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DWT Briefing Note

South Asia Regional Strategies on Child Labour – 2013

Notwithstanding progress and initiatives to address child labour in many South Asian countries, the severity of child labour continues, with the region being host to the highest number of children who are engaged in child labour and others exposed to immense vulnerabilities. South Asia has countries with some of the highest numbers of children who are and will continue to be out of school post 2015. While child labour data is not available for all countries in South Asia, various data on employment of 7-14 year olds and 15-17 year olds from national statistical offices indicates a wide range of 2.5 per cent (India) to 40 per cent (Nepal) 7-14 year old children as being engaged in employment. Also of concern are the high per cent of children, particularly girls, in this age group who are reported neither in employment nor in education -10 per cent (Bangladesh) to 12.6 per cent (Pakistan). Many of these girls are likely to be involved in household chores, or even domestic child labour; some may have been victims of child marriage. Fewer girls than boys in Pakistan, Nepal and India are likely to be attending school and this calls for more attention to gender-specific strategies to ensure that girls are in school and not at work. Similarly, statistics show that rural children in South Asian countries except Sri Lanka and particularly Bhutan, Nepal and India, are less likely to be in school and are more likely to be either working or inactive (neither in school or employed) .

South Asian countries have large youth populations and many are dealing with issues of youth unemployment/underemployment. A sustained lifecycle approach to employment that begins with a priority on ending and preventing child labour, educating all children, and meaningful transition to work can help resolve the youth unemployment problem in the near future.

CHALLENGES AND CONSTRAINTS

In December 2008, IPEC and ILO staff across South Asia, together with the ILO South Asia management and specialists identified priorities at the Consultative Workshop on Strategic Planning and Team Development, organized in Kathmandu, Nepal. The challenges and constraints identified have since been reinforced and are prevalent in South Asia. Among these are: the deteriorated security situation as a result of conflict and terrorism that posed immense challenges to reaching and delivering to target groups; the various impact of natural and other disasters and the global economic crisis, particularly at the household level where families have had to adopt coping strategies – including withdrawing children from schools and sending them to work; the

increased movement of children and families in search of better opportunities only to fall prey to trafficker; the risks of unregulated supply chains in the informal economy that are highly conducive to child labour; and exclusion of vulnerable groups, including minorities and migrants.

This situation is exacerbated in light of weak social and child protection systems, inadequate education coverage leaving those in child labour and other vulnerable children outside the circle of achievement. In some places the very notion of education, particularly education of girls, itself is challenged. Where physical and social insecurity and poverty have escalated, all types of violence against children, including child labour and its worst forms, have escalated concurrently.

Strategic Developments

Recent years have seen strategic developments in regard to legislative action, programmatic approaches and partnerships.

Legislative: The Government's position on key elements of the Child Labour (Prohibition and Regulation) Act, 1986 evolved, leading to a recommendation to the Parliament in 2012 for amendment to the Act. The proposed changes will lead to raising the minimum age for hazardous work to 18 years and establish a minimum age of 14 years for employment. This will make India's child labour legislation consistent with its Right to Education Act (2009), which mandates education for all children below 14 years. The Government has expressed its intention to ratify ILO Convention No. 138 on Minimum Age to Employment and Convention No. 182 on the Worst Forms of Child Labour following the amendment of the Child Labour Act. The move has been welcomed by social partners and civil society in India and the international community.

Programmatic: The most recent ILO-supported project, namely the Convergence Child Labour Project, which ended in 2013, focused on the concept of Convergence, as articulated in the National Child Labour Policy (1987) and prioritized by the Core Working Group on Convergence. It was implemented in ten districts in five States. It tested strategies to leverage benefits of various schemes related to education, social protection, and poverty alleviation, with the objective of preventing and eliminating hazardous child labour. Lessons from implementation can be usefully integrated into action on child labour in the framework of the Decent Work Country Programme.

Partnerships: Meaningful partnerships are the bedrock for action on child labour. Among strategic partnerships is inter-ministerial collaboration to pursue mainstreaming of child labour issues and action in the work of relevant ministries and departments and to give effect to convergence. Cooperation with the National Commission for Protection of Child Rights (NCPCR) and civil society has become more important in view of the enactment of the RTE.

Beyond the national level, MOLE organized the SAARC Child Labour Workshops in 2009 and 2013 in collaboration with Ministry of External Affairs. There is expectation from the other countries that MOLE will continue its lead on the issue, bringing to light good practices through the South-South Cooperation modality.

The Ministry of Women and Child Development is a Governing Board Member of the SAARC Apex Body on Children, namely, South Asia Initiative to End Violence against Children (SAIEVAC). Child labour is one of several key issues on the agenda of SAIEVAC, with which the ILO signed a Memorandum of Understanding in 2012 on child labour/child rights. The ILO, in its capacity as Chair of the UN/INGO interagency group, namely South Asia Coordinating Group on Action

against Violence against Children (SACG), is also presently a Governing Board Member of SAIEVAC.

In 2013, the ILO, in collaboration with SAIEVAC organized a training programme at the ILO's International Training Centre in Turin on the topic of UN CRC and ILO Child Labour Conventions: towards greater coherence in reporting and action. Representatives of MOLE and MWCD participated in the course and together with multi-stakeholder representatives from other SAARC countries, contributed to elaborating a South Asia Regional Strategy to End Child Labour.

