Extension of social protection to the informal sector workers who comprise 60 per cent of the employed would be necessary to ensure that a larger number of the vulnerable are covered.

Social Protection in National Policies and Plans

Mahinda Chintana 2010

The uplift of the people of Sri Lanka and transformation of the country into a strategically important economic centre of the work are the underlying principles of the *Mahinda Chintana*. It emphasizes the link between economic development and employment for improving the situation of the families and youth. For instance, in making Sri Lanka a transport, energy, maritime and aviation hub, a key aim is to create employment that is not only focused within existing financial hubs but developing the surrounding villages and areas so they can be service providers to the hubs. For instance:

“When these development activities are completed, it will provide at least 50,000 direct employment opportunities for our trained and untrained young persons...” (p.12)

“... through new services such as ship handling, tourism, and other shipping services, further indirect employment opportunities of around 3,000 would be created...” (p.13)

“These giant projects will provide around 5,000 new direct jobs and a further 15,000 jobs in an indirect manner through the supply of goods and services in related areas. In this manner, the results of our development activities will filter down to each and every household and person of our country.” (p.15)

Mainstreaming Child Labour Issues in Key Development Policies

The *Mahinda Chintana* calls for special provisions for the differently-abled, including financial support for training and education of those between 12-22 years of age. Some of the support related to pensions is also relevant to children's continued education and development.

Ten-Year Horizon Development Plan (TYDP)

The Ten-Year Horizon Development Plan has a section devoted to livelihoods and social protection (pp.124-141) that details how the proposals in the *Mahinda Chintana* will be implemented. The policy push for livelihoods development focuses on economic development and inclusive growth. Sustained livelihood opportunities are foreseen as a result of provision of funding for poor families, improving marketing facilities, implementing special programmes to reduce regional disparities and disparate poverty incidence and improving the coordination of projects and programmes for better pro-poor livelihood development. The TYDP calls for greater community participation in village development through the *Grama Sabah* (at the village level) and *Jana Sabah* (at the Division level) throughout the process of development, including “conceptualisation, preparation, appraisal, implementation and monitoring and evaluation stages” (pp.124-125). The TDYP notes that this will be in addition to existing relief payments such as those available through the *Samurdhi* programme, relief assistance to internally displaced people, differently-abled people and others.

The TDYP details a strategy to address livelihoods through the *Gama Neguma* programme (village development), bringing together a number of programmes focused on livelihood development and poverty reduction at the village level, the *Samurdhi* Programme, implementing both the cash grant and the livelihoods initiatives, improved access to microfinance, regional development programmes targeting under-developed regions and improving conditions of plantation workers¹⁹

The TDYP identifies the need to improve social protection mechanisms within a wider framework of the welfare state and identifies target groups for assistance as well as programmes and sub-programmes. Children are one of the target groups and the TDYP aims to:

“... provide care and protection for children in vulnerable situations and to ensure that all children have unfettered opportunities to advance to their fullest potential ... Destitute children will be given adequate protection through the improvement of safety homes ... Measures will also be taken to ensure their access to education, health and other services.” (p.137)

National Plan of Action for Children of Sri Lanka 2010-2014 (NPAC)

The National Plan of Action for Children 2010-2014 (NPAC) reiterates Sri Lanka's commitment to reduce regional disparities and poverty by improving socio-economic conditions at the household level, particularly for children. The NPAC identifies:

“... lagging regions including North and East and Special groups such as adolescents with certain unresolved problems ... socially underprivileged and excluded and other special groups...adolescence...require additional support...” (pp.12-13)

Children working in exploitative conditions are identified as being economically and socially disadvantaged and deprived of their basic needs, including adequate housing, nutrition, health care and educational facilities. The NPAC identifies a range of children who could benefit from clearer strategies that consider their well-being, including institutionalized children, abused and neglected children, children of migrant mothers, street children, children affected by conflict and differently-abled children. The following section highlights aspects that are most relevant for child labour.

The NPAC identifies *social orphans* as a phenomenon where children are institutionalized by their families because they cannot afford to care and provide for them.

“While government policies explicitly state that poverty should not be an admission criterion, 50 per cent of children in voluntary institutions were there because of family poverty. Moreover, 80 per

19. See pages 125-133 for more details and programmes.

Mainstreaming Child Labour Issues in Key Development Policies

cent of children in non-state institutions (generally termed 'orphanages') had at least one living parent.” (p.85)

While institutionalization of children is not promoted as a general measure, in some cases it could be considered as preventing child labour. As a first priority, the social services need to determine if support to the families, either through linkages with services or directly, will enable them to keep the children at home and provide for their development and education. Within the section that speaks to *abused and neglected children*, child labour is not specifically mentioned but mainstreaming issues related to children and their rights are highlighted.

The NPAC recognizes *street children* as being vulnerable. There is a realization that a more structured approach is needed when dealing with children who engage in child labour in various ways. Action plans under the NPAC are to be developed and are expected to provide clarity on institutional responsibilities and measurable outcomes, with a focus on getting them off the streets, but also on protection for those who are on the streets.

Social Protection Programmes and Funding

As noted by Jayasinghe-Mudalige (2009:9), three categories of social protection programmes are prevalent in Sri Lanka.

Employment Protection and Promotion: to enhance opportunities – labour legislation, unions, collective bargaining and related institutions, and training/retraining of workers.

Social Security/Insurance Programmes: to promote security – pensions, disability, and survivor insurance (coupled with universal health coverage).

Social Safety Nets: to enhance equity – mainly formal forms of cash transfers and social welfare and care services.

These social protection programmes are implemented primarily by four major ministries, including the Ministries of Nation Building and Estate Infrastructure Development; Social Services and Social Welfare; Child Development and Women's Empowerment; and Resettlement and Disaster Relief Services

These programmes are aimed at improving the wellbeing of different members, including children, within the household. They provide livelihood support and address both poverty and vulnerability conditions. Some of these programmes are noted below.

The Samurdhi Programme

The *Samurdhi*²⁰ is Sri Lanka's main poverty alleviation programme, extended to around 45 per cent of families who are covered under the government-funded social safety net programmes. It consists mainly of income transfer (food and income subsidy), nutrition packages for pregnant and lactating mothers and milk feeding subsidy for children 2 - 5 years of age.²¹ It provides subsidies in the form of food stamps, kerosene assistance and dry food ration cards. *Samurdhi* also provides grants at birth, death, marriage, or hospitalization in the family and for educating children and it encourages savings. The *Samurdhi* Bank, which was started for beneficiaries of the programme, is now open to others. It provides loans for skills training and livelihood initiatives.

The *Samurdhi* receives considerable attention in the *Mahinda Chintana*. The focus is on increasing the recipient base and the safety net payment, and loan schemes. For instance, it states “all families with children under the age of 3 years will receive an additional allowance of Rs.1500” (MC, p. 21). Several

20. Although much of social welfare is focused within the Samurdhi Division of the Ministry of Nation Building and Infrastructure and the Ministry of Social Services, most Ministries have programmes that address poverty and vulnerability issues. This review did not analyse these due to time constraints, but their review would be significant in the implementation of the mainstreaming exercise.

21. http://med.gov.lk/english/?page_id=21

Mainstreaming Child Labour Issues in Key Development Policies

previous analyses have pointed out that Sri Lanka's *Samurdhi* programme does not provide an effective safety net for the poor. Efforts at reform have resulted in some improvement, but the income transfer component now amounts to a smaller share of a household's food consumption basket than it did before. Over the years there has been criticism of the beneficiary targeting criteria used by *Samurdhi* in that it does not adequately cover those most in need (Salish 2000, Glinskaya 2003 and others). It is also noted that, in general, *Samurdhi's* targeting does cover characteristics that are known to increase the likelihood of capturing poor households (Gunatilaka 2010). The selection criteria include standard indicators on lack of employment and low income. Among other indicators is the high number of dependents, particularly children. With these indicators some child labour situations are likely to be captured but more specific child labour targeting would help greater coverage of families and children involved in child labour. The focus of *Samurdhi* in meeting the basic needs of vulnerable children through social protection is hunger and nutrition. The focus within the component on children is mainly on young children; adolescents and younger youth are not included within this component.

