



PAKISTAN, 2006, (Left-right) Raz Mohammed, 10, Farooq, 8, and Musa, 12, sit on a pile of garbage in Quetta, capital of the southern province of Balochistan. They live on the streets and scavenge for food and items to sell.

## VIOLENCE AGAINST CHILDREN IN PLACES OF WORK

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## INTRODUCTION

Of all the settings where children are exposed to violence, the workplace is among the most difficult to address. According to international instruments and most national laws, children under a certain age (usually 15 but sometimes lower; see Table 6.1) should not be in the workplace at all, let alone in a workplace where they may be subject to violence. Yet well over 200 million children and adolescents do work, at ages both below and above the minimum legal age,<sup>1</sup> and many suffer ill-treatment, physical and psychological violence, verbal or sexual abuse.

Violence is a neglected aspect of debates on child labour; there are little data available, especially for child workers in the informal economy where the majority are to be found. Although specific studies are few, a growing body of information from organisations and from children themselves presents a convincing picture of an acute global problem. Violence towards working children has only remained ‘invisible’ because the direct question is rarely posed: for example, participants in the Study’s South Asia consultation noted that data are systematically collected on violence against female and other workers, but child workers are ignored. They also commented that values and perceptions have served to minimise and even undermine the issue of workplace violence against children – a comment that applies equally elsewhere.

Addressing violence has also been largely absent from explicit efforts to eliminate child labour, or to reduce its harmful and negative

aspects for those young people who are working legally. This is surprising, given that the image of child labour derives from the brutalities suffered by children in 19th century factories and mines.<sup>2</sup> Overt or implied violence was integral to the view of workplace abuse of children informing early campaigns against child labour. The effects on children’s physical growth and well-being were among the most potent arguments for its elimination.

The most obvious response to violence against children in the workplace is to remove them from it. However, it is important to recognise that for many children this is not an easy option. Programmes to remove children from violent workplaces have to ensure that the reasons they are there – economic, social and cultural – are simultaneously addressed, or they will simply return to them. Unless programmes engage with child workers and their families and seek to change attitudes, expectations and prospects, they are not likely to remove children permanently from an exploitative working life.<sup>3,4,5,6</sup>

It is also important not to further violate the well-being of children who work by penalising or criminalising them for circumstances beyond their control (see also the chapters on violence against children in the community and in care and justice institutions).<sup>7</sup> The reduction of violence against children in the workplace is not achieved by inflicting official violence on them, and deepening the stigmatisation they already endure. Young workers have themselves made a contribution, through Study Consultations, to an understanding of

*“Raids are conducted on our work places as part of the government programme to eliminate child labour, and working children are rounded up like stray dogs. We are pulled out of work, taken away against our wishes and illegally confined. The actual raid experience is very traumatic for us.”*

Child, South Asia, 2005<sup>1</sup>

the violence they suffer. They report losing their self-esteem through being denigrated in the workplace, and feel similarly denigrated when their work is treated as something evil to be abolished, ignoring their sincere attempts to contribute to family survival.<sup>8</sup>

Despite 150 years of experience in responding to exploitative and abusive child labour and the significant progress made in recent years in finding ways to remove children from the worst forms of child labour, experience in responding specifically to violence in working children’s lives is limited. This chapter looks at existing information and programmes in an attempt to open a new window on the working child phenomenon.

## HUMAN RIGHTS INSTRUMENTS

Standards to regulate child labour were the very earliest international instruments put in place concerning child protection. A Minimum Age (Industry) Convention was first adopted in 1919 by the newly formed International Labour Organization (ILO), at a time when the employment of children was regarded as a major social issue in Europe and North America.<sup>9</sup> The involvement of children in abusive, forced or violent types of workplace was also recognised and addressed by the Forced Labour Conventions No. 29 (1930), and No. 105 (1957); and in the 1956 Supplementary Convention on Slavery, which prohibits any practice whereby a child is given or sold by his/her parents to someone else for the purposes of labour or exploitation (article 1.d).

During the immediate post-colonisation era, the child well-being issues which mainly preoccupied international organisations and newly-independent Governments were public health and education. In 1973, the ILO adopted the Minimum Age Convention No. 138 (1973), which put under-age labour back onto the international agenda. This addressed the issue from the perspective of minimum age of employment of children and young people in different types of work with some flexibility according to countries’ different stages of development.

**TABLE 6.1 – Minimum ages according to ILO Convention No. 138**

CATEGORY OF WORK	IN GENERAL	WHERE THE ECONOMY AND EDUCATIONAL FACILITIES ARE INSUFFICIENTLY DEVELOPED
General minimum wage	Not less than the age of completion of compulsory schooling, and in any case not less than 15 years	Not less than 14 years for an initial period
Light work	13 years	12 years
Hazardous work	18 years (16 years under certain strict conditions)	18 years (16 years under certain strict conditions)

Source: ILO/IPEC (2004). *Global Child Labour Trends 2000–2004*. Geneva, International Programme on the Elimination of Child Labour, International Labour Organization.

During the 1980s, the protection of ‘children in especially difficult circumstances’, including children suffering from exploitation, came to the fore. This was due to the emphasis by NGOs on these issues, and the impetus they gave to the articulation of the 1989 UN Convention on the Rights of the Child (CRC). Although the Convention later took in the child survival and development – or public health – agenda, the main driver was child protection;<sup>10</sup> thus the vision of child rights established in the CRC fully embraced the need to protect children from exploitative work of all kinds.

### Exploitative work and the Convention on the Rights of the Child

A specific article in the CRC is devoted to work (article 32). This recognises “the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development.” The article goes on to oblige States to “provide for a minimum age or minimum ages for admission to employment” and other key aspects of a regulatory regime. Other articles



*“Preventive action against violence in the workplace affecting children is essential. Start with keeping or getting under-age children out of these situations and allowing them to be or remain in school. And there has to be zero tolerance of violence against children wherever they work.”*

Frans Roselaers, Editorial Board of the UN Secretary-General’s Study on Violence against Children

## HUMAN RIGHTS INSTRUMENTS

that relate to the exploitation of child labour include article 34 (protection from sexual exploitation); article 35 (protection from trafficking); and article 36 (protection against all other forms of exploitation).

However, the notion of child protection in the CRC goes well beyond non-exploitation. Within its holistic framework for the upbringing, well-being and development of the child, the CRC covers a number of rights potentially at risk in cases where children work. These include article 2 (protection against discrimination); article 3 (primary consideration given to ‘the best interests of the child’); and article 8, the right to identity (working children may be denied the use of their own name). There are also rights to access to health (article 24), education (article 28), and recreation (article 29), which the working child frequently does not enjoy.

Certain CRC articles apply to specifics of the working situation, especially when a child is working away from home and is under the control of some adult other than the parents. These include article 19 (protection from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment); article 27 (the right to an adequate standard of living); and article 37 (protection from torture, cruel and degrading treatment and arbitrary deprivation of liberty). Finally, the rights relating to civic participation apply to working children as to others: article 12 (the right to be consulted); article 13 (the right to seek and impart information and views); and article 15 (the right to freedom of association).

### Post-CRC developments

In 1992, growing concern with the plight of working children led the ILO to launch the International Programme on the Elimination of Child Labour (IPEC). The elimination of child labour began to be recognised also as a core labour standard, including at the World Summit for Social Development in Copenhagen (1995), and the WTO Ministerial Conference in Singapore (1996). International meetings on child sexual exploitation and child labour took place in Stockholm (1996), Amsterdam (1997), Oslo (1997), and Yokohama (2001).

In 1999, the ILO adopted Convention No. 182, the Worst Forms of Child Labour Convention, targeting the most hazardous and exploitative situations in which children are found.

The purpose of the new Convention was to strengthen the international legal framework for action by focusing more widely than on minimum age of employment. With its passage, the international profile of activity to tackle child labour reached an unprecedented level. The concept of ‘worst forms’ helped establish global priorities, and directed attention to the impacts of work on children as well as on the type of work they perform. A ‘worst form’ is not occupationally defined internationally, but by participating countries for their own context. However, some ‘unconditional worst forms’ are identified as universally outlawed.

Taken together, Conventions Nos 138 and 182 set the boundaries of the types of work that are unacceptable under international standards. These standards express the consensus view that work which falls within the legal limits and does not interfere with the child’s health and development or prejudice their schooling can be a positive experience. Child labour proscribed under international law falls into three categories:<sup>11</sup>

- Unconditional worst forms of child labour, which are internationally defined as slavery, trafficking, debt bondage and other forms of forced labour, forced recruitment of children for use in armed conflict, prostitution and pornography, and illicit activities.
- Work that jeopardises the physical, mental or moral well-being of a child, either because of its nature or because of the conditions in which it is carried out, known as ‘hazardous work’, which should be defined at the national level and prohibited for all children under 18 years; hazardous work is defined as work “which exposes children to physical, psychological or sexual abuse.”
- Work that is performed by a child who is under the minimum age specified for that kind of work, and which is thus likely to impede the child’s education and full development. The minimum working age should not be lower than the age for completing compulsory schooling, and normally at least 15 years. However, light work that is not harmful for the child and which does not hinder education may be allowed from 13 years onwards, but only for a limited number of hours.

