



South Asia Strategy against Child Labour

Protecting child rights, promoting development

8 September 2013 (endorsed by the SACG in its meeting of July 2013, Kathmandu)

BACKGROUND AND THE SOUTH ASIAN CHILD LABOUR CONTEXT

This South Asia Strategy Against Child Labour (SASACL) is the outcome of multi-stakeholder consultations and recommendations as articulated by participants at least three meetings¹ in 2012 and 2013 and as recommended by the South Asia Coordinating Group on Violence against Children (SACG) to the SAIEVAC Governing Board. Participants to these meetings, being representatives of the South Asia Association for Regional Cooperation (SAARC) Governments, employers' and workers' organizations, and civil society representatives, recognized that despite the economic and social gains in South Asia, ending child labour, together with addressing other forms of child rights issues, had remained a challenge. Nonetheless, the South Asian countries are determined and committed to bringing accelerated change through invigorated collaboration and strategic action focused on the prevention and elimination of child labour and the protection of child rights, building on experiences and partnerships.

South Asia is the region with the greatest number of children and those engaged in child labour. A large number of these children in the age group of 7 to 17 year olds are in employment, many of them in child labour and in its worst forms, with girls and marginalized populations being at a particular disadvantage. Yet, not only the regional, but the global critical fight against child labour must be won in South Asia if the goals of elimination of child labour, education and protection for all children, equity are to be achieved.

The Asia and the Pacific region has over a 100 million 5-17 year olds in child labour – which is the highest number of any region, and likewise the highest number of 5-14 years old. It also has the highest number of children in hazardous work – over 40 million (40 percent of the global total).

Indications are that the bulk of these working children are in the South Asian countries, which are home to one-third of the world's children and are coping with numerous contextual challenges, including household poverty, extensive informal economies and unregulated

¹ These are the Second SAARC Tripartite Workshop on Child Labour, organized by the Government of India, Ministry of Labour and Employment and the VV Giri Labour Institute in collaboration with the ILO in May 2013 in New Delhi; the South Asia Regional Consultation on the UN Study on Violence against Children and Follow-Up Actions, organized by SAIEVAC, hosted by the Government of Sri Lanka, in collaboration with the SACG in May 2012 in Colombo, Sri Lanka; and the Workshop on the UN CRC and ILO Child Labour Conventions - Towards greater coherence in reporting and action Organized by the ILO in collaboration with SAIEVAC and the Office of the Special Representative of the Secretary General on Violence against Children (SRSG VAC) in June 2013 at the ILO International Training Centre in Turin.

agriculture sector, vulnerabilities caused by conflicts and natural disasters, movement of persons in the form of migration/trafficking from rural and agricultural areas to cities and cross borders as well as internal displacement of persons, bonded labour and exclusion, insufficient reach of social protection measures, youth unemployment, inadequate capabilities for enforcement, uninformed public, and coordination and delivery bottlenecks.

Notwithstanding these challenges, South Asia countries have demonstrated successful and flagship and trendsetting strategies and initiatives in the areas of policy, multi-stakeholder partnerships – including public-private partnerships. These countries have tested models focusing on the urban informal economy, agricultural informal bonded labour contexts, specific manufacturing sectors, response to natural disasters, skills training, community-based and convergence-based models, and numerous other initiatives. Different variations of an array of strategies have been conceived and tested in the region.

The Worst Forms of Child Labour

While the ultimate goal remains the progressive elimination of all forms of child labour, the priority is the Worst Forms of Child Labour, which are categorized in Convention No. 182 as follows:

- a) All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflicts; *(Corresponds to Article 35 of the CRC)*
- b) The use, procuring or offering of a child for prostitution, for the production of pornography or pornographic performances; *(Corresponds to Article 34 of the CRC)*
- c) The use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; *(Corresponds to Article 33 of the CRC)* and
- d) Work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

SAARC Commitments

The South Asia Strategy against Child Labour will further promote and support other regional Commitments on Children made by the SAARC Member States. Among these are The Rawalpindi (Ministerial) Resolution on Children of South Asia (1996), the SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia (2002), the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution (2002), the Colombo (Ministerial) Statement (2009), and the SAARC Development Goals (SDGs), and the South to South Cooperation on Child Rights 2010.