Samurdhi relief programme through the Ministry of Nation Building and Estate Infrastructure Development providing:

- Consumption grant of Rs.1,500 to Rs.2,500 per month based number of members; social security payments for childbirth, marriage, illness and death; nutrition food programme for pregnant and lactating mothers; kerosene subsidy scheme to a maximum Rs.100 per month; and
- *Isadora* educational scholarship – 20 scholarships worth Rs.500 (per month) for 24 months for students passing 10th and 12th grades.

Samurdhi empowerment programme through the Ministry of Nation Building and Estate Infrastructure Development providing:

- Social development – narcotics prevention, illiteracy elimination, religious education and spiritual development;
- Livelihoods development – support financially for agriculture, animal husbandry, industries and marketing; rural infrastructure development - small scale projects (80 per cent of funds from the *Samurdhi* Authority and 20 per cent by labour contributions); banking services - loans for agriculture and self-employment;
- *Diriya Piyasa* Housing Programme – for homeless families; and
- *Samurdhi* housing lottery - Rs.150,000 and support to build up a house and/or enterprise.

Social Services through the Department of Social Services of the Ministry of Social Services and Social Welfare for programmes including:

- Public Welfare Assistance Allowance (PAMA) - Rs.100 per person up to Rs.300 for a family of five or more members; disease payment – Rs.700 for thalassemia and kidney failure and Rs.450 for leprosy, cancer, tuberculosis; casual relief payment – Rs.10,000 for sudden death or accident due to natural disaster; medical treatment for elders; assistive devices such as wheelchairs, tricycles, crutches, callipers, spectacles, hearing aids and artificial leg/limbs, among others; various programmes for elders – care and employment aid, among other;
- Self-employment grants - sum of Rs.10,000 (in two instalments of Rs.5,000 each; training for the needy; and
- Counselling programme for the mentally depressed, and awareness and social development and community-based rehabilitation for persons with disability.

Various Services through the Ministry of Child Development and Women's Empowerment's Children's Secretariat include: early childhood development programmes (ECD) - *Posh Ana Maspeth* food and nutrition programme, *Nenadeepani* ECD centres and pre-school teacher training, *Seethe Hadaka* home-based ECD, *Sondra Severna* day care centre, and *Did Lana Minuet* for children with special needs.

Mainstreaming Child Labour Issues in Key Development Policies

Various Services through the Ministry of Child Development and Women's Empowerment's Children's Department of Child Care and Services include:

- *Severna Saranac* foster parents scheme - poor families with school going children (between 6-13 years of ages) - Rs. 500 per month for 3-5 years; assistance for twins - poor families with low income - Rs.5,000 and Rs. 10,000 for twins and triplets, respectively;
- Sponsorship scheme - for education "interrupted/do not receive" at all - Rs.200 per month to a child until 18 yrs; Protection and care-orphaned, abandoned, destitute and abused children - care and education; certified schools and approved schools - children within 12-18 years by a court order - vocational training; daycares centres - children of working mothers - protection, care and education; centre for vagrant children - children who loiter without a place of permanent residence – these centres provide education and training;
- Medical assistance - children of low income families who are severely sick - up to a sum of Rs. 5,000 for a child; nutrition centres - children undernourished in the state receiving homes and voluntary children's homes; adoption of children - orphaned and abandoned children– local applicants are given adoption priority.
- Unforeseen disasters - children of low income families - up to a maximum of Rs. 15,000;
- Detention homes - child detained until produced before the court or pending court decisions - rehabilitation after a careful review; Community-based rehabilitation services – these are for children in conflict with law – the services are intended to rehabilitate the children by keeping them in the environment in which they live instead of imposing imprisonment/punishment;
- State receiving homes – for those deprived of living at home temporarily or permanently; abandoned in hospitals or by the roadsides and children of parents subject to a disaster; and
- Vocational training centres - residents of children's homes who are over school going age.

Ministry of Resettlement and Disaster Relief Services through its National Disaster Relief Services Centre provides the following services:

- Funeral expenses - Rs.15,000 to the next of kin of the deceased;
- Immediate relief for widespread and casual disasters - cooked meals for a maximum of three days valued at Rs.70 (adult) and Rs.50 (child less than 12 years) per diem; missing fisherman at sea - dry rations for dependents as recommended;
- Re-establishing self-employment enterprises - maximum of Rs.20,000 for a very small self-employed enterprise;
- Various other services including medical treatment; repair and reconstruction of damaged housing; crop damage payment; among other payments.

The programmes noted above were developed over the years and are administered by different ministries, with considerable overlap leading to some duplication. Programmes focus on different members within households and aim to mitigate the effects of the consequences of poverty and disaster or to alleviate poverty by enhancing skills or providing market linkages, and other services. Women, children and the elderly are the main beneficiaries, but in many instances the entire households are also the beneficiaries.

Opportunities for more focused integration of child labour issues and concerns exist in both programmes targeted at children and those targeted at household poverty and vulnerability. For instance, support to the household at the time of the death of a key family member means that the child is less likely to be sent to work to replace the lost income. More targeted and conditional support would further ensure that the child is not affected negatively and if of school-going age does remain in education.

A range of other programmes are administered by the state to deal with deprivation. The universal provision of health and education services is well known and documented while *Gamanaguma* and *Gamidiriya* are more recent initiatives that have been implemented under the *Mahinda Chintana*. There are a range of targeted programmes which focus on a specific aspect of deprivation. The intervention in these

Mainstreaming Child Labour Issues in Key Development Policies

cases is cash transfer to households or individuals, or subsidized access to a particular product such as infant milk, food supplements (*Thripasha*), school uniforms and text books. The *Samurdhi* programme runs anti-child abuse programmes within which child labour is addressed in certain elements, such as in the awareness programmes. The programme targets children 3-18 years old.

Programmes under Ten-Year Horizon Development Plan

The Ten-Year Horizon Development Plan's programmes to improve living conditions of poor households through better options of shelter, water, sanitation, electricity and livelihoods can be expected to reduce the household's need for income earned as a result of child labour. The social protection programmes under the TYDP cover the following, among others:

- Relief for all deserving families, and for persons living with *Samurdhi* families;
- Educational and financial assistance to differently-abled persons, encouraging their enrolment in regular schools, and thereby deviating from the practice of maintaining separate schools for these children; and funds for serious operations;
- Protection and advancement of children in vulnerable situations, focusing on their improved health and nutrition status, safe homes for orphans, and quality pre-school education. It includes monthly allowance for milk for every child from birth up to 5 years of age, improved management of all children's homes, and providing training, technology and financial assistance for pre-schools and day care centres; and
- Empowerment of women, focusing on self-employment, financial assistance to start income generating-projects, and assistance to deal with depression and violence.

Programmes under the National Plan of Action for Children – 2010-14

The National Plan of Action for Children (NPAC) 2010-2014 sees children as an integral part of the family unit and so seeks to strengthen support to the family unit. This is clear particularly in the case of measures for caring for children. The Plan supports the development of mechanisms to help household and community-based caring systems so that these children can continue to live with their families rather than in institutions.

The section on abused and neglected children of the NPAC provides entry points for mainstreaming child labour issues. Among these are the following integration points (NPAC, pp. 95-96):

Policy development – resources are available to Ministry of Child Development and Women Empowerment. Programmes include review and development of policies to ensure the protection of the rights of children. These focus on the definition and promotion of a child-friendly environment in all sectors relevant to children; inclusion of child rights issues in guidelines, information and training packages in relation to all sectors; development of social security schemes for all children, focusing on children with disabilities, children without parental care, and children living in difficult circumstances; and ensuring participation of children in committees relating to children's issues.

Coordinating Child Protection Services – resources are available to Ministry of Child Development and Women Empowerment for programmes to establish a unified system and national structure extending to involve the different sectors in relation to and providing services in child protection.