The adoption of Convention No. 182 created a consensus among international bodies and NGOs on priorities for ending child labour, beginning with the worst forms. Additional international concern with child sexual exploitation led to two further





*'We all come from the same village in the south. We came to the city to work and have not seen our families since we left. We pay rent and live together as a group to defend ourselves from thieves.'*

Shoeshine boys, Eastern and Southern Africa, 2003<sup>11</sup>

## HUMAN RIGHTS INSTRUMENTS

international legal developments: the Palermo Protocol on the trafficking of persons, especially women and children (2000); and an optional protocol to the CRC on the sale of children, child prostitution and child pornography (2000). These protocols are directly relevant to the likelihood of violence against children in situations of economic activity where there is international unanimity that children should not be employed.

## BACKGROUND AND CONTEXT

Children have always worked. Many forms of child work are a natural part of growing up; traditionally, the child assumed domestic working responsibilities – carrying water, minding siblings, herding goats, helping parents at the loom or spindle – at the earliest practicable age. These activities fused with ‘work’ in its economic sense as the child grew older. Many children in the world today still work in family-based activities as part of the informal economy. Some of this work contains risk of violence. It may involve children taking animals to pasture far from home and being exposed to marauders; it may be associated with seasonal migration for agricultural work, when children accompany their families and work in settings where conditions are extremely tough. It may involve them leaving home for a precarious and unsafe life in town.

In some places and among certain classes, castes or ethnic groups, parents place greater value on children being employed in economic activities

than going to school;<sup>12</sup> this attitude is particularly likely where the quality and relevance of the available schooling is low. In settings with a strong social hierarchy, it may be normal for children from a disadvantaged background to be assigned to work for better-off families at an early age. Children in such societies are at the very bottom of the pecking order. They are seen as the property of the family or employer, and do what they are told.<sup>13</sup>

## THE EMERGENCE OF CHILD LABOUR AS A POLICY CONCERN

The issue of child labour has had a particular genesis as a public policy concern. Until the industrial revolution of the 19th century, work was seen as being the lot of poor children from an early age. As in much of the developing world today, children made a working contribution to the family economy. Child labour became a public issue when large numbers of children left the relatively protected environment of the family or family workshop, and became exposed to hazardous conditions in factories and mines.

Though competing interpretations have been proposed by historians for the decline of child labour in the industrialisation process of the 19th and 20th centuries, an important factor was the changing ideology regarding childhood.<sup>14</sup> In 19th-century Europe, child labour began to be viewed as wrong because it violated the notion that children had a right to childhood, and that the State should protect that right. For the first time came the public assertion that children had the right *not* to work, and *not* to be exposed to dangers, exploitation and abuse in the ‘new’ – organised and industrialised – workplace.<sup>15</sup>

In responding to what had become the notorious phenomenon of ‘child labour’, social reformers put in place a number of interventions which remain in the contemporary portfolio: public inquiries, minimum age legislation, compulsory education, labour inspection,

and providing education for working children. The modern campaign has had to take into account a rather different process of industrialisation, and the fact that childhood in many developing societies is constructed differently than in westernised settings, with continuing expectations that children should help shoulder family needs and responsibilities at an early age.<sup>16</sup>

### THE CONTEMPORARY CAMPAIGN AGAINST CHILD LABOUR

The contemporary drive against child labour has been accompanied by international, academic and NGO attempts to enhance understanding of its dynamics and remedies – although violence as a specific issue has been neglected. The information generated enables a picture to be drawn of occupations and workplaces where violence can be assumed to be more or less likely to occur.

Global estimates indicate that the vast majority of children’s work (69%) is in the agricultural sector, followed by 22% in services and 9% in industry (see Figure 6.1).<sup>17</sup>

Many child workers operate within a family setting, and the informal economy harbours most child workers across all sectors. Gender plays a significant role in determining the different types of work done by boys and girls; for example, girls predominate in domestic labour, while boys are heavily represented in mining and quarrying.

Although analysis of sending factors shows some cultural drivers, the predominant reason



PERU, 1996, A boy and a girl carry pumice stones, out of an underground volcanic mine near the southern city of Arequipa.

*“Bihari ustads (masters) punish too much. My second ustad once hung me by the hands and beat me so hard, the stick broke. After that he continued beating me with the shuttle. I left him and worked under a third ustad. This one insulted me and did not pay me regularly.”*

Boy in sari industry, 15, South Asia, 2001<sup>111</sup>

why children work is ‘poverty’; this poverty may have been exacerbated by family tragedy such as the loss of parents, or other economic shock. Children below minimum working age often state that they are working because of their own or their families’ poverty, and children do more work in poorer societies.<sup>18</sup> Sending their children to work instead of to school can be seen as part of a ‘Faustian bargain’ that poor parents make for immediate economic gain.<sup>19</sup> Their children’s prospects in life, which depend on having an education, matter less than immediate family survival.

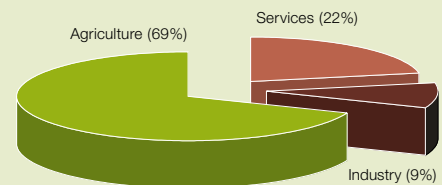
If a child goes out to earn because of acute family need, anxieties about personal safety will be overridden. By definition, the environments in which under-age children are sent to work are unsupportive of child rights; thus protection from physical, psychological or sexual violence (and other forms of harm) is often ignored. Since the main thrust of child labour campaigns and programmes has been to remove children from such workplaces for child developmental reasons, addressing the violence in them specifically has not up to now been a key preoccupation, except in the case of sexual exploitation and other forms of work where the occupation is itself abusive. However, this may not always be the main source of workplace violence.

### **Conflict, HIV/AIDS, and economic globalisation**

Many challenges have emerged in recent years to compound the problem of child labour and workplace risk. In sub-Saharan Africa, in post-conflict countries such as the Democratic

**FIGURE 6.1**

### **Distribution of working children by sector in 2004**



Source: ILO (2006). *The end of child labour: within reach. Global Report.* Geneva, International Labour Organization.

Republic of the Congo, Liberia, Rwanda, and Sierra Leone, the increased presence of children on the streets and open spaces trying to secure the wherewithal to eat is the outcome of economic devastation (see the chapter on violence against children in the community).<sup>20</sup>

Another source of household economic ruin is the HIV/AIDS epidemic; in Eastern and Southern Africa, the loss of parents to AIDS has pushed many children into the informal economy in order to survive. In Ethiopia, the United Republic of Tanzania and Zambia, ILO/IPEC found a strong co-relation between the epidemic and the entry of orphaned children into occupations associated with violence such as domestic work, quarrying and prostitution.<sup>21</sup> In Zambia, 47% of children (average age 15 years) selling sex for money had lost both father and mother, and 24% had lost one parent.<sup>22</sup>

Though globalisation’s specific effects on child labour are little researched, there are strong

*“They take their childhood away from them when they make them work from an early age, struggling in the streets, they never have time for their own lives. When they should be at school, they must go to work, they can’t play and are traumatized by the insults and the aggressions they suffer everywhere.”*

Adolescent boys, Latin America, 2005<sup>IV</sup>

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indications from anecdotal reports that these are widespread and mainly negative. The increasing informalisation of labour in most regions of the world has seen the growing presence of all unskilled working people, especially young female workers, in precarious, vulnerable and low-earning activities.<sup>23</sup> Organisations involved with children working on the streets report that numbers are rising, although reliable statistics are few.<sup>24</sup>

Economic crises, such as those facing the Commonwealth of Independent States (CIS) in their transition to market economies, are forcing many children into street work and sexual exploitation as a means of survival, and fuelling a growing trafficking industry that often brutalises its victims. This picture is repeated in a number of regions, notably East and South Asia and Europe. However, data specifically on violence are difficult to find.

### **The importance of a child-centred perspective**

Since the adoption of the CRC, the importance of a rights-based child-centred perspective on the phenomenon of working children is now more widely recognised and its implications better understood. The views of children as an input to projects for the elimination of child labour have been more actively and systematically sought. This not only meets their right to participation, but has a practical purpose in that programmes which respect the views of working children and acknowledge choices they have made in their lives are more likely to attain their objectives than those where children and their families are seen as passive

recipients of interventions.<sup>25</sup> Greater familiarity with children’s working environments has provided a window onto the brutality and callousness many young workers face.