Commitments to International treatise

United Nations Convention on the Rights of the Child (UNCRC); ILO Conventions No. 138 on Minimum Age to Employment, and No. 182 on the Worst Forms of Child Labour; Optional

Protocol to the UNCRC on Sale of Children, Child Prostitution & Child Pornography; and the Optional Protocol on Involvement of Children in Armed Conflict.

SCOPE AND PURPOSE OF THE SOUTH ASIA REGIONAL STRATEGY AGAINST CHILD LABOUR

Child labour is a multi-dimensional phenomenon requiring a multitude of solutions to be planned and delivered in harmony and coherence by a range of stakeholders from the policy makers to the families and children at the grassroots level. This multi-dimensional approach requires that action against child labour be an integral part of the range of human rights and development frameworks. Primary among these are the policies and frameworks on and related to child and social protection, violence against children, education and training, youth employment, decent work and various poverty eradication efforts.

Within countries, a number of different ministries at the central level and their respective departments and offices at the sub-national levels are mandated to deal with child labour. Among the key ones are the ministries of labour and employment, child development, social welfare, education and a host of ministries focusing on sectors which are confronted with the problem – agriculture, mining, tourism, and urban development, as well as agencies dealing with internal and external migration and trafficking. Non-state actors, including employers' and workers' organizations, civil society organizations, and business entities also cover child rights and child labour issues within the scope of their mandates and work.

In view of the above, the purpose of the SASACL is not to duplicate national efforts but to reinforce and re-invigorate them through approaches that promote and nurture a culture of coherence and synergy to prevent and eliminate all forms of child labour, with a priority on the worst forms and the special situation of girls and excluded and vulnerable populations. Through such approaches, the SASACL will enhance knowledge generation, dissemination and utilization; capacity development including for enforcement and implementation; innovative and strengthened partnerships; and effective resource mobilization so as to accelerate the pace and scope of action and policies that will ensure children's rights and end all violence against children.

The SASACL envisions a series of actions through the following streams:

- **The SAIEVAC Regional Secretariat:** to strengthen institutional capacity of SAIEVAC to implement the SASACL as part of its Work Plan (2012-2016) and in coherence with the other elements of the Work Plan. Such coherence will maximize impact by drawing from their collective strength and value, promoting its wide-spread implementation through its national mechanisms.
- **The SAIEVAC National Mechanisms and Civil Society Partnerships, including with children:** to foster synergies across the South Asia Regional and national levels for collaborative and coordinated policies, programmes and their implementation across ministries, departments, agencies (national and international),

training institutions and resource centres to ensure seamless protection for all children, in all settings, at all times.

- **SAARC, South Asian and South-South and Triangular cooperation mechanisms:** to promote and implement innovative, do-able and sustainable solutions within the SAARC region and with other regions, encouraging the sharing of social policies, experiences and successful measures.

PRIORITIES AND ACTION UNDER THE SASACL

The following priorities identified by multi-stakeholders in South Asia are applicable at the policy and action programme levels, both horizontally and vertically across administrative and institutional levels. Given the varying degrees of development and contexts from country to country, and within each country from region to region, the level of focus on the various priorities at any given time will differ accordingly.

1. Universal Ratification by SAARC Governments of core international treaties related to child labour and their effective implementation.

- Ratification of international conventions against child labour, particularly ILO Conventions No. 182 on the Worst Forms of Child Labour and No. 138 on Minimum Age to Employment by all SAARC countries to which ratification applies.
- Harmonization of national laws based on the international standards, including the definitions of child labour, by all SAARC countries.
- Awareness creation, through various media, about national laws and related international treaties and promoting compliance, with particular attention to engaging with those with diverse perspectives.
- Resource allocation for addressing child labour through integrated inspection/enforcement systems based on collaborative and synergetic action by the various types of inspections, such as school, labour and police inspections, with due involvement of civil society and communities.
- Bringing issues to the attention of parliamentarians and groups that influence policy, and engaging in dialogue with them.