Resources are also available to the Ministry of Child Development and Women and the National Child Protection Authority for programmes for the identification of a single dedicated national complaints, counselling and information hotline and ensuring its effective 24-hour operation; effective functioning of the hotline and follow-up action; and raising public awareness on existence of the hotline.

Resources are further available to the National Child Protection Authority, and the Departments of Labour, Probation and Childcare Services, and Police to strengthen facilities for follow-up on all complaints received.

Recommendations for Mainstreaming Child Labour Issues

Improve targeting of beneficiaries for welfare programmes

A UNICEF report (Jayasinghe-Mudalige 2009) indicates that while a number of social protection programmes are in place, gaps do exist in relation to targeting for benefits. Consequently, programmes may not always reach the people who need them most. The identification of vulnerable children tends to be very narrow which has left out many vulnerable groups of children, including those who are at risk of becoming child labourers.

Opportunities for mainstreaming child labour issues and concerns include:

- Targeting for social protection should not only be based on *Samurdhi* criteria or list of beneficiaries in view of the targeting issues that have been raised; and
- Mainstreaming activities into programmes that focus on economic development, conditional programmes (cash for work from adults, grants for children's schooling, keeping children out of work, others);

Urban poor children are not clearly considered in any policy plan. Yet child labour is prevalent in the urban informal economy where children work in garages, on construction sites, in the fireworks industry, as street children, as domestic child labourers, and in other situations;

Meeting the basic needs of younger children is noted in policy documents, but adolescents and older children/younger youth need to be included within this component as well if child labour related issues are to be addressed.

Benefits from welfare programmes could be made conditional on the removal of children from labour and their participation in formal/informal education.

Evaluate the impact of the programmes on intended beneficiaries, particularly children involved in child labour or at-risk of being involved

Programmes need inbuilt processes to monitor progress, capture lessons from implementation and assess impacts of the programmes. With such information, a positive impact on children and other beneficiaries can be increased.

Include child labour issues in the evidence base

Despite constraints officials within many social welfare programmes, such as *Samurdhi*, are committed to improving impact on poverty. There have been attempts to improve skills of officials, improve targeting and information systems of beneficiaries to monitor progress of recipients but these suffer from resource constraints.

Opportunities to mainstream child labour issues include:

- Integrating child labour issues into standard monitoring activities to help track and monitor children involved in child labour; Use the existing local network of *Samurdhi* officials, probation officers, midwives, local government officials to track and address child labour; create partnerships, build capacity, provide resource, work this engagement into monitoring their progress;
- Community-based caring systems should include elements that ensure poor children are identified and their needs are met. They also include components that prevent the stigmatization of these children within wider society; and
- Build the capacity of officials and community members to implement programmes, especially monitoring programmes more sensitively. They need to be able to identify such cases and bring them to the notice of the relevant authorities.

Foster convergence of policies and programmes

A number of government departments work on social welfare and social protection programmes. It is important to develop linkages between all these departments as well as those that work with the beneficiaries at the various levels. This will promote consistency in approach, and prevent duplication of efforts so resources are not wasted. Often, the perception of officials is that the responsibility for child labour matters falls within the purview of ministries and departments who have a clear child protection mandate. Training on the issues of child labour and on the role and responsibilities of various officials and other stakeholders can help address the issue in a convergent manner.

Examine good practices from within the country and other countries

A number of other countries have tried social protection measures that are likely to impact the work and education situation of children. Among these are the conditional cash transfers in Brazil and Indonesia. These transfers have the condition that families receiving the benefits must have their children in schools. India's mid-day school meals prepared by communities have also had positive impact on children's participation in school.

The identification of vulnerable children could be broader so as to include the many other vulnerable groups of children, including those who are at risk of becoming child labourers and those involved in child labour.

Education - Policies, Plans and Programmes

This section looks at the policy orientation of the education sector and highlights opportunities for mainstreaming. The *Mahinda Chintana* and the related Ten-Year Horizon Development Plan and the National Plan of Action for Children 2010-2014 were reviewed to understand the policy and implementation contexts from the perspective of the sector and to determine the extent to which these policies, plans and programmes reflect (a) education, and (b) the child labour problem and solutions. Policies and programmes specific to the sector were also reviewed and key points are noted below. An attempt was made to review the funds scenario for the implementation of the policies and the programmes but, as noted previously, the information was not adequate to enable meaningful discussion on the allocations. Nonetheless, the programmes which were funded and could provide opportunities for mainstreaming are listed. The section also provides recommendations specific to the sector. Recommendations that are more likely to be applicable across the sectors are provided in the concluding section.

Education in Sri Lanka has been a great asset in the development of the country. The free education policies that have been in place since independence have resulted in Sri Lanka having among the highest literacy and school enrolment rates in South Asia. Free education from pre-school level until university was introduced in the mid-1940s to ensure equal access to education for all. The literacy rate of those between 15-24 years was approximately 96 per cent in 2006 (DCS 2006). There is about 96 per cent enrolment in primary education but the rate of completion of primary education is approximately 88 per cent nationally (DCS 2006).

The national literacy level has been rising consistently from 40 per cent in 1940s to 93 per cent in 2005 and the percentage of non-school going children has dropped from 68 per cent in 1940 to 8 per cent in 2004 (ESDFP, p.7). The population having secondary education has increased from 11 per cent in 1940 to 62 per cent in 2004, with 78 per cent of the country's school going population, a majority of them girls, entering secondary education.

Mainstreaming Child Labour Issues in Key Development Policies

There are, however, issues that need to be tackled. Literacy and education levels in the estate and rural sectors, especially those of women in the Central, Eastern and Uva provinces are lower than the rest of the country (ESDFP, p.7). Enrolment is high, but a high percentage do not complete compulsory basic education, indicating a high level of dropout from the formal education system (World Bank 2005: 2). Estimates from UNICEF (2001) show that about 80,000 – 100,000 children between 5-14 years do not attend school. The dropout rate in the transition from 5th to 6th grade is higher than at other levels and there is significant variation in levels of participation in secondary level education across the provinces, requiring urgent action (ESDFP, p.22).

Children who do not complete their education are mainly from poor and marginalized families, including the rural sector, the previous conflict affected areas and the villages bordering these areas, and the estate sector. The reasons for dropping out include poverty, which leads to an inability to meet additional education related costs such as for books and bus fare (Remnant and Cader 2008). These additional costs put children from poor socio-economic background at a disadvantage.

The NPAC further corroborates that poverty is the main cause for the poor enrolment and low retention in school. Children who fail to enrol or do not complete primary level or the nine years of compulsory education are drawn from poor rural homes, urban slums and the estate sector and engage in child labour, including begging and sexual exploitation. Compounding the issue is the lack of a poor-oriented service culture among teachers and school administration (NPAC, p.34).

The comparatively low literacy rate, the low rates of educational achievement, and the high rates dropout rates, especially after 9th grade in the estate sector indicate that the benefits of free education enjoyed by most of the country have not reached the plantation community (NPAC, p.36). The low economic development levels in the estate sector lead to increased risk of the children being pulled into economic activities that fall under the category of worst forms of child labour.

Schools classified as Type II and III schools, which are usually found in the rural areas, remain disadvantaged. Sectoral analyses shows that urban schools fare best in terms of performance, with rural schools coming in next, and the plantation schools performing the worst. Geographically, the North-East province showed the lowest performance (Remnant and Cader 2008). Insufficient infrastructure and a lack of skilled teachers contributed to lower learning levels in the areas affected by the conflict.

A study by Pereira 2006 (as quoted in Remnant and Cader 2008) looking at reasons for non-attendance of school in 22 districts from six different community types, found that approximately 15 per cent of the children had never been to school, and almost 45 per cent, mainly between the ages of 10-14 years had dropped out. Of those who had dropped out, 36 per cent had left before finishing primary school. In the two weeks prior to the survey, 44.5 per cent of the children had missed school for more than five of the ten school days. The levels of non-schooling were higher amongst Sri Lankan Tamils and in the estate sector. Reasons cited for the high rates of absenteeism included household factors such as poverty and low income, indifference of parents, unstable family environment, chronic ill health, peer pressure and learning difficulties. Factors such as refusal of schools to admit poor children, absence of birth certificates, inadequate facilities for differently-abled children, harsh (corporal) punishment and lack of transport were also cited as reasons.