As a consequence of their life experience, working children often have a powerful sense of their own will and capacities; hence the existence of working children’s organisations in Africa, Asia and Latin America, which undertake programming and advocacy activity to fulfil their own agendas, including leaving exploitative and violent work. Other programmes to end child labour have helped develop groups in which working children participate, and which support their efforts to leave the workplace and gain education. The views of working children on harmful work tend to coincide with those of adults, and with those expressed in international conventions. They oppose the exploitation of children, work that inhibits education, work that involves long hours for little pay, forced labour, and work that endangers health or morals. They strongly oppose physical, sexual and psychological abuse of children in the workplace.<sup>26</sup>

### **NATURE AND EXTENT OF THE PROBLEM**

Much of what is known about violence in the organised workplace is derived from studies in industrialised countries and among adult workers, where the phenomenon appears to be on the increase. There has been a tendency to focus on physical violence. Only recently has the analytical perspective been extended to embrace verbal, psychological and sexual violence, including

sexual harassment, bullying or mobbing (gang-ing-up on and intimidating another worker).<sup>27</sup>

### THE EXISTING KNOWLEDGE BASE

Prevalence statistics on violence according to worker age group are lacking. In the regulated workplace where young workers are legally employed, safety codes and standards apply. However, these may not adequately protect young workers. They may be reluctant to report violence against them. Where employment is under-age and illegal, incidents are even less likely to be reported.

Child labour surveys may not be conducted in such a way as to elicit the reality of the violence under-aged workers experience.<sup>28</sup> In Cambodia, in a 2002 survey of working children, only 0.5% of the children indicated that they were exposed to mental and physical abuse. This contrasted with statements made at a 1997 workshop where the children reported widespread employer violence, including severe beatings, sexual abuse and electric shocks.<sup>29</sup> This example illustrates how hard accurate information is to obtain.

Where children are exploited in the informal sector, the knowledge base is more severely lacking while risks are greatly enhanced. NGOs and human rights organisations have undertaken qualitative surveys among relatively small groups of child workers in 'dangerous' or violence-prone occupations. But child workplaces are notoriously difficult to research. The Indian Government is rare in having made an effort to identify workplace violence and abuse perpetrated on children,

and comments that most of it occurs in the informal workplace where regulation is non-existent and solid data is lacking.<sup>30</sup>

### Types of workplace violence

The most common forms of violence against children in the workplace are:

- Physical violence, including beatings, kicking, slapping, whipping, scalding and in extreme cases, even murder;
- Psychological (emotional) violence including shouting, scolding, insults, threats, obscene language, bullying, mobbing, isolation, marginalisation, repeated discriminatory treatment;
- Sexual violence, including sexual harassment, fondling and rape.

The most frequent harm to working children's well-being from the violence they experience appears to be low self-esteem resulting from verbal abuse, humiliation and bullying.<sup>31</sup> Children frequently complain of the lack of respect in the way they are treated; in one study in Bangladesh, 84% of working children complained of insults and other hurtful words.<sup>32</sup> The violence working children experience is often systematic and part of a collective workplace culture of physical brutality, shouting, bad language, and casual violence including sexual taunts.

### Child labour statistics

New global estimates published by the ILO in 2006 indicated that, in 2004, 218 million children were involved in child labour. Of these, more than 60% (126 million) were deemed to



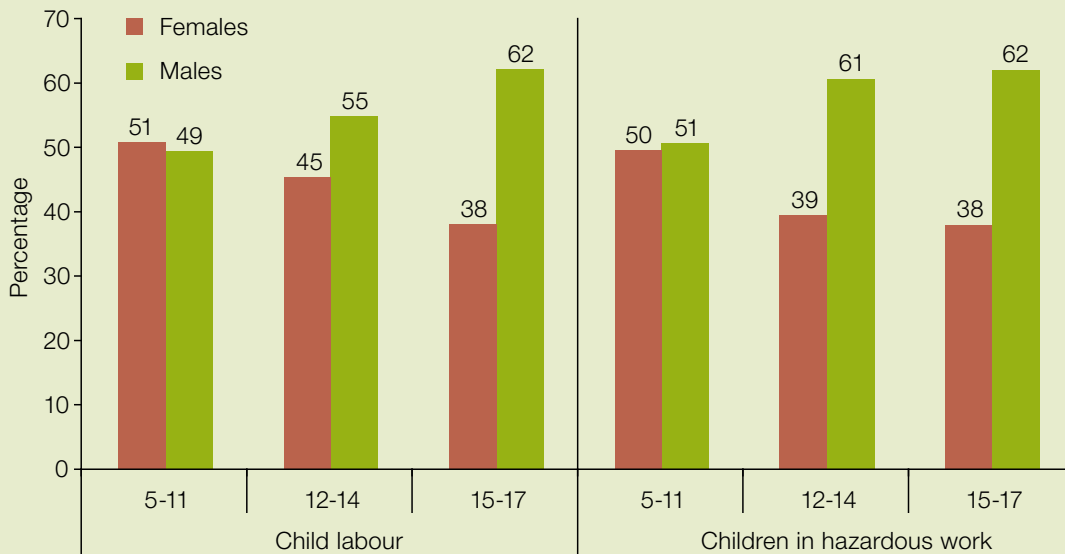
be in ‘hazardous work’. In the age group 5–14 years, 74 million children were working in hazardous situations. Between the ages 5 and 11, boys and girls tend to be equally represented in both child labour generally and hazardous labour more specifically. At older ages, boys are more involved than girls (see Figure 6.2). The overall trends show a reduction in child labour, especially in hazardous work.<sup>33</sup>

Hazardous work makes up the majority of the worst forms of child labour, and is not permit-

ted for any child under 18 years of age according to ILO Convention No. 182; nor are ‘unconditional’ worst forms of child labour, such as bonded labour, forced labour, child prostitution, or engagement in fighting forces. Some 8.4 million children are estimated to be employed in these forms. Of these, 1.2 million are victims of trafficking; 5.7 million are in forced or bonded labour; 300,000 children are involved in fighting forces; 1.8 million in prostitution and pornography; and 600,000 in illicit activities such as drug trafficking.<sup>34</sup>

**FIGURE 6.2**

**Children in child labour and in hazardous work by age and sex in 2004**



Source: ILO (2006). *The end of child labour: within reach. Global Report*. Geneva, International Labour Organization.

*"If I broke something or did something badly they would beat me with a shoe or a belt. I couldn't leave the house, they would lock the door when they left. When my mother came the last time to visit I told her I wouldn't stay at that house any more. I said, 'Either I go with you or I will run away or kill myself'."*

Boy, 14, domestic labourer, North Africa, 2005<sup>v</sup>

## CHILDREN IN CERTAIN HIGH-RISK WORK SETTINGS

Among workers in informal employment, certain occupations in which violence is a particular risk as a result of personal, workplace and/or environmental factors require special examination. Children whose occupations are on the street or in other 'open' locations are not specifically examined here, because their major risk is less often occupational than the result of being beyond the safety of a protected space. (See the chapter on violence against children in the community).

### Child domestic labourers

The taking-in of children from other households to perform domestic chores has long been seen in many societies as a form of surrogacy, adoption or assisting a child from a less fortunate family. In West Africa, there is a tradition of children migrating from rural to urban areas to work for others as part of their upbringing. In most of sub-Saharan Africa, exchanges of children between couples within the extended family used to be standard forms of mutual support.

Today, such practices have become increasingly commercialised. Millions of children live in the households of others at ever further distances from home, and undertake domestic work as 'helpers' or employees. Although a small proportion are boys, domestic work is normally consigned to females and is the largest employment category of girls under 16 years in the world.<sup>35</sup> Recruiters and traffickers in many regions supply rural girls from disadvantaged groups, depressed areas, and neigh-

bouring countries to feed urban demand for domestic help in countries all over the world.<sup>36</sup> Increasingly, this has become a form of unregulated employment and exploitation, even of servitude. This picture is confirmed by several recent studies pointing to the extreme vulnerability of child domestic labourers.<sup>37,38,39,40</sup>

The situation of child domestic labourers is usually considered by their parents to be safe since the child may live in better accommodation than at home, may eat better, and is under the care of the employers and family members. However, the closed nature of the household, the child's isolation and the 'invisible' nature of the employment puts a child at considerable risk. Children in domestic labour are at the mercy of the employer and other household members. Child domestics describe the relationship as often starting well, but later becoming intolerant and abusive.<sup>41</sup> Where social stigma towards lower-status groups is entrenched, a female employer may behave with impunity, subjecting her 'girl' or 'boy' to impossible demands, extreme forms of physical punishment and serious violence. At the same time, girls in domestic labour may be preyed on sexually by the men of the household.<sup>42,43</sup>

### Violence of all kinds is common

Violent and abusive behaviour towards child domestics is much more common than realised; this form of child labour first came to the attention of child labour activists a decade ago, and in several countries has been designated a 'worst form' of child labour under ILO Convention No. 182.<sup>44</sup> It includes extreme overwork (16-hour days are not uncommon);

*"I sleep in one room by myself, at night, the male owner of the house knocks at my room, now I am in dire straits because I am afraid to report this, I am also afraid that will lose my job. This is because I have lost both parents, and I would not like to leave this job."*

Girl, 12, domestic labour, 2005<sup>VI</sup>

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beating, whipping, pulling hair, scalding with water or an iron, and denial of food. The psychological violence includes shouting, name-calling, insults, threats, and obscene language. The girls are often subjected to sexual harassment, and sometimes rape; pregnancy may also lead to their ejection onto the street by the employer.<sup>45</sup> Physical health consequences can also arise from lack of food, and failure to look after injuries or treat sickness.