(Key agencies: Governments (labour, education, police, child protection), parliamentarians, law makers, SAIEVAC Regional Secretariat, SAARCLaw, SAARC Development Fund, employers' and workers' organizations, civil society organizations, youth and children's groups (with support of ILO, UNICEF and other SACG member agencies.)

2. Realization of the right to education for all children and appropriate skills training

- Legislated free, compulsory, accessible and appropriate education, to at least 15 years of age; with due consistency between the age for compulsory education and the legal minimum age for employment, apprenticeships and training.²

² The Commitment Statement of the Workshop Participants at the Second SAARC Regional Workshop on Child Labour (May 2013, New Delhi) expressed "...concern that despite gains in school attendance, education

- Upon completion of compulsory education, and at the appropriate age, provision of skills-based education commensurate labour market demands.

(Key agencies: Government (education, social welfare, labour, youth employment, training and apprenticeships, information, child protection), private sector for vocational and skills-based education; employers' organizations; those promoting public-private partnership models)

3. Integration/mainstreaming of child labour in issues and concerns in key national and regional development agendas and policies

- Integrating child labour in rural and urban poverty reduction strategy, and policies and programmes on education, training, youth employment, health, social welfare, child and social protection, employment and enterprise promotion, and sector specific policies and programmes among others.
- Reviewing selected, policies, plans and programmes, identifying key entry points, as well as resources and linkages for mainstreaming child labour issues including those related to the economic and social empowerment of the families and identification of beneficiaries for services. Preparing briefing notes on the recommended mainstreaming and advocating with the concerned agencies and actors.
- Emphasis on mainstreaming and convergence at sub-national levels (state and district).
- Mainstreaming in related regional plans and policies on Violence against Children and Child Protection.

(Concerned Ministries/Prime Ministers Office/UN Agencies/Development Partners/Civil Society)

4. Scaling-up and replicating effective re-integration and social protection schemes for the children involved in or vulnerable to child labour and other forms of child labour and families

- Liaison and partnerships with parliamentarians and think-tanks to promote successful initiatives and good practices and highlight policy issues, concerns, and knowledge regarding child labour and child rights.
- Promote and support the scaling-up and replication of effective schemes, such as cash transfers, school stipend, child-friendly spaces in communities and at work place; income generation and skill development initiatives, health insurance and health checks for vulnerable families.
- Liaison and partnerships with institutes and bodies that develop and promote basic technological adaptations which can make processes to be child labour free and to make them safer for older children/youth at legal working age.

(Key agencies: government ministries, working groups feeding into national development plans and agencies at the sub-national level, UN agencies, civil society organizations, financing institutions, media.)

spending in South Asia continues to trail the rest of the world, including developing countries in Sub-Saharan Africa and East Asia:.

5. Multi-agency coordinated and coherent system for supporting rehabilitation and reintegration of children withdrawn from the child labour and rescued from other abusive situations

- Rescue and removal must be followed by rights-based support for rehabilitation and reintegration of the exploited children.
- Special child-friendly measures put in place to support internal and cross-border trafficked and migrant children (including separated and unaccompanied children) to facilitate their return, rehabilitation and reintegration processes.
- The bi-lateral MOUs (rescue, repatriation, rehabilitation and reintegrated) that have been developed between Bangladesh, Nepal and India should be followed up by bi-lateral and multi-lateral agreements by other SAARC countries as well.
- Existing Standard Operating Procedures and Protocols should be assessed (if deemed inadequate), or new ones developed if needed involving all the key actors; and their implementation promoted.

(Key agencies: at the national and sub-national levels - law enforcement, social welfare agencies, non-governmental organizations, judiciary/immigration officials, labour, and health, among others).