When considering the role of the education sector in preventing children from engaging in child labour, groups of children who are relatively more vulnerable can be identified so that specific preventive strategies can be used to prevent dropouts and child labour. Among the specific vulnerable groups identified are *street children*, many of whom are migrants from rural areas to the suburbs of major cities in search of employment (NPAC, p.37). *Children living in slums* are also vulnerable because of conditions of acute poverty, dissension, unsanitary living conditions and rampant disease. These children are also

exposed to criminal activities and are very vulnerable to engaging in child labour, particularly its worst forms.

Children affected by natural or man-made disasters are also identified as more vulnerable to falling prey to child labour. The NPAC identifies the following as vulnerable children (NPAC, p.35):

- Children displaced with their families from their residences due to natural disasters;
- Children affected due to on-going armed conflicts;
- Children evacuated from 'threatened villages';
- Children and families displaced due to developmental projects; and
- Children who are educationally displaced due to closure of schools or parents being migrant workers.

It is clear that a sound education system that keeps children in the schools plays a key role in preventing children entering the workforce and engaging in child labour. This section looks at how the policies that govern the education system work in order to prevent the occurrence of child labour, and what provisions, if any, exist to consider the various vulnerable groups of children in the country.

Education in National Policies and Plans

Sri Lanka has followed policies of free education since gaining independence in 1948. The Constitution of Sri Lanka guarantees and commits the State through Article 27 (2) (g) to the right of every child to equal access to education, ensuring “complete eradication of illiteracy and the assurance to all persons the right to universal and equal access to education at all levels”.²² The commitment from the State for education in 2008 was 2.3 per cent of GDP (NPAC, p.8).

Sri Lanka is signatory to numerous international treatise on the right to education and child labour prevention and elimination, including Universal Declaration of Human Rights, 1948; Convention against Discrimination in Education, 1960; Convention on the Rights of the Child, 1989; World Declaration for Education for All, 1990; Dakar Framework for Action, 2000, and Millennium Development Goals, 2000 (NPAC, p.12) as well as the ILO Convention No. 138 on Minimum Age to Employment and Convention No. 182 of the Worst Forms of Child Labour.

Mahinda Chintana 2010

The *Mahinda Chintana* 2010 focuses on “modern education and knowledge systems”. The policy document acknowledges the deficiencies of the system creates a large number of undergraduates (p.17), but does not identify child labour as a problem that contributes to youth (and over years adults) being uneducated and low-skilled in the labour market

The *Mahinda Chintana* does have provisions to “make significant changes in the education structure of universities, technical colleges and tertiary and secondary education institutions.” (MC, p.18) and states that the education system will be restructured (p.18).

The *Mahinda Chintana* also has made allocations for children with special needs –

“Allocate a sum of Rest. 400,000 to families with a differently-abled child, to ensure that such children (12-22 years) access vocational training or any special educational facilities of his/her choice.” (p. 24)

“... to enable such person to obtain special training and education according to his/her talents and capabilities.” (p.26)

22. As quoted in the National Plan of Action for Children, pp.12.

Mainstreaming Child Labour Issues in Key Development Policies

The educational needs of children who are differently-abled are to be catered through the establishment of “... three new fully equipped special educational units for children with sight, hearing or other disabilities” (MC, p.26).

The *Mahinda Chintana* also focuses on early childhood development and pre-school education. Accordingly:

“... the Children's Secretariat will be reconstituted as an authority with wider powers similar to those vested in the National Child Protection Authority. All private and state owned pre-schools, crèches and day care centres in the country will be brought under the proposed authority for policy formulation, implementation and regulation.” (p.71)

The *Mahinda Chintana* further looks at raising the current age of compulsory education from 14 years to 16 years and increasing the number of classrooms available in schools (p.72). It does not mention raising the minimum age of employment, which if not done simultaneously, will create inconsistencies between the policies for education and employment.

To promote equitable access to education, the *Mahinda Chintana* commits to the deployment of trained teachers for English, mathematics and science within two years across the country to meet the needs of schools and have an impact. Children in the North and East and the plantations will benefit from the well-equipped schools with science laboratories, and libraries. Moreover, the plantation sector is also to receive 1,000 trained teachers with the capacity to teach subjects of science and mathematics in the Tamil medium. Children dropping out of school due to economic reasons are to receive scholarships through the Child Protection Fund of the Ministry of Child Development and Women's Empowerment (MC, pp. 73-74).

The *Mahinda Chintana* recognises the importance of vocational education as well as formal education in preparing youth for employment opportunities. The proposition to create a human resource reserve with youth skilled in marketable skills, such as accounting and technology, information technology, the construction sector, the beauty culture and others, requires an education system that focuses on both the vocational and technical education as well as the formal education. It is expected that improvements to technical and vocational education and its ability to equip youth with marketable skills will retain those who are on the verge of dropping out of the formal education system.

Ten-Year Horizon Development Plan

The Ten-Year Horizon Development Plan (TYDP), which is the implementation plan for the *Mahinda Chintana*, identifies the following as the key issues that need to be addressed with regard to general education in Sri Lanka (p.142)

- Lack of policy on a coordinated system of schools;
- Unsatisfactory achievement levels in the first language and mathematics;
- Some 17 per cent of students who enroll are not completing compulsory education (5-14 years) and these children either need to be brought back into schools or enrolled in non-formal centres;
- Low participation at senior secondary school level;
- Low success rate at the O Level (10th grade) examination;
- Low priority to activity-based learning and teaching, technical subjects and personality development in 10th and 11th grades;
- Science education being limited to 25.6 per cent of schools with 12th and 13th grades;
- Difficulties faced by secondary school leavers to find work;
- School curricula not sufficiently modernized or diversified;
- Issues of governance – delegation and devolution to provinces and gradually to school level;
- The lack of an efficient delivery of services and an effective monitoring and supervision mechanism;
- Lack of capacity of education personnel; and

Mainstreaming Child Labour Issues in Key Development Policies

- Lack of clarity with regard to functions among the National Education Commission (NEC), the National Institute of Education (NIE), the Ministry of Education (MOE) and the Provincial Ministries.

The TYDP identifies children from low-income urban households, remote rural villages, the plantations, areas affected by the conflict and natural disasters as those needing special measures when it comes to education provision. It also recognizes working children as a vulnerable group, along with street children, abandoned and destitute children, among a special group needing attention. The recognition of working children as a vulnerable group is encouraging. The document does not elaborate how they will be given an opportunity to finish basic education or how children who are at risk of falling into child labour will be prevented from doing so. It does, however, mention a process of identifying children who are out of school – to be identified through an Island-wide survey. Further TDYP proposes the strengthening of non-formal education by setting up literacy centres and community learning centres in areas where there are concentrations of non-school-going children.

The TDYP acknowledges the importance of technical and vocational education as part of the education system, and looks at key issues that affect this component of the education system. According to the TDYP, a new network of vocational training institutes for some 200,000 is to be set up. It further acknowledges the high failure and dropout rate from the technical and vocational education sector as well and identifies the root causes for this as being poverty and poor quality of programme. It, however, does not link dropping out of school to vulnerability to child labour.

The National Plan of Action for the Children of Sri Lanka 2010-2014 (NPAC)

The National Plan of Action for the Children 2010-2014 (NPAC) recognizes education as of utmost importance to the development of a child, noting that “education is the most productive investment for human development and the best means to develop the entire generation of children for both individual and social progress as both a private and a public good” (p.22). It notes that the State should ensure:

- Availability by providing free and compulsory education with a political and financial commitment;
- Accessibility by providing equality of educational opportunity within safe physical distance and a policy of non-discrimination;
- Acceptability by allowing parents and children to choose the type of education, public or private, culturally appropriate, in child-friendly learning environments; and
- Adaptability by providing an education determined by a child's future needs and giving prominence to the best interests and potential of the child.