Consultations with children in domestic labour have revealed these high levels of violence. In the Philippines and Peru, almost all child domestic workers reported that they had suffered maltreatment consisting of physical punishment, discrimination, humiliation and sexual harassment.<sup>46</sup> In Fiji, eight out of 10 domestic workers reported that their employers had sexually abused them.<sup>47</sup> Research in El Salvador found that 66% of girls in domestic service reported having been abused, and that the threat of sexual advances from employers or visitors was always present.<sup>48</sup> In a local study in the United Republic of Tanzania, 43% of child domestic labourers reported being beaten, insulted, denied food, fined for damages, or forced to remain out of doors.<sup>49</sup> In Nepal, children frequently start work at the age of 8 or 10, and if the employer becomes annoyed with the girl and abusive towards her, she may arbitrarily transfer the girl to another household. Such children lose touch with their families entirely.

### **Isolation and psychological distress**

One of the most painful experiences for child domestic labourers is that of being consistently treated as an inferior being; of having no friends

or social peers, not being able to play even with the employer's children.<sup>50</sup> Child domestics are often referred to by a derogatory label or denied the use of their own name. In Haiti, the term '*restavèks*' ('stay withs') has come to mean someone unwanted, and is often used as an insult; a *restavèk* girl may also be called '*la pou sa*', or 'there for that', meaning available for sex.<sup>51</sup> These experiences leave children with deep feelings of inferiority and chronically low self-esteem.

For girls who are dismissed or fall pregnant and are excluded from the household the street and prostitution are likely, as few other options are available.<sup>52</sup> Lack of resources, lack of knowledge about how to travel or where to go, and the shame of being 'spoiled'<sup>53</sup> prevent them from returning home. A report from the United Republic of Tanzania found that girls arriving in support centres for sexually exploited children had been thrown out of homes where they were working as domestics and had been sexually abused and ended up on the streets; some were as young as 10 years old.<sup>54</sup>

### **Children exploited in the sex industry**

The exploitation of children under 18 in prostitution, in child and adolescent pornography or sex shows, constitutes *prima facie* violence against them.<sup>55</sup> Making children perform sexual acts or acts with sexual overtones, or providing a child to someone else to use in any sexual way, is a violation of child rights and criminalised throughout the world. Children of working age have themselves condemned this form of earning, speaking of the sex trade as a criminal activity, not to be confused with other types of work.<sup>56</sup>

*"In the seven years I was working, night after night, I thought it was me, that I was wrong. The police would always chase me and social workers called me a pervert. There was no one there to validate that I was victimized."*

Child exploited in the sex industry, North America, 2005<sup>VII</sup>

Although statistics relating to the number of children used in prostitution are broad estimates and all statistics concerning prostitution should be treated with caution, around one million children are thought to enter prostitution every year.<sup>57</sup> A 13-country study by Save the Children suggests that child sexual exploitation is increasing, with evidence of growing criminal activities related to trafficking of children for sexual purposes, exploitation by tourists and travellers, and pornography and Internet-related crimes.<sup>58</sup> In South and East Asia, around one-third of those used in prostitution are thought to be under 18; this is, a sector where youth are often in demand, and one in which girls appear to be entering at an ever younger age, often via work in bars and massage parlours. The average age of girls from Nepal entering the sex trade dropped from 14–16 years in the 1980s to 12–14 in the 1990s.<sup>59</sup>

As in the case of child domestic labour, some girls enter prostitution because traffickers and recruiting agents promise golden opportunities. In West Africa, from Senegal to Nigeria, thousands of children from destitute families are reportedly sent to the Middle East each year, many ending up in prostitution.<sup>60</sup> The trafficking itself may include violence. According to an investigator into the trade from Albania to Greece, children described ill-treatment such as being burned with cigarettes, slapped, insulted, and obliged to sleep outside.<sup>61</sup>

### **Risk factors**

A range of predisposing factors for child sexual exploitation have been identified: violence in the home and family, including sexual abuse

from husbands of young married girls, who will not be accepted back by their parents, or expulsion from the school or workplace.<sup>62,63,64,65</sup> The ways children enter prostitution are therefore intrinsically abusive, and include abandonment and extreme social stigma. Some children are born into the trade in brothel communities,<sup>66</sup> or given to priests in ritual forms of sexual slavery, as in the case of *devadasi* in India<sup>67</sup> and *trokosi* in Ghana.<sup>68</sup> Disability can also be a risk factor. Some brothel proprietors in Thailand reportedly seek out girls who are deaf, calculating that they will be less able to protest or escape since they will not be able to communicate easily with customers or employers.<sup>69</sup>

There is also widespread evidence from every region that many girls and boys sell sex on the street simply as a survival strategy in exchange for food, shelter or drugs.<sup>70</sup> In South Africa, where 10,000–12,000 children have lost their caregivers to HIV/AIDS and are homeless and face stigma, the police estimate that 28,000 children are exploited in the sex industry; 25% of those used in prostitution in Cape Town are children.<sup>71</sup>

### **Additional exposure to violence**

The violence intrinsic to sexual exploitation is compounded by exposure to additional physical or psychological violence, to which the youngest are most vulnerable. According to an ILO/IPEC study in Vietnam,<sup>72</sup> 12% of children used in prostitution said that they had been subjected to torture, beaten up by customers, or by employers/pimps for disobedience; also that they underwent repeated abor-

*"I left home because my brother made me go out at two or three in the morning to do things I didn't like doing. He offered me to his friends, to our uncles, to strangers. Then, the day my father tried to abuse me, I left."*

Homeless adolescent girl, East Asia and the Pacific, 2005<sup>VIII</sup>

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tions, even having an abortion in the morning and receiving a customer in the afternoon. In Mongolia, 33% of girls exploited in prostitution indicated that they had been raped.<sup>73</sup> In Jamaica, boys in prostitution reported that they were "at risk of violence from individuals who abhor homosexuals and think they should be eradicated."<sup>74</sup>

In recent years, unknown individuals in Honduras made a practice of abducting sexually exploited children, torturing and sometimes murdering the victims. Surviving victims described how the perpetrators pretended to be prospective 'clients' for sex, then took the victims to lonely places where they were sexually assaulted, tortured, insulted and humiliated. The aggression had the characteristics of 'moral' punishment or collective revenge against the bodies of children who were socially abandoned and excluded – as if the girls or boys represented the social evil to be eliminated. The abductors taunted their victims: "If you disappeared, nobody would ask after you."<sup>75</sup>

Social condemnation is another critical aspect of the violence children in prostitution suffer. Even where deception has been practised and the work awaiting the child falsely portrayed, the stigma of having been sexually active makes it impossible for the child to return home. Young people exploited in the sex industry are often ashamed and are not aware that they are victims of abuse, believing themselves to blame. An underlying sense of guilt makes it difficult for them to talk about their exploitation.<sup>76,77</sup>

## Forced and bonded labour

Children in forced and bonded labour represent two-thirds of children in the unconditional worst forms of child labour, which by a conservative estimate amount to 5.7 million children world-wide according to ILO.<sup>78,79</sup> An unknown but significant proportion are victims of trafficking; most cases are in Asia, but the practice exists in all regions. Forced and bonded labour are classified as slavery according to the 1956 Supplementary Convention on Slavery, and although they are universally regarded as criminal, these cases are very rarely prosecuted.

The definition of forced labour comprises two basic elements: work or service exacted under the menace of a penalty, and work undertaken involuntarily. The menace or penalty can take many forms; its most extreme form involves physical violence or restraint, or even death threats addressed to the victim or relatives. There can also be a subtler form of menace, for example, threats to denounce illegal workers to the police, or tell village elders about girls forced to prostitute themselves in distant cities.<sup>80</sup>

## Bonded servitude

A bonded child works in conditions of servitude to pay off debts, which may have been passed down through generations. Normally, a child worker is bound to an employer or proprietor in return for a 'loan'. In areas where the practice is common, workers are from socially inferior groups or castes, have no say over terms of any employment, and their families are excruciatingly poor. In this situation the



child is a commodity, and works in conditions tantamount to slavery.

Though bonded labour survives elsewhere, much of the problem is concentrated in South Asia. India, with its vast population, has the largest number of children in bonded labour (some estimates suggest that the figure may be as high as 15 million,<sup>81</sup> mostly from the *dalit* or scheduled caste community). This practice has long been illegal, and since 1997, under a new Supreme Court injunction, there have been efforts to regulate it, bring perpetrators to justice, and rescue children from servitude.