6. Enhancing the knowledge base and data collection tools on child labour for a more precise understanding and clarity of concepts and operational indicators to identify trafficking of children for labour exploitation and children affected by or at-risk of child labour and other forms of violence.³

- Improved data collection with consistent and comparable data collection systems across the SAARC countries.
- Centralized database center, with links to national data centres, on child labour for monitoring and reporting on common indicators and the SAARC Development Goals related child labour and other aspects of violence against children.
- More readily-available tools that focus on the worst forms of child labour and provide information on the gender dimensions of the problem.
- Compilation and dissemination of good practices against child labour within and across regions/globally.

(Key agencies: bureau of statistics/labour force surveys office/labour and those responsible for specific worst forms of child labour/ICT departments).

³ This point draws from the Commitment Statement of the Workshop Participants at the Second SAARC Regional Workshop on Child Labour (May 2013, New Delhi), stating: "Realizing the fact that only by accurately identifying problem areas and vulnerable populations can SAARC member states take effective action against child labour and child trafficking, WE commit to enhance data collection tools and building knowledge resources to derive a more precise understanding of child labour and to have clarity of concepts and operational indicators to identify trafficking of children for labour exploitation."

7. Capacity development, raising awareness and social mobilization

The SASACL recognizes that adequate and relevant capacities of institutions, networks, and individuals are critical to achieving and sustaining positive results. It, therefore, encourages a range of capacity development activities including training, the adaptation and development of tools and training materials, exchange visits, learning from experience and good practices, awareness raising initiatives, campaign at all levels and across media, and others. Institutions within and outside the region that can contribute to this effort are to be identified and partnerships developed.

Specific target groups for the training are to be identified, among them civil society, workers and their organizations, employers and their organizations, public officials including law enforcement officials, members of the National Coordinating Group on Action against Violence against Children (NACG), youth and children's groups.

8. Strengthened coordination and implementation mechanisms at the Regional and National Levels

Regional Level

- Strengthen institutional capacity of South Asia Initiative for Ending Violence against Children (SAIEVAC) to integrate and implement the South Asia Strategy against Child Labour as part of its Work Plan (2012-2016).
- Mobilize adequate resources from the SAARC Development Fund and other donors in support of the South Asia Strategy against Child Labour.
- Promote greater collaboration and convergence with other SAARC Mechanisms such as SAARCLaw, SAARC Human Resource Development Center, SAARC Information Center, and Parliamentarians Caucus.
- Engage the ILO Tripartite partners in appropriate SAARC/SAIEVAC mechanisms.
- Create greater visibility of child labour issues within national and regional Children's Forums related to SAIEVAC
- Mainstream child labour in other regional plans and policies related to SAARC Convention on the Trafficking and Commercial Sexual Exploitation of Children (and related mechanisms such as SAARC Regional Task Force).
- Promote the realization of commitments in the SAARC Social Welfare Charter.
- Engage with other regional centres/bodies to learn from experiences.
- Promote successful strategies and lessons within and outside the region.

National Level

- Create broad-based partners involving key actors, including the employers' and workers' organizations (social partners) in the NACGs including in the reporting and follow-up processes for UN CRC Reporting.

- Promote the engagement of NACG/CSO inputs to the Reporting and Follow-up processes for the ILO Child Labour Conventions.

INSTITUTIONAL ARRANGEMENTS

This South Asia Strategy against Child Labour complements other child rights and child protection strategies and action in South Asia and draws from experiences within and outside the region. As the inter-governmental SAARC Apex Body on Children, working through national mechanisms that include governments, civil society, children and multi-lateral agencies, having a mandate that includes child labour elimination, and having signed an MOU on the subject with the ILO, SAIEVAC is well-placed to promote the implementation at the South Asia regional level through its Regional Work Plan and the SAIEVAC Governing Board and its partnership with the SACG, and at the national level through its national mechanisms.

The SAIEVAC Regional Secretariat, in cooperation with other SAARC mechanisms and entities, the SACG and other entities will mobilize resources for the implementation and promotion of the SASACL in a manner that is coherent with the framework and Action on Violence against Children.

Implementation and progress will be reviewed annually and will be monitored regularly as part of the SAIEVAC workplan and the implementation of the SAIEVAC-ILO Memorandum of Understanding (2012).

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