The NPAC notes that the reduction of poverty is a precondition to improving education outcomes for children and that children have rights for access to education as well as for protection from child labour (pp.9-11).

Displaced children – those living in camps - are mentioned in the NPAC as being deprived of the opportunity to participate in education due to lack of policies, programmes and resources, to address their educational needs (NPAC, pp.35). This gap would need to be addressed as there are currently a large number of such children in the conflict affected areas. Also important to recognize is that displacement also occurs as a result of natural disasters. It is necessary to have policies in place to handle such emergencies as and when they arise, with minimum disruption to the education of a child. Families in such situations find themselves in economic hardships and their children are particularly vulnerable to child labour and child trafficking. The NPAC further notes that the absence of a regulated state intervention on education in such situations may lead to the introduction of various activities in the guise of educational programmes and furthermore, the lack of professionally competent personnel to provide guidance to the staff implementing programmes for displaced children is a grave concern (NPAC, pp. 35-36).

Education Sector Policies, Plans and Programmes

The Education Sector Development Framework and Programme (ESDFP)

The Education Sector Development Framework and Programme (ESDFP) of the Ministry of Education was developed as a “comprehensive medium-term” programme, initially for the period 2006-2010. The ESDFP “presents the status of general education sector issues, objectives and strategic policy frameworks under wide ranging key development areas” (ESDFP, pV). While the ESDFP programme itself comes to an end in 2010, it gives an indication of the policy direction for the education sector, and is therefore used in this exercise.

The major policy themes of the ESDFP are increasing equitable access to basic and secondary education, improving the quality of basic and secondary education, enhancing the economic efficiency and equity of resource allocation, strengthening education governance and service delivery, and strengthening monitoring and evaluation of educational outputs and outcomes.

The objectives of the ESDFP are:

- Ensuring 95 per cent of children under 14 years complete basic education by 2015;
- Providing equitable access to GCE 'O' (10th grade) and 'A' (12th grade) level at all divisions by 2010;
- Rationalising of school system to avoid wastage;
- Providing access to education to the severely disabled children of the compulsory education age by 2015;
- Directing potential school leavers at 9th, 11th and 13th grades to labour force development interventions and ensuring alternative education programmes for the out-of-school youth and school leavers to enhance their basic education, entrepreneurship and vocational skills by 2015; and
- Rationalizing education subsidy allocation to enhance the subsidies for the children of lower income by 2010.

These policy themes as well as objectives are of importance to this exercise as they all work towards increasing the effectiveness of the education system. The objectives are also encouraging as they look at groups that require special attention; differently-abled and those who leave the formal education system at various stages. The latter particularly provides a good opening to engage and address child labour issues within the context of the Roadmap 2016 for Prevention and Elimination of the Worst Forms of Child Labour.

The targeting of education subsidies, the ESDFP notes, is not done in a manner to reach all children who need them. Children who are most in need of subsidies are those coming from the lower 70 per cent segment of the income distribution scale. However, 30 per cent of children in high income segment, who make more than 69 per cent of national income, also receive these subsidies. This is indicative of problems in the targeting of beneficiaries. The ESDFP further notes that children in the lowest 40 per cent of income segment need more subsidies than the children in the 40-70 per cent income range (ESDFP, pp.21-22).

The ESDFP notes that access to education, especially at secondary level, is inequitable and that there are no adequate opportunities for children who have dropped out to come back and complete their basic education (WSDF, p.21).

ESDFP Strategies for full participation in compulsory education

- Ministry of Education to rationalize the use of the education subsidy budget to make sure funds are channelled to where they are most needed, especially in order to ensure the transition of students from 5th to 6th grade in areas where the dropout rate is higher.

Mainstreaming Child Labour Issues in Key Development Policies

- Early identification of potential dropouts at school level – aiming for a zero dropout rate by 2010. However, the ESDFP does not identify a mechanism to prevent dropping out once identified.
- Monitoring of school attendance to achieve zero dropout rate by 2010.
- Increasing number of 5th grade scholarships targeting children in the lowest 30 per cent income segment and rural schools, and financial support for children who are in need of them in the smaller schools.

The ESDFP acknowledges that educational opportunities for children with special learning needs are scarce and that while the inclusive education policy is in place, the quality of services is not consistent. It highlights the need to take into account children with disabilities. Children with disabilities who drop out on performance issues are vulnerable to engaging in child labour at an early age, especially when their disability does not prevent them from doing physical activity. Currently, the special education provision extends to the visually impaired, and hearing impaired, the mentally handicapped, the physically handicapped with learning disabilities and the multi-handicapped. The ESDFP notes that there are over 16,800 children with disabilities who are currently receiving special education (p.29).

The ESDFP proposes to increase access to special education through the following measures:

- Developing new strategies and instruments to identify children with special education needs;
- Carrying out needs assessments at school and divisional levels to assess special education requirements by medium of instruction;
- Strengthening/establishing National and Provincial Centres for Special Education;
- Mobilizing public and private sector resources and entrepreneurship to enhance the capacity of existing institutions and motivate each provincial council to establish special education institutions, where there are none, through public-private partnerships;
- Conducting regular surveys to identify children with special education needs;
- Conducting periodic education camps for children with special education needs and their parents creating awareness among parents and the general public on special education needs;
- Updating the syllabus/modules for special education programmes and producing new syllabi/modules where needed; and
- In consultation with the faculties of education of the University of Colombo, the Open University and the National Institute of Education, conducting special education programme to continue professional development of special education teachers and training of regular teachers in inclusive education.

The ESDFP recommends providing non-formal education (NFE) opportunities to children of school-going age who are out of the formal education system. It notes that the NFE initiatives of the State have been in operation since the 1970s, with the NFE branch being started in 1976. However, it notes that the NFE programme never expanded due to the high performance of the formal sector and to the lower number of dropouts compared to the rest of the region. This generalization is not consistent with the high dropout rate. It is possible that the children dropping out of formal schools and engaging in child labour, including its worst forms, are not aware of the NFE option or do not have access to it. The general lack of attention to NFE is seen as a gap in the education system.

Ministry of Social Services and Social Welfare

The Ministry of Social Services and Social Welfare has implemented programmes for differently-abled children, in addition to focusing programmes on families with differently-abled adults. This is seen as a measure to prevent children in these families from engaging in activities that puts them at risk or hamper their education. Additionally, education and vocational training programmes and counselling are done in partnership with the Education Ministry.

Funding for Education Sector Programmes

Education budget through Education Department. Provides opportunities for awareness creation, targeting education subsidies, and other special programmes;

Capital expenditure through Ministry of Social Services and Social Welfare focusing on national counselling programmes; and through Ministry of Resettlement & Disaster Relief Services focusing on Puttalam Technical College Project;

Estate Education through Department of Up-Country Peasantry Rehabilitation, focusing on Project for Implementation of Education Reforms in Plantation Schools (SIDA). This provides opportunities for reviewing and analyzing the gaps in current system;

Improvement of education facilities through Ministry of Social Services and Social Welfare, focusing on Tamil School Development.

Fisheries Education through Department of Coast Conservation, focusing on Environment, education plan, research;

Capacity building through Ministry of Nation Building and Estate Infrastructure Development; and Ministry of Nation Building and Estate Infrastructure Development. Provides opportunities for sensitising all education sector regarding child labour; and

Rehabilitation of vocational training centre through Ministry of Social Services and Social Welfare. Provides opportunities for including child labour issues into on-going training, targeting child labourers to vocational training where appropriate.

Recommendations for Mainstreaming Child Labour

Review the education system

Currently income poverty is seen as the driving force for children leaving school, but perceptions that education is not relevant also contribute to children dropping out. A study of needs, attitudes and perceptions about schooling can help identify the gaps and limitations of the education system so action can be taken to make it more relevant and useful.