These actions were inspired by strong local activism. Sector-specific surveys have found bonded child labour in small-scale mining, brick making, fish processing, gem cutting, carpet weaving, tanneries and fireworks production. Carpet-weaving manufacturers employ children in conditions of severe bondage, and coercion is often used for discipline and to curb protests.<sup>82</sup> According to Human Rights Watch surveys conducted in the silk industry in Uttar Pradesh in 1996 and 2003, the level of violence suffered by children is high. They report that loom owners abuse the children on a routine basis; the children are often locked up, and their food is far from adequate.<sup>83</sup>

A similar picture emerges in Pakistan.<sup>84</sup> Feudal social structures give landowners power to exact labour from indebted families, and may 'gift' a bonded servant to another landlord. In Sindh, documentary evidence of murder, sexual assault, kidnapping and physical assault has been collected by human rights groups.<sup>85</sup> In Nepal, bonded labour involves minority

groups in the now outlawed *kamaiya* system in agriculture. A study which looked into this practice found that 30% of the children who had left their employer had done so because of 'harassment or punishment'.<sup>86</sup> In all such feudal settings, the writ of law or the assertion of rights are absent. Intimidation, physical punishment and verbal humiliation reinforce a deep sense of inferiority and powerlessness.

### Indigenous groups

In Latin America, as elsewhere, high levels of forced labour are endured by indigenous peoples and their children, who typically also face high rates of poverty, discrimination and exclusion. People in remote areas are particularly susceptible to coercive recruitment and debt bondage due to the weak presence of the State. In remote parts of Brazil, children are cheaper to hire and considered more docile. They work in tree-logging, wood-cutting, sugar cane plantations, mining, distilleries, and coal production, all of which are dangerous.<sup>87</sup> Since they have been invariably hired deceitfully, they are indebted and have no chance of returning home. The intolerable situation of children in small-scale gold mining in Madre de Dios, Peru, is well-known to human rights organisations and the authorities. Around 20% of the miners are 11–18 years old.<sup>88</sup>

Vulnerability is enhanced by lack of official identity. Since they do not register births, indigenous people are invisible to national authorities and are therefore unable to denounce forced labour or seek redress. In Peru's remote labour camps in the Amazon basin, 20,000 workers may be in forced labour, many accom-

*“At 4:00 a.m. I got up and did silk winding. I only went home once a week. I slept in the factory with two or three other children. We prepared the food there and slept in the space between the machines. If I made a mistake – if I cut the thread – he would beat me. Sometimes [the owner] used vulgar language. Then he would give me more work.”*

Child, 11, bonded at around age 7 for Rs. 1,700 (US \$35), South Asia, 2003<sup>1X</sup>

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panied by children who are expected to work for free.<sup>89</sup> According to an ILO study of 19 countries in the Latin American region, nearly 10% of the total child and adolescent population aged 5 to 17 is working in worst forms of labour where violence is routine.<sup>90</sup>

### Traditional forms of slavery

Africa has the highest incidence of informal child work, and there is evidence to suggest that a higher proportion may be ‘forced’ than in other regions.<sup>91</sup> However, coercion is mostly related to the importance attached to kinship and client-ship in economic relations, and to the fact that most people, especially in rural areas, do not make their living in an industrialised, monetised, or standard employer–worker economy. Distance from the modern economy is furthest in mountain, desert or semi-desert environments. Life is hard, and coping mechanisms for times of calamity well-honed. Kin and client relationships can be invoked to demand services from extended family members and those of lower status; these arrangements may be considered ‘natural’ and sanctioned by social and religious beliefs.<sup>92</sup>

Abuse within or perversions of customary arrangements for the exploitation of children occurs in a few countries of Eastern Africa, such as Ethiopia; but is more extensive in the Sahelian countries where feudal forms of governance persist. Mauritania and Niger are the last countries in the world where regular slavery – direct ‘ownership’ of people, not by means of commercial trade, but by customary arrangement – continues, though nominally

banned by law.<sup>93,94</sup> These people are usually descendants of slaves, and their degree of actual ‘slavery’ is locally disputed and open to interpretation. However, a range of services can be required of slave descendants, including children, both in the household and in the fields; and they suffer severe limitations on their behaviour, rights, and entitlements.<sup>95</sup>

Children in such families are the property of their masters and can be passed on from one owner to another as ‘gifts’. Girls start work very young and are at the beck and call of their masters, including sexually, and as bearers of additional slave children by designated partners. Slavery was only legislatively banned in Niger in 1999, and progress towards its elimination is slow. A survey conducted in 2004 by a local organisation established that around 43,000 men, women and children are still enslaved.<sup>96</sup> Many of the 11,000 interviewees had been subjected to violence, rape, degrading treatment and threats. Humiliating punishments controlled every aspect of their lives, and prevented them from fleeing.

In African countries which have seen a collapse of governance and the rule of law, conditions arise in which forced labour can flourish, and children be abducted to provide working service of some kind. This has included sexual slavery to warlords.<sup>97</sup>

### Illicit activities

Every Regional Desk Review undertaken for the Study recorded the involvement of children in activities of a petty or serious criminal nature, mostly on the streets. The Caribbean

Regional Desk Review, for example, expresses concern about a 'growing population' of street children in countries like Jamaica and Haiti who become involved in illicit activities to earn money, including packaging and selling drugs, or acting as 'look-outs' for both police and criminals.<sup>98</sup>

In some countries of Europe and Central Asia, the growing presence of children working on the streets, and their involvement in illicit activities including petty theft, begging and prostitution has prompted similar concern.<sup>99</sup> In Saint Petersburg, some 10–30% of working street children are involved in illicit activities such as trade in stolen goods and drug trafficking.<sup>100</sup>

In many parts of the world, police assume that children trying to earn money on the street are necessarily involved in illegal activity, adding to the violence in these children's lives. In some countries, such children are legally defined as potentially deviant or criminalised as outcasts, and the police are entitled to arrest them.<sup>101</sup> (Arbitrary and violent arrest for offences such as vagrancy is covered in the chapter on violence against children in care and justice institutions.)

### Children involved in trading drugs

The trade in drugs has become one of the most pervasive categories of illicit child labour. In this type of street-based work, violence or being on the end of violent behaviour is common, and drug trading also exposes children to risks of substance abuse and harm. A study in the two regions of Estonia where drug

use among minors is common found that the majority of children involved in drug dealing or trafficking are users of cannabis, heroin or amphetamines themselves.<sup>102</sup> Although not addicted when they start pushing drugs, they soon experiment with the products they are selling.

In Somalia, the trade in *khat*, a narcotic leaf, is openly practised and is one of the most profitable businesses in the country. Working in the *khat* trade is sought after by boys, because it is the highest-paying form of entrepreneurship.<sup>103</sup> In the Philippines, a study found that nearly 20% of children involved in the drug trade were hurt or injured in the process, and 17% witnessed other children being physically punished.<sup>104</sup> Reasons included losing the drugs, or failing to remit the money to the handler. About 25% of the children said that if they failed to perform well, the consequences would be beating, scolding or threats.

A study on children in the drug trade in Rio de Janeiro is one of the few extensive surveys on children in illegal activities.<sup>105</sup> Since the 1980s, increasing numbers of children have become involved as the trade has become more open, more centred on cocaine, more established in the *favelas* (poorer city quarters), and more heavily armed. Children are drawn into the trade through social association with dealers on the street and through the lack of alternative opportunities. The rise in young people's involvement is reflected by the dramatic rise in registered convictions (of under 18s) for drug dealing or trafficking – from 110 in 1980, to 1,584 in 2001. Inten-

tional harm and carrying illegal firearms also rose significantly during this period (see also the chapter on violence against children in the community).<sup>106</sup>

## FACTORS CONTRIBUTING TO VIOLENCE

The ILO has developed a conceptual framework for analysing violence at work among the general worker population, viewing it as function of four interrelated factors:

- characteristics of the victims
- characteristics of the perpetrators
- factors in the working environment
- risks related to the environment external to the place of work.<sup>107</sup>

Though not developed with child workers in mind, this framework is helpful in capturing a number of interactive features, including individual and social risk factors, the context in which certain types of work are performed, and individual and social outcomes, and workplace costs.

## CHARACTERISTICS OF WORKERS AND PERPETRATORS

Children are by definition more vulnerable to violence than adult workers due to their generally small size, developmental immaturity, and state of dependence. The distance of the employer in terms of space, social and ethnic affiliation from the child's background affects whether he or she feels responsibility for the young worker's well-being. In addition, girls are more vulnerable to sexual violence<sup>108</sup> – and

children with disabilities are at elevated risk of violence. Children are also less likely than adults to physically resist violence or make complaints, making them easy targets. Young workers, whether they have attained the legal working age or not, are usually at the bottom of the workplace hierarchy.