PRIORITY RESPONSE STRATEGIES

To eliminate child labour, through gender-sensitive strategies that prioritize the worst forms, requires concerted efforts by governments, employers' organizations, trade unions, non-governmental agencies, local and international communities and a host of other stakeholders. A number of complementary approaches are critical at the policy and direct intervention levels for developing and implementing long-term solutions in the struggle against child labour in the South Asia region. Strategy priorities identified in 2008 continue to be thematic priorities in comprehensive approaches that combine numerous strategies: labour inspection and child labour monitoring systems, community empowerment, skills/vocational training, linkages to youth employment, occupational safety and health, work with and through the social partners, trafficking, migration and internally displaced persons, and supply chains.

The following South Asia regional priority strategies are the outcome of consultations with constituents and ILO staff and other partners in the region through various fora, including project evaluations, staff consultations and the ILO constituents' country priorities as reflected in the Decent Work Country Programmes. They are also a result of the lessons learned and the acknowledgement of the challenges faced by the children and programme implementers; the ILO's value added to focusing attention on child labour as a critical dimension of the life-cycle approach to decent work; and the value in partnerships and collaboration with major actors on the issue.

Priority Strategies and Action on Child Labour (2014-15)

The following priority strategies are the outcome of consultations with constituents, ILO staff and other partners through various fora, including project evaluations, staff consultations and the ILO constituents' country priorities as reflected in the Decent Work Country Programmes. They are also a result of analytical work, lessons learned and the acknowledgement of the challenges faced by the children and programme implementers; the added value that the ILO can bring to focusing attention on child labour as a critical dimension of the life-cycle approach to decent work; and the value in partnerships and collaboration with major actors on the issue within the country and at the South Asia regional and international levels.

The following are indicative actions that can be undertaken with support of the DWT (child labour specialist in collaboration with other specialists). Most technical advisory services are provided by the specialists but some actions will require additional resources.

Support to ratification and implementation of C.138 and C. 182

Of the seven Member states in South Asia, six have ratified C.182 and five have ratified C.138. National laws are by and large yet to achieve coherence with the Conventions.

- Upgrading the legal framework and enforcement; and promoting an integrated and comprehensive approach to labour inspection and monitoring.
- Advisory services and support to constituents to address issues raised in comments by the ILO Expert Committee on Application and Reporting of Conventions (CEARC) and developing synergies with the monitoring and reporting on other relevant UN and regional conventions.
- Strengthening policy and programme collaboration and interfaces between the government agencies that have mandate for the various worst forms of child labour, children, social protection, education, planning, sectoral ministries and others as relevant.
- Assessing child labour related institutional structures and mechanism and providing advisory services on their coherence and improvement where needed.
- Institutional capacity development and integration of child labour issues in national training programmes, such as staff colleges, national and sub-national labour training institutes, regional human resource development centres.

Enhanced knowledge base on child labour issues

- Support to research, particularly for policy and evidence purposes, with a focus on integration of child labour issues in ILO and national/regional research on relevant issues, promoting ILO methodologies through local institutions.
- Documentation and dissemination of good practices/lessons from evaluation reports and elsewhere, particularly through the South-South and Triangular Cooperation modality, utilizing mechanisms of the South Asia Association for Regional Cooperation (SAARC), such as the South Asia Initiative to End Violence against Children (SAIEVAC) – a SAARC Apex Body on Children, and others, such as the UN and international non-governmental inter-agency South Asia Coordinating Group on Action against Violence against Children (SACG).
- Enhanced understanding of child labour in the context of labour market issues, the employment life-cycle approach, and the various frameworks that are utilized in the region.
- Promoting a child labour indicator and its measurement at the SAARC regional level as part of the SAARC Development Goals.
- In-country and South Asia Partnerships, Networks and Integration of Child Labour Issues in Multiple Development Frameworks.
- Enhancing and expanding partnerships and alliances within countries - with and amongst governmental and other agencies - social partners, rights-based NGOs, implementers, policy makers, the private sector and groups with a view to effective integration of child labour issues in relevant frameworks, programmes and budgets – e.g. social protection and action against

violence against children, disaster mitigation and management, crisis, hunger, skills training, social/child protection, thereby leading to integration in national plans and UNDAFs.

- Support to implementation of the ILO-SAIEVAC MOU to promote regional integration on the issue of child labour and child rights.
- Support to SAARC Development Goals and commitments and promoting clarity of concepts, and coherence in approaches, particularly as related to cross-border issues.
- Support to workers' and employers' efforts for integration of child labour issues in their work, advocacy and awareness raising.

Advocacy and Awareness Raising

- Engaging with think tanks – policy and knowledge networks, research centres/institutes – to advance a comprehensive child labour agenda in policy and knowledge work in the countries and at the South Asia regional level.
- Support to awareness raising and education campaigns at all levels and across areas of relevance, particularly those targeted at local communities.
- Orientation of the local and regional media.

Tailoring Responses to Fragile/Conflict Situations

The situation of children is a particular concern in countries with conflict or security concerns, whether internal or cross border. In such situations, access to child protection services and education are affected on the one hand and on the other children and adolescents are lured to participate in conflict related action. Both these aspects result in the worst forms of child labour.

Provision of expert advisory services to constituents and other stakeholders

- Providing evidence-based advisory services, particularly on mainstreaming of child labour issue in key policies, programs, budgets and development/human rights frameworks (including the ILO's work) at the planning, monitoring and evaluation levels.
- Further institutional mainstreaming in the ILO's work – DWCP, tripartite constituents, esp. data collection and reporting, tools.
- Developing region/country specific simple and usable guidelines for mainstreaming.

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