Sensitize teachers, administrators and educationists on the child labour issue

Within institutions, mechanisms need to be established to identify children who are at risk of dropping out of school in order to engage in child labour, children who are engaged in child labour before or after school hours or through long absenteeism, children who have learning difficulties and find it hard to cope with the lessons or children with other childhood health or family problems that make them vulnerable to child labour. Teachers and other personnel who engage with children on a daily basis should be trained so they are equipped with the know-how of assisting children who may be at risk. They need to establish linkages within communities, with for instance, mid-wives, postmen, *grama niladhari* officials and others to identify cases of children at risk of child labour as well as children who are engaged in child labour. Such child labour information needs to be integrated with school monitoring information so the information collection and follow-up become systematic.

Identify and promote parental role in education and child labour

Raising awareness amongst parents to help them realize the risks of child labour and the importance of

Mainstreaming Child Labour Issues in Key Development Policies

education, be it formal or non-formal, is an effective strategy in addressing the problem of child labour. It is also important to increase awareness of the laws that exist in the country on compulsory education and child labour. Awareness creation should occur within communities constantly, so that communities as well as individual families can help prevent child labour from occurring.

Increase effectiveness of targeting of beneficiaries for educational subsidies

Children at-risk of or involved in child labour should be considered as the target beneficiaries for school subsidies. Effective mechanisms are needed to identify the beneficiaries, deliver the subsidies and monitor their use and usefulness. To this effect, some of the measures needed are:

- Putting in place systems where information on the needs of particular households and income levels are mapped;
- Creating monitoring systems to ensure that the educational subsidies reach children of the most economically poor, who are most in need of them; and
- Putting in place systems of monitoring and evaluation to make sure such subsidies are being used to educate children and not for other household economic purposes.

Increase awareness of vocational and training opportunities available

While vocational education is highlighted in many policy documents, the lack of awareness of its existence among children and parents leads to children dropping out of the formal system and engaging in economic opportunities. The potential of technical and vocational education to provide employment with high income dividends is not known widely enough, especially in the rural and plantation sectors. Such information can be integrated into other information packages provided to communities, for instance with information on health, social welfare and plantation matters, and as part of career guidance at community level. Role models who have benefited from such training also prove to be effective advocates.

Link school dropouts to other educational programmes

Although there are programmes for the out-of-school children to enable them to complete their basic education, the facilities available are inadequate and information is not readily available. Identification of children who are at-risk or involved in child labour is critical and it should be supported by a referral system through which children can be linked to service providers for education, training and other services.

Involve the private sector to improve access to education

Through their corporate social responsibility programmes, many businesses implement education programmes. However, these are often carried out in an ad hoc manner without a thorough and strategic needs analysis. Streamlining the quality and delivery of these programmes with mainstream government and private sector programmes, through consultation and participation of all key stakeholders will lead to better targeting and more effective programming. It is important that a good standard of education is maintained in these programmes and that good practices are shared to advocate for greater private sector participation in the education of children.

Put in place tested and innovative strategies to move children from the workplace to school

From the perspective of education, among the hardest-to-reach children are those involved in child labour or vulnerable to engaging in child labour. There are numerous reasons both on the side of the children and their families and on the side of the education system that keep these children working and out of school. There are many good practices that have demonstrated that children can be withdrawn from work and empowered to complete schooling. These can be adapted and new and innovative strategies tailored to specific contexts to make quality and accessible education a reality for all children.

Mainstreaming Child Labour Issues in Key Development Policies

Strengthen collaboration with the Samudhri and other measures

Through better linkages with social protection and welfare measures more children will be able to switch from the workplace to the classroom.



Conclusion

This Report is complementary to *Sri Lanka's Roadmap 2016 on the Worst Forms of Child Labour: From Commitment to Action* (2010), which sets milestones and the target to eliminate the worst forms of child labour in Sri Lanka by 2016. The Roadmap, developed by the Ministry of Labour Relations and Productivity Promotion, with support from the ILO, was endorsed by stakeholders at a Conference in Colombo in June 2010. It was developed through a consultative process involving the members of the National Steering Committee on Child Labour, including the Ministry of Labour Relations and Productivity Promotion, the National Authority for Protection of Children (NCPA), Social Partners, particularly the Employers' Federation of Ceylon (CFC), Ceylon Workers Council (CWC).

The Roadmap proposes a comprehensive country-wide Indicative Programme of Action to strengthen or, where necessary, establish sustainable systems and mechanisms relying mainly on mainstreaming child labour issues and concerns in key development policies, plans and programmes. At the *national level* it proposes:

- Institutional capacity development for planning, delivery and reporting of child labour programmes;
- Policy and research; and
- Awareness raising, social mobilization, and information network systems.

At the *provincial and district levels*, the Indicative Programme proposes to target some 100,000 children for prevention and withdrawal from the worst forms of child labour and the provision of education, training and other services, and over 600 family members for economic empowerment support through *integrated area-based programmes*. The 100,000 number is a rough estimate based on (a) the number of hazardous child labour as provided in the child labour survey (DCS 1999) and the preliminary information from the forthcoming survey, (b) an assumed estimate for the other types of the worst forms of child labour, and (c) the assumed estimates from the northern areas that were not included in these surveys. The approaches for the integrated area-based programmes includes the following:

- Geographical focus;
- Convergent action for impact;
- Strengthening of coordination, collaboration and partnerships that deliver effectively and efficiently;
- Focus on family and community;
- Integrated enforcement and monitoring systems; and
- Phased and modular approach.

Planning and implementation of the action is foreseen as building on experience and on-going initiatives. Technical support is foreseen from agencies, including the ILO.

Creating alliances and partnerships are critical for a wider ownership of the issue and multifaceted solutions. Setting milestones and monitoring will be important to ascertain progress and set the course right as need be.

The Roadmap to 2016 also identifies a number of benchmarks to move forward on the mainstreaming efforts. There is urgency in moving forward in collaboration with all key stakeholders if the target is to be met.

General Recommendations Pertaining to Mainstreaming

The sectoral analyses in this Report provide recommendations on a sectoral basis to facilitate follow-up by the respective sectors. There are, however, a number of basic and important recommendations that apply across the sectors. Key among these are the ones noted below.

The recommendations are aimed at policy makers and practitioners, but also more generally at the numerous development workers and service providers who are involved at the various levels.

Improve the knowledge base

The general evidence base for child labour, particularly its worst forms, is weak in Sri Lanka, particularly on a sectoral basis. The context has also changed in the post-conflict scenario and updated information will help the different stakeholders to plan action. Systematic efforts also need to be made to include child labour issues in non-child labour specific surveys and studies so that the situation of child labour context comes out clearly in the knowledge base of each sector. For instance, at times this will merely require lowering the age to look at issues what the children are involved in.

Assess the impact of action on children's school – work situation and ensure protection

It is possible that certain poverty alleviation measures can inadvertently impact children negatively if due consideration is not given to the children's situation, for instance in the feasibility studies and planning processes. For instance, support to home-based micro-enterprises (such as those promoted in the tourism or fisheries policies and plans) can result in children in child labour in the production or processing or taking over additional household responsibilities, often at the expense of school participation or success at school. On the other hand, social protection and development programmes too can have a negative impact if some families choose to keep children out of school in an attempt to meet the criteria and be able to qualify for certain benefits. It is a complex situation and it is important to understand specific situations in the planning phase to ensure the strategies put in place with not be detrimental to children. Monitoring and evaluating impact on children are important for any unintended impact.

Create ownership at the community level, through engagement and greater community participation, including the participation and empowerment of children

Improving the transfer of knowledge to the communities enhances participatory opportunities at the grassroots level for addressing child labour. With the knowledge, communities can take the lead in ensuring the protection and development of their children in a coherent manner. Children need to be part of the process in ways that are child-friendly and their views need be considered for issues that will affect them. They can monitor the situation and bring incidents of child labour to the notice of the authorities responsible for providing support to households and communities. Local level officials, trade unions, employer groups and NGO practitioners can receive training to be able to support the communities to prevent and eliminate child labour through partnerships and cooperative work.

Increase awareness at all levels

Awareness on a range of issues needs to be created among the children and communities, the local level officials and governmental and non-governmental service providers, district, provincial and central level functionaries and policy makers, trade unions, employers' organizations, the private sector and other sector-specific stakeholders. Issues to be covered by awareness raising programmes need to be tailored to specific groups.