Disability may also play a part in violence against working children. In many parts of the world, for example, there are frequent reports of children with visible disabilities (from congenital disfigurements to open wounds) being sent out to earn a living as beggars, often suffering physical violence if they do not earn enough during their 'working day'. Such practices are not only painful, exploitative and humiliating for the children, but frequently contribute to worsening their disabilities and undermining their health.<sup>109</sup>

The power relationship of employer over worker exacerbates risk; this power is absolute since the job is in the boss's hands. Available information on recorded cases of workplace violence against children implies that most consists of violence inflicted by employers, since the majority of children work informally for 'employers', a term that includes anyone who has a controlling relationship over a working child. Perpetrators also include foremen, co-workers, customers, police, and criminal gangs. Vulnerability is enhanced where the working situation is isolated or illegal; children in the sex trade often fall under the control of pimps or brothel owners.

Traditional systems of apprenticeship – in the Caribbean, for example<sup>110</sup> – can also be the

*“No child should have to fight a war or carry heavy loads and neither should a child have to work long hours without pay or be abused or treated unfairly. Children deserve to be treated as equals in the workplace and those who abuse them should be severely punished. Equality and quality in the workplace is what the children want.”*

Child, Eastern and Southern Africa, 2005<sup>XI</sup>

context of abuse. However, apprenticeship of this kind may be the only path out of dire poverty for young workers trying to obtain skills in the informal economy.<sup>111</sup> Where apprenticeship schemes exist in industrialised settings, there are also some reports of abuse. One study in France found that 16% of apprentices reported physical or verbal violence,<sup>112</sup> and a European Union study in 2000 found that 2% of apprentices were victims of physical violence from fellow workers.<sup>113</sup>

## WORKPLACE CHARACTERISTICS

Risks related to the workplace itself vary according to whether the working activity takes place in an organised setting, such as a factory or an informal setting, such as a backroom enterprise; whether the workplace has special characteristics of remoteness or danger, such as mines, fishing, quarrying, and some types of agriculture;<sup>114</sup> whether it consists of a closed environment such as a household; or whether it is part of an illegal activity, such as sexual exploitation or drug dealing. The most extreme examples of workplace violence against children occur within the worst forms of child labour.

Children in unsafe working environments are at constant risk of violence. Such environments include glass factories, mining, and plantation agriculture, especially where health and safety regulations are lax or non-existent.<sup>115</sup> Severe injuries can result from dangerous machinery, guns, accidents, toxic fumes and explosions. All such ill-effects affect young and growing bodies and minds more than those of adults. Reports from a range of countries of systemic workplace abuse against children include for example: inhumane conditions in the cotton industry<sup>116</sup> and unsafe use of pesticides around agricultural workers, including children<sup>117,118, 119</sup>

## ENVIRONMENTAL FACTORS

Where the environment is itself full of risk, children who work in open spaces are constantly exposed to violence. In some places, work in the service industries such as restaurants and shops may expose young workers to armed robbery or customer aggression. When working children feel constantly threatened by violence in the environment, they may also

### SCAVENGING: A WORKPLACE FULL OF RISK

In many countries in Asia and Latin America, large numbers of under-age children work on garbage dumps as scavengers. In the Philippines, in Metro Manila's Quezon City, thousands of children and their families make a living from dumpsites and live in satellite communities. In 2000, one of the garbage mountains collapsed under torrential rains, killing between 500 and 1,000 adults and children who were buried in the trash. Even on a daily basis, injury from truck manoeuvres or sharp objects is common, as is infection from rotting material.<sup>120</sup>





HAITI, 1995, A girl works at the crowded Solomon Food Market in Port-au-Prince.

learn violent behaviours themselves or become behaviourally disturbed, exhibiting sexual or personal aggression.<sup>121</sup>

Work on the street or in transport, shops, bars or hotels based in shanty-town areas known for their violence presents special risks to the children involved. Illicit activities such as trade in illegal goods are by their nature conducted in high-risk areas where criminal enterprises are part of the environment.<sup>122</sup>

## RESPONSES TO VIOLENCE AGAINST CHILDREN IN PLACES OF WORK

Violence as a specific issue has not been given much attention by programmes concerning child labour. A global challenge that emerges from the Study, according to the Study's Regional Consultation in the Caribbean, is

to make workplace violence against children a more visible issue, and give it a higher priority with policy-makers.<sup>123</sup> The Regional Consultation in South Asia similarly observed that the violence implicit in many working children's situations has not been adequately noticed or challenged.

There is nonetheless experience in dealing with abuse and violence within many existing programmes related to child labour. Most such programmes are multi-pronged, addressing economic and cultural causes, the promotion of education and alternative occupations, social mobilisation around children's needs and rights, and advocacy to change attitudes towards the acceptability of child labour. Within such programmes, the violence certain children experience in the workplace should be better researched and given more attention.

Appropriate responses will depend to a considerable extent on key differences concerning the nature of the work or workplace, and therefore of the violence within it. These can be grouped as follows:

- **Worst forms:** In the case where violence is an integral component of the hazardous and exploitative nature of the labour, covered under ILO Convention No. 182, children should not be in the workplace. Therefore, the principal response will be to enable them to leave it and take up a new course of life, with parental, social and State support. This requires a multi-pronged approach, including measures

to combat poverty, promote education, and enforce labour regulations.<sup>124</sup>

- **Work in informal settings:** Where there is no 'employment' in a contractual sense, and where the workplace is not easy to access or consists of streets and open spaces, children's immediate need for protection from violence may best be addressed by programmes which provide services such as shelters and drop-in centres, non-formal education, development of life skills to resist sexual advances, peer activities such as sports and recreation, and opportunities to gain qualifications and schooling.<sup>125,126</sup>
- **Children who are working within the law:** In cases where children and adolescents are working legally, either because they are undertaking light work, or are above the minimum age of employment, and where they face potential violence from employers or from other workers as an incidental hazard, efforts can be made to increase their protection and reduce their vulnerabilities and risks.

In the case of 'worst forms' of child labour, it is not possible to make a distinction between reducing violence and eliminating the working circumstances, since to focus exclusively on violence would imply that children might be left in hazardous and exploitative labour if the violence alone were stopped. No children should be employed in circumstances and occupations where they face physical, psycho-

logical or sexual abuse and suffer risks to their health, safety or morals.

However, as already observed, efforts directed at taking children out of the workplace need to be accompanied by measures which eliminate the economic and social reasons for them to work or earn, or otherwise their removal will be short-lived. Experience has shown that, where under-age children are ejected from the formal workplace without provisions in place for them to re-direct their lives, they often end up in more hazardous informal situations. This occurred in Bangladesh in the early 1990s, following the abrupt dismissal of under-age girls from the garment export industry, under the threat of a US boycott of goods made with any involvement of child labour.<sup>127</sup> The range of interventions required therefore includes:

- Legislative and enforcement measures, in accordance with the international framework encompassed by the CRC and key ILO Conventions; establishment of workplace regulations, inspectorates, and stiff legal sanctions against the employment of under-age workers; and crack-downs on criminal activities involving children, with child rehabilitation.
- Programmatic effort with families and communities to reduce the need for and likelihood of parents sending boys and girls to work or earn, including preventive measures such as poverty reduction, family support, scholarship funds or school fee reduction, and

universal access to basic services, especially quality education.

- Interventions to respond directly to working children's need to be removed from workplaces that expose them to violence, hazard and exploitation, targeted at a wide-ranging audience including employers, parents, community leaders and enforcement officials.
- Advocacy and social mobilisation by civil society to promote the right of children not to be treated with violence in the workplace, and for all children to have access to quality education and appropriate preparation for a future working life free from exploitation and abuse.

## LAWS AND THEIR IMPLEMENTATION

International standards guide national legislative action on child labour. All but two countries have ratified the CRC and more than 80% of the world's children now live in countries which have ratified the two key ILO Conventions. Since its adoption in 1999, Convention No. 182 has enjoyed a rapid pace of ratification, which in turn has helped to double the rate of ratifications of the Minimum Age Convention, No. 138.<sup>129</sup> This reflects a strong political consensus and significant new momentum on urgent action to eliminate child labour. Many Governments have undertaken reviews of their legislation, and shown greater resolution in addressing the many issues involved.