Strengthen the capacity of key stakeholders, including employers, workers and teachers and their organizations, and the private sector

No matter how great a plan is, its impact on the beneficiaries will be great only if it is implemented effectively and the key to that is institutional and individual capacity within the context of good governance. The Roadmap 2016 highlights the need for capacity development in its Indicative Programme of Action section, proposing a comprehensive programme on a range of topics for multiple stakeholders. Strengthening of capacity is recommended through various training programmes as well as ensuring that guidelines are established to promote efficiency and effectiveness, integration of issues related to gender equality and inclusiveness, and that clear procedures are in place for implementation and coordination, and that a participatory approach is followed.

Trade unions can be effective in creating awareness among their members, identifying children involved in child labour, participating in child labour monitoring and protecting the rights of children. Employers' organizations, particularly their sectoral associations, are effective in supporting skills training initiatives and school to work transition. Strengthening the capacity of trade unions and employers' organizations on child labour issues and enhancing opportunities for their involvement in the prevention of child labour and the withdrawal of children from child labour is a strategy that has been successfully tested in ILO supported action across the regions. Furthermore, the involvement of employers' organizations and trade unions in developing public policies encourages them to develop and implement their own policies and implement action, thus broadening the stakeholder base.

Capacitate law enforcement and monitoring in the various sectors

In addition to strengthening capacities of the labour inspectorate, opportunities need to be explored for mainstreaming include child labour issues in specific enforcement set-ups, such as the tourist police, education inspectors, service delivery and monitoring systems for social protection, among others. Furthermore, to be effective, there needs to be smooth flow of information between these different actors and means of collaborative planning, action and review.

Ensure gender concerns are reflected in the mainstreaming process, its planning and implementation

There are various dimensions to the gender issues and these need to be taken into consideration in all stages, right from the initial data collection and analysis to planning and setting of strategies to implementation, monitoring, reporting and evaluations. It is also important to ensure that planners, implementers and service providers are gender-sensitive.

Support the plans and roadmaps of other sectors and establish linkages

Many sectors have policies, roadmaps and plans of action and it is important to ensure synergies. For instance linking to the Roadmap on the worst forms of child labour can reinforce action under the sectoral plans through common beneficiary targeting of families, for instance for cash transfers or income generating opportunities. It is critical that national, provincial and district child protection plans provide coverage of children at the workplace and work and that interfaces are established with protection measures related to labour enforcement and other any others covering child labour.

Ensure vulnerable children and those involved in child labour are target beneficiaries for welfare and protection programmes

A report prepared by UNICEF (Jayasinghe-Mudalige 2009)²³ indicates that while a number of social protection programmes are in place gaps do exist in relation to targeting of benefits and programmes may not always reach those who need them most. Vulnerable children and those involved in child labour and their families need to be beneficiaries of these programmes with the aim of providing children developmental opportunities including education and training leading to decent work at the legal age to work.

23. Based on data from three districts; Batticaloa, Trincomalee and Nuwara Eliya.

Mainstreaming Child Labour Issues in Key Development Policies

Foster convergence of policies and programmes and good governance

A number of government departments work on social welfare and social protection programmes. It is important to develop linkages between all these departments as well as those that work with the beneficiaries at the various levels. This will promote consistency in approach, and prevent duplication of efforts so resources are not wasted. Often, the perception of officials is that the responsibility for child labour matters falls within the purview of ministries and departments who have a clear child protection mandate. Training on the issues of child labour and on the role and responsibilities of various officials and other stakeholders can help address the issue in a convergent manner.

Examine good practices from various parts of the country and other countries

There is learning from experience within Sri Lanka and other countries to inform action on child labour. Some countries have tried social protection measures that are likely to impact the work and education situation of children. Among these are the conditional cash transfers in Brazil and Indonesia. These transfers have the condition that families receiving the benefits must have their children in schools. India's mid-day school meals prepared by communities have also had positive impact on children's participation in school.

Monitor, evaluate and channel learning into practice, policy and to communities

Monitoring progress on mainstreaming against clear milestones will enable adjustments as needed and help maintain the momentum. Learning from all aspects of the experience needs to constantly feed into practice and be provided to stakeholders at all levels.



References

CEPA 2008: Gunetilleke N, Krupp S. and Goonasekera S. 2008. *Estate Workers Dilemma: Tensions and changes in tea and rubber plantations in Sri Lanka*. (CEPA Study Series No.4. Colombo. Centre for Poverty Analysis)

DCS (Undated). *Net enrolment ratio in primary education – 2006*. Department of Census and Statistics. <http://www.statistics.gov.lk/MDG/Indicators%20New/indica6.pdf>, accessed on June 2010.

_____. (Undated). *Primary completion rate – 2006*. Department of Census and Statistics. <http://www.statistics.gov.lk/MDG/Indicators%20New/7A.pdf>. Accessed June 2010.

_____. (Undated). *Literacy rate of 15 - 24 year old persons – 2006*. Department of Census and Statistics. <http://www.statistics.gov.lk/MDG/Indicators%20New/indica8.pdf>, accessed on June 2010.

_____. 1999. Child Activity Survey. Department of Census and Statistics (Sri Lanka. Department of Census & Statistics)

_____. 2009. Poverty in Sri Lanka: Based on the Household Income and Expenditure Survey 2006/07. (Sri Lanka. Department of Census and Statistics and the Ministry of Finance and Planning) <http://www.statistics.gov.lk/poverty/reportnew-Final.pdf>, accessed June 2010.

ESDFP 2007. *Education Sector Development Framework and Programme*, Government of Sri Lanka, Ministry of Education)

FFARS. Ten-Year Development Policy Framework of the Fisheries and Aquatic Resources Sector 2007-2016 (FFARS) of the Ministry of Fisheries and Aquatic Resources Development (MFAR).

Glinskaya, E., 2003. *An Empirical Evaluation of the Samurdhi Programme*. (Background paper for the Sri Lanka Poverty Assessment), (Colombo. Word Bank)

GOSL and ILO, 2010: *Sri Lanka's Roadmap 2016 on the Worst Forms of Child Labour – From Commitment to Action* (Colombo. Government of Sri Lanka & International Labour Office in Sri Lanka)

GOSL. 2009. *Mahinda Chintana Proposals: Summary of responses received from line ministries indicating status of implementation as at 30 June 2009*. (Compiled by the Government of Sri Lanka, Ministry of Plan Implementation)

Gunatilaka R. 2010: Safety Nets for Social Protection: Sri Lanka's *Samurdhi* Programme (UNESCO-ICSSR Research Meeting: Social Protection Policies in South Asia, New Delhi 2010)

Haspels, N and Suriyasarn, B. 2003. *Promotion of gender equality in action against child labour and trafficking: A practical guide for organizations*, (Bangkok, International Labour Office (ILO), IPEC, Regional Office for Asia and the Pacific (ROAP), Subregional Office for East Asia (SRO-Bangkok), accessed in May 2010, <http://www.bvsde.paho.org/bvsacd/cd27/gender-guide.pdf>

ILO, Amarasinghe, S. W. 2002. The Commercial Sexual Exploitation of Children: A Rapid Assessment. (Geneva, ILO, IPEC)

ILO. 2003. Situation Report on Child Labour: Plantation, Fire-Works Industry, Tile Industry, Coir Industry & Fishery (International Labour Office in Sri Lanka and IPEC, SPARC, unedited and unpublished)

_____. 2005. *Handbook on Laws - Pertaining to the Prevention of Child Labour in Sri Lanka* (International Labour Office in Sri Lanka and IPEC)

Mainstreaming Child Labour Issues in Key Development Policies

_____. 2007. *Review of Child Labour Related Legislation with special focus on Enforcement Mechanism in Sri Lanka*. (International Labour Office in Sri Lanka and IPEC)

_____. 2008a. *Social Security in Sri Lanka - A review of the social security system for the Ministry of Labour Relations and Manpower* (ILO/RP/Sri Lanka/R. 37), (Geneva, ILO Social Security Department, International Labour Office)

_____. 2008b. *Child Labour in Agriculture Sector* ((International Labour Office in Sri Lanka and IPEC, SPARC, unedited and unpublished)

Jayasinghe-Mudalige. 2009. *Social safety nets for vulnerable families in Sri Lanka*. (UNICEF, Draft report)

Kohler, G. Cali, M. and Stirrup. 2009. *Social Protection in South Asia: A review* (UNICEF Regional Office for South Asia)

MC 2010. *Mahinda Chintana: Vision for the future (Idiri Derma)*. Presidential Election Manifesto 2010 of President Mahinda Rajapaksa, 2010

TYDP. *Ten-Year Horizon Development Framework 2006-2016. Mahinda Chintana: Vision for a new Sri Lanka*. (Discussion paper. Department of National Planning and Ministry of Finance and Planning)

Ministry of Tourism: *Tourism for All: National Strategy for Sri Lanka Tourism (2009-2011)*

MFAR 2007a. *Ten year development policy: Framework of fisheries and aquatic resources sector 2007-2016*. (Ministry of Fisheries and Aquatic Resources), Accessed May 2010, <http://www.fisheries.gov.lk>

_____. 2007b. *Fisheries Statistics 2007*. April 2008. (Ministry of Fisheries and Aquatic Resources)

NPAC. 2010. *National Plan of Action for Sri Lanka 2010-2014. (Final Report submitted to the Ministry of National Planning*. Infotech Ideas)

OSAGI (undated), *Important concepts underlying gender mainstreaming*. (Office of the Special Advisor on Gender Issues and Advancement of Women Department of Economic and Social Affairs), accessed in May 2010, <http://www.un.org/womenwatch/osagi/pdf/factsheet2.pdf>

Remnant, F and Abdul Cader, A, 2008. *The multiple dimensions of child poverty in Sri Lanka: A literature review*. (CEPA Study Series No.3. Colombo. Centre for Poverty Analysis)

Salish, R., 2000. *The Samurdhi Poverty Alleviation Scheme*. (Geneva. ILO)

Sivaram, B 1997. *Changing face of the tea industry*. Accessed June 2010. <http://www.allbusiness.com/manufacturing/food-manufacturing-food-coffee-tea/621465-1.html>

Sri Lanka Tourism Development Authority (Undated). *Tourism for all: National Strategy for Sri Lanka Tourism 2009-2012*. Sri Lanka Tourism Development Authority
[<http://datastore.sltda.gov.lk/SLTDA/Reports/EnglishStrategyBook.pdf>]
<http://training.itcilo.it/decentwork/staffconf2003-sep/resources/session%20IV%20tabatabai.pdf>

US Department of State 1999. *Country Reports on Human Rights Practices – 1998*.

World Bank 2005. *Treasures of the Education System in Sri Lanka: Restoring Performance, Expanding Opportunities and Enhancing Prospects*. (The World Bank Colombo Office)

List of Abbreviations

CEPA	Centre for Poverty Analysis
DCS	Department of Census and Statistics
ESDFP	Education Sector Development Framework and Programme
FFARS	Ten-Year Development Policy Framework of the Fisheries and Aquatic Resources Sector 2007-2016
ILO	International Labour Organization, International Labour Office
IPEC	International Programme on the Elimination of Child Labour
MC	Mahinda Chintana 2010
MFAR	Ministry of Fisheries and Aquatic Resources
MLR&PP	Ministry of Labour Relations and Productivity Promotion
NPAC	National Plan of Action for Children 2010-2014
SAARC	South Asian Association for Regional Cooperation
UNICEF	United Nation's Children's Fund
WFCL	Worst Forms of Child Labour

Annex 1

At the time of this Report, the Cabinet/Parliament approval was under process for the Hazardous Work Regulations under the Employment of Women, Young Persons and Children Act, No. 47 of 1956.

The List under process is to prohibit the employment of any person under 18 years of age in the occupations as noted below:

- 1) Any type of work involving the slaughter of animals or the cutting or chopping of the flesh of animals.
- 2) Any type of work involving the manufacture or use of pesticides.
- 3) Any type of work involving the production, transport or sale of alcohol.
- 4) Any type of work involving the harvesting of tobacco.
- 5) Any type of work involving the manufacture, transport or sale of tobacco products.
- 6) Any type of work involving the use or handling of lead, zinc, asbestos or cement.
- 7) Any type of work in a club, bar or casino.
- 8) Any type of work involving the manufacture, transport or sale of explosives.
- 9) Any type of work involving the cleaning or repair of machinery in motion.
- 10) Any type of work involving fishing in deep seas.
- 11) Any type of work within a port.
- 12) Any type of work involving mining, quarrying or work underground.
- 13) Any type of work involving the transportation of passengers or heavy goods.
- 14) Any type of work involving diving.
- 15) Any type of work involving the smelting of metals.
- 16) Any type of work involving the screening of sand for glass manufacture.
- 17) Any type of work involving the melting or cutting of glass.
- 18) Any type of work connected with armed conflict.
- 19) Any type of work involving the manufacture, handling, transport or disposal of hazardous chemicals.
- 20) Any type of work involving the use or handling of radioactive materials.
- 21) Any type of work in unguarded locations at places above 1.5 metres in height.
- 22) Any type of work involving the collection or disposal of garbage or sewage.
- 23) Any type of work connected with the tanning of leather.
- 24) Any type of work involving the collection of wood in a forest.
- 25) Any type of work involving the felling of trees.
- 26) Any type of work involving the lifting, carrying or moving of any load over 8 kgs. in case of males, and over 5 kgs. in weight in case of females, exceeding for 50 metres and over durations exceeding 10 minutes.
- 27) Any type of work involving the mining of minerals.
- 28) Any type of work involving tree climbing.
- 29) Any type of work involving the manufacture of brass articles.
- 30) Any type of work involving the manufacture or sale of fireworks.
- 31) Any type of work involving the providing of room service in hotels.
- 32) Any type of work involving the serving of alcohol in hotels or restaurants or eating houses.
- 33) Any type of work involving the carrying of stones to, or from, a stone crusher.
- 34) Any type of work near or around a stone crusher.
- 35) Any type of work involving sand mining.

Mainstreaming Child Labour Issues in Key Development Policies

- 36) Any type of work involving loading or unloading of sand to or from a vehicle or vessel.
- 37) Any type of work involving the accompanying of tourists whether as guides or otherwise.
- 38) Any type of work at a lime stone kiln.
- 39) Any type of work involving the while washing of buildings.
- 40) Any type of work involving the following operations in the manufacture of textiles
 - a) Yam making;
 - b) Carding
 - c) Spinning
 - d) Weaving
 - e) Melting of wax
 - f) Mixing with dyes
 - g) Putting in molds
 - h) Working with hydro extracting machines
- 41) Any type of work in a foundry or metal grinding shop.
- 42) Any type of work near, or around a kiln for the manufacture of bricks or tiles.
- 43) Any type of work involving the production of rubber sheets by the chemical treatment of latex.
- 44) Any type of work at a call-centre.
- 45) Any type of work involving the marketing of goods and services by telephone.
- 46) Any type of work involving the cutting or carrying of stones.
- 47) Any type of work involving levelling, ramping or tarring, for the purposes of road construction or land reclamation.
- 48) Any type of work involving the harvesting, packing, loading or transport of salt.
- 49) Any type of work between 8 pm in the night and 6 am in the morning.
- 50) Any type of work on a vessel operating in inland or maritime waters.
- 51) Any type of work involving acrobatic performances, other dangerous physical performances or handling of animals.
- 52) Any type of work as domestic servant except where there is provision for a young employed as a domestic servant.

Source: Ministry of Labour Relations and Manpower, Sri Lanka: List attached to communication to ILO Office in Colombo, dated 20 March 2009.



International Labour Organization
202-204 Bauddhaloka Mawatha, Colombo 7, SRI LANKA
Tel: +94 11 2592525 Fax: +94 11 2500865
Email: colombo@ilo.org
Website: www.ilo.org/colombo

ISBN 978-92-2-125697-7