There are still major challenges in bringing customary law and traditional codes concerning 'work' and 'employment' into conformity with international law. One important action at the national level has been determining the list of

## KENYA: ADDRESSING WORK, POVERTY AND EDUCATION IN TANDEM

In recent efforts to reduce child labour, acknowledgement has been made of the difficulties faced by seriously poor families, including those affected by HIV/AIDS. Even where primary school fees have been abolished, some African families still find that they need children to supplement the family income by working instead of going to school. In an effort to address this situation, Kenya – with two million working children aged 5–17 years – has tried compensating parents for the loss of their children's economic contribution; the money is conditional on children attending school. US\$ 7–14 per month per child is given as an incentive to parents of those working in plantations, subsistence farms and fisheries, as well as for orphans and other vulnerable children.<sup>128</sup>

hazardous occupations and tasks, and prohibiting them for all under 18s, as called for under ILO Convention No. 182. A recent review indicates that this has been an area of high activity; so has legislative action against trafficking and the involvement of children in prostitution and pornography. However, attention from Governments to forced and bonded labour has been more modest, and there has been little action on improving legislation against the use of children engaged in illicit activities.<sup>130</sup>

### Labour law enforcement

In many countries, lack of law enforcement, including bringing perpetrators to court, is a more acute problem than that of the nature of legislation on the statute book. For example, new laws were passed against bonded labour in India (1976) and Pakistan (1992), but the numbers of prosecutions and releases of bonded labourers by the courts show that neither is vigorously prosecuted. In India, the National Human Rights Commission was ordered by the Supreme Court in 1997 to oversee the enforcement of the 1976 Act, and has been able to pressure officials into freeing and rehabilitating bonded children in some areas, primarily in Uttar Pradesh's carpet belt.<sup>131</sup> But the Commission's resources and power are limited, and States have been slow to fulfil their obligations. In Pakistan, where fines are far higher than in India, prosecutions have been minimal in recent years.<sup>132</sup>

The South Asian Regional Consultation for the Study has pointed to the need for a supervisory system to ensure effective implementation of child labour laws by all entities charged with enforcement throughout the region. Similarly,

the East Asia and Pacific Regional Consultation noted that in general the enforcement of child labour laws appears to lag behind other legal measures enacted to protect children.

Many impediments to the enforcement of laws exist. One is the lack of an effective and universal birth registration system, which constricts enforcement of laws on minimum age of employment.<sup>133</sup> Another is that the labour inspectorates which helped remove children from the workplace in industrialising countries in the West have generally not proved to be as effective in the developing world.<sup>134</sup> Although successful in some instances, most do not extend their reach beyond organised urban workplaces, where the minority of child workers are to be found. Many inspectors are overwhelmed by their caseloads, short of resources and means of travel, and poorly paid. Both employers and child workers may resort to pay-offs, and there can also be pressure from official sources not to undertake the kind of rigorous inspections which might damage the investment climate.<sup>135</sup>

Avenues for legal redress regarding violence inflicted on working children are almost inaccessible to them, given their inferior status. Cases of serious injury, such as burning with a hot iron, and of gross abuse, may attract media attention; in which case employers of children in domestic labour, for example, are prosecuted, usually with NGO assistance. Attempts are also made by NGOs such as the South Asian Coalition on Child Servitude to gain for released Indian bonded child workers their legal entitlement to Rs. 20,000 (US\$ 420) for rehabilitation; but

such attempts are few and far between.<sup>136</sup> Cases of sexual abuse against working children are also rarely prosecuted.<sup>137</sup> Moreover, those who champion rescued child workers in the courts often put themselves at risk from retaliation by vested interests.

There are specific situations where enforcement has been effective, with the necessary programmatic and back-up interventions in place, but these are rare. It can be done, however, in circumstances where the work is exclusive to children on the pretext of their small size, manual dexterity or need to learn a skill at a very young age (as in carpet-weaving or decorative craft). In a closed workplace or occupation, removal of the entire child workforce may be practicable.

One example is the agreement made with the United Arab Emirates (UAE) in May 2005 concerning the release and repatriation to their countries of origin of 3,000 young boys employed as camel jockeys and stable boys (see box). This initiative illustrates the complementary roles that can be played by campaigning

and international organisations in bringing an end to the trafficking and employment of children in an exploitative occupation.

### **Backing for law enforcement within civil society**

As noted throughout the Study, law enforcement is problematic in environments where formal legal, administrative and judicial systems have little influence over most people's lives. This is the case in areas where child work is common. Application of the law requires popular acceptance and the cooperation of civil society in applying it. Violence is particularly difficult to outlaw; there is no guarantee in societies where interpersonal violence is commonly used in dispute resolution that a legal prohibition on a practice will be treated with respect, even by those expected to enforce it. Until social attitudes condemn violence against children absolutely and in every circumstance, the enforcement of laws against child labour may inadvertently lead to further discrimination against working children, for

## **THE LONG STRUGGLE TO END THE USE OF BOYS AS CAMEL JOCKEYS**

The trafficking of small boys from certain countries in South Asia (Bangladesh and Pakistan), and Africa (Mauritania, Somalia and Sudan), for use as jockeys in camel races in the UAE and other Gulf States (Kuwait, Qatar and Saudi Arabia) came under protest for many years by Anti-Slavery International (ASI). A Bangladeshi NGO calculated that nearly 1,700 boys had been trafficked to the Middle East during the 1990s for this purpose, the vast majority under the age of 10. The boys were tied onto the camel's saddles during the races, and often sustained injuries and falls. They were also frequently starved before races to reduce their weight, and suffered other forms of physical and psychological violence, including occasional sexual abuse.



## THE LONG STRUGGLE TO END THE USE OF BOYS AS CAMEL JOCKEYS

ASI was unable to make significant progress until it joined forces with the International Confederation of Free Trade Unions (ICFTU) and the ILO. In 2001, the ILO persuaded the UAE to ratify Convention No. 182. This led to a ban in 2002 on the use of camel jockeys aged under 15 and lower in weight than 45 kg. Even then, progress was slow and some trafficking continued. However, in March 2005 the age limit was legally revised upwards to 16 years (later to 18), and in May 2005 UNICEF reached an agreement with the UAE Governments to facilitate the repatriation of the boys to their countries of origin over a two-year period. Within eight months well over 1,000 boys had been identified. Many began to return home to Pakistan and Bangladesh later in 2005.

The boys were initially received at special centres, from which they were to be reunited with their families if possible. If these were not able to be found, education and reintegration within the society were to be undertaken by care organisations. Other boys, including workers at the stables, were subsequently also returned to Sudan and Mauritania. In all four countries, support was provided to families and communities and permanent mechanisms set up to help prevent further trafficking or re-trafficking. The reintegration of the children was subject to monitoring with emphasis on strengthening community care and creating a supportive environment to prevent discrimination against them.<sup>138,139,140</sup>

example by official persecution of the children themselves on the basis of their stigmatised social status.

Some efforts to implement child labour laws with civil society cooperation have been made. In areas where trafficking is common, community groups or community-based watch/vigilance systems have been set up; they may also report breaches of child labour legislation and non-attendance of children in school.<sup>141</sup> For example, in Benin, village surveillance committees backed by the provincial administration have helped to reduce the trafficking of

children, both by educating families about the dangers of trafficking, and by working with the police when a child from the village goes missing.<sup>142</sup> However, a number of lessons were learned from this programme.<sup>143</sup> It was necessary not to use fear-inducing messages, but to try to convince people about the harmful nature of something they currently accepted. Surveillance committees did not function well if they were seen as agents of oppression against local families and children.



*“She is so young, hardly 8 years old, carrying charcoal, and in school uniform, when asked why she has not gone to school, she says she is working.”*

Boy, 15, Eastern and Southern Africa, 2005<sup>xii</sup>

# 6

## UNIVERSAL EDUCATION AND LIFE SKILLS

Universal access to schooling is a key component of ending child labour. There are many arguments in favour of making basic education compulsory for both boys and girls, including the requirement on the State to increase educational investment and impetus to reach the international goal of Education For All (see the chapter on violence against children in schools and educational settings). The attainment of this goal is closely related to many others, including poverty reduction, gender equality, and improved maternal and child health. Universal education also has a track record in helping end child labour. For example, in both the Indian state of Kerala and in Sri Lanka, progress towards universal education has been accompanied by the departure of some children from full-time work, despite little effort to implement child labour laws.<sup>144</sup>

It is important to note that schooling and work are not mutually exclusive: going to school does not exclude all types of work at all times of day for children of working age. Children in many societies undertake part-time earning activities in order to help pay for schooling expenses, or as a useful part of their socialisation. Studies in industrialised societies confirm the long-term value to the adolescent child of steady part-time earning during secondary school as part of their preparation for future adult life.<sup>145</sup> However, such working and earning opportunities must be done within boundaries that support, rather than diminish, developmental opportunities.

In many settings, however, working children do not attend school. For this reason, many programmes to end child labour focus on bringing children into school, or returning them to school, as an alternative to work. For example, the Child Workers’ Opportunities Project (CWOP), a large-scale community-based programme in three states of India used a multi-pronged strategy to enable children to leave the workplace, in which the promotion of school-going was the prominent strand (see box). In Benin, the Groupe de recherche et d’actions pour le développement humain (GRADH) works mainly with boys, some as young as seven, who have been placed by their parents or guardians with artisans such as car mechanics, carpenters, and masons. The NGO carries out surveys on artisans in collaboration with the artisans’ association, identifying the younger children and those in especially difficult working conditions. It then arranges formal apprenticeships for the older children and reinsertion of the younger children into schools, working closely with the Ministry of Labour and the ILO.<sup>146</sup>

Child workers in their teens are usually very aware of the disadvantages they face if they have not attended school; if practicable, they usually want to gain education and training, and the future job advantages which these imply. Even if they continue to work, they tend to seek opportunities in which they may learn, and raise their status and prospects.<sup>147</sup> But where children are totally dependent on street-based income to survive, they tend to place the need to earn at a higher level than their need for education, however much they would like to be able to read and write.<sup>148</sup>

Universal attendance at school is difficult to enforce where the quality of education is poor, families and children perceive in it nothing of advantage, or teachers are verbally or physically abusive. Unless schooling is child-friendly, and adds value in terms of useful learning and qualifications, it can be difficult to attract and retain children from working situations.

Schooling itself provides an opportunity for the promotion of self-protection, non-violence and peaceful conflict resolution, as do non-formal education programmes (see chapter on

violence against children in schools and educational settings). Life skills-based education in both settings, should be made accessible to working boys and girls whether or not they are able to quit work, to learn about gender equality, avoidance of coercive or oppressive situations, sexual behaviour, and the need to adopt non-violence within relationships. The reduction of gender-based violence, unsafe sexual practices, street violence and misogyny requires challenging dominant forms and perceptions of masculinity, by reaching out to boys and men.<sup>149</sup>

### CHILD WORKERS' OPPORTUNITIES PROJECT (CWOP), MAHARASHTRA

This four-year programme in India supported by Save the Children Canada targeted 10,000 working children, including 4,000 in two project sites in Maharashtra. These children were identified during baseline surveys in the 94 intervention communities covered by the two local operational NGO partners; the intention was to bring an end to child labour in the communities in question.

The strategy centred on shifting children out of work and into school or training, by simultaneously addressing the reasons why they worked, and by offering them other opportunities. Working children under 14 were to be enrolled in the formal primary system, and those aged 14–18 in vocational training. Community-based non-formal education classes, to which all children identified in the survey were invited, were the starting-point. At the same time, initiatives were made to foster income-generation for women in households with working children, and build awareness in the community to render the concept of child work socially unacceptable. Village education committees were established, and communities encouraged to improve school buildings, and to demand high quality teaching and child-friendly behaviour from teachers.

Child participation was a fundamental principle in all project activities. Child groups were set up, in which working and ex-working children participated. Members took on

## CHILD WORKERS' OPPORTUNITIES PROJECT (CWOP), MAHARASHTRA

such responsibilities as mentoring children new to the classroom who needed motivation to stay; and in the case of a teacher being lax, drunk, or using violence in class, report the behaviour to the village authorities. Children themselves helped transform attitudes about work and school; in one community they postered every house in the village with the message: “No working children, every child in school.”

Over the four-year programme, 75% of the 10,000 children gained access to school or vocational training, and 3,000 children left work entirely. Project managers in Maharashtra concluded that improving educational quality and making schools more child-friendly is the most important activity, and that if more investment in basic education is made at state level, the results would be more impressive. The project's success has subsequently influenced other projects to end child labour run by state Governments.<sup>150,151</sup>

### THE PARTICIPATION OF CHILDREN

One of the most important steps towards enabling children to remove themselves from exploitative work and abuse in the workplace is to facilitate their participation in programmes developed and carried out on their behalf. Participation should consist not only of systematic consultation with children and their families from the data-gathering stage through programme implementation and evaluation, but should also include enabling them to use their own considerable powers of agency.<sup>152</sup> This includes organising their own programme activities, such as drives to remove children from exploitative workplaces, as well as advocacy on their behalf. Participatory activities can be used to raise awareness of the violence to which children may be subjected.

In a number of settings, NGOs have helped working children and non-working children

develop their own organisations through which they seek to improve their lives, gain skills and education, enjoy sports and cultural programmes, and perform socially useful activities. Some have become sophisticated advocates: working children's movements have formed an international network, and were represented at the UN World Summit for Children in 2002.<sup>153</sup> Many such organisations provide young people with an opportunity to develop and demonstrate qualities of social responsibility, taking a lead on issues such as illegal employment of under-age workers, alcohol abuse in the community,<sup>154</sup> changes in the law to provide young workers with better protection including against sexual abuse,<sup>155</sup> rescuing domestic workers from abusive households,<sup>156</sup> and persuading employers to give their adolescent workers time off for studies and recreation.<sup>157</sup> For example, in Nicaragua the National Movement of Working

*“We have reduced the heavy work that we used to do. We can now say to our family and employers that this is too much for a child and that it is an adult’s job. We now can negotiate what is and isn’t acceptable.”*

Teen-aged worker, West and Central Africa, 2004<sup>XIII</sup>

Children and Adolescents (NATRAS) began in 2003 to work on preventing sexual abuse of children and adolescents, especially of working children. Eighteen of NATRAS’ member organisations have participated in a variety of activities – from carrying out surveys to direct lobbying with municipal officials – aimed at reducing sexual abuse in 13 targeted municipalities and at increasing awareness of the issue within the society and the State. In all of these organisations’ activities, the role of adults is limited to being facilitators and companions to the young members.<sup>158</sup>

The opportunities created by children’s organisations allow participants to gain confidence, self-esteem, leadership and social skills, a broader view of the world and a sense of their own potential within it. These attributes are essential in overcoming the self-denigration and deep sense of inferiority felt by many children in violent and abusive situations. These and other community groups provide a vehicle for changes in attitudes by children, families and communities that enable the children to leave work and go to school instead. In some settings, ‘poverty’ as a blanket reason for sending children to work melts away when the alternative of going to school is socially endorsed and backed by community support.<sup>159</sup>

## ADVOCACY

The role of advocacy in relation to workplace violence against children is two-fold. On the one hand, it is necessary to draw policy-makers’ attention to the abuse children endure and set in motion the development and imple-

mentation of appropriate policies, laws, programmes and services; on the other, it is as important to challenge the social acceptance of damaging child work by influencing popular opinion. A transformation in the attitudes and behaviours which condone the presence of children in the workplace is a pre-condition of children’s departure from it on a sustainable basis. Governments have been loathe to intervene in child labour issues unless confident of public and political support.

Children and young people are often their own best advocates and should be given a prominent role as spokespersons on their own behalf, to policy makers, employers, communities, legislators, media and the society at large. The participation of children in the Technical Sub-Council on Child Work in Honduras led to changes in the National Plan of Action, notably to include deep-sea fishing as a ‘worst form’ of labour, because of the possible harm associated with it.<sup>160</sup> Many opportunities exist to engage children, even those in invisible occupations such as domestic labour or child prostitution, in advocacy campaigns. Children can be more effective than organisational intermediaries in addressing police, administration or justice.

Theatre, drama and role plays performed by children have been used with great success as vehicles for advocacy.<sup>161</sup> Messages can be put across in a non-blaming way, and actors can feel free to show incidents of abuse which they would be unlikely to mention in an interview. Similarly, parents and community members who may have not understood the abuse their children are likely to experience if they send

them away to work are more able to absorb and believe that there are real reasons not to do so.<sup>162</sup> Parents' Days at school, local Children's Day celebrations, and similar events at the national level can be used to promote awareness of the worst forms of child labour and showcase action against it. The World Day against Child Labour initiated in June 2002 has adopted a particular aspect of the worst forms of child labour to campaign against each year; for example, trafficking (2002), child domestic labour (2004), and mining and quarrying (2005).

### TARGETED INTERVENTIONS: CONTACT, RESCUE, AND REHABILITATION

Taking action on violence against children, particularly the worst forms of child labour, requires the integration of practical programme interventions with advocacy, and both types of action with data collection. A variety of approaches is possible, depending on the size and type of organisation undertaking the action, and the situation to which they are responding.

Many NGOs, responding to an emergency need such as providing shelter for seriously abused and traumatised runaway children, start with a small-scale project such as a centre, and base their service development, data collection and advocacy on that. Where they are able to develop a sizeable range of services, they may also provide legal assistance for abused child workers to take their employers to court. Handbooks exist with 'good practice principles' for programme interventions in some 'worst form' child labour contexts such as child domestic labour.<sup>164</sup> These interventions largely constitute secondary prevention, responding to violence as and where it occurs.

In contrast, larger-scale programmes initiated by international organisations often include primary prevention measures to avoid violence before it takes place.

They start with a planning process: they are not in immediate contact with abused working children. A planning methodology has been developed by ILO/IPEC for 'Time-Bound Programmes' (TBPs) to eliminate child labour.<sup>165</sup>

### "WE'RE TIRED!" – A DRAMA FOR CHILD DOMESTIC WORKERS

A playlet entitled *Sanayo* ("We're tired" in Wolof) was written by and for girl domestic workers in Dakar, Senegal, with support from the NGO ENDA Tiers Monde. In the playlet, a *patronne* (employer) takes on a house-girl, and then subjects that girl to abuse in front of her friends for failures of service, food preparation, and other tasks. The friends join in the mockery of the girl, and the *patronne's* young daughter accuses her unjustly of stealing. The girl is eventually fired, without receiving her salary. This playlet was performed at a preparatory meeting for the OAU Conference in 1993 on Assisting the African Child. It has since been staged in many locations in Dakar.<sup>163</sup>

TBPs comprise a package of interventions covering prevention, withdrawal, rehabilitation and future protection, with which States that have ratified Convention No. 182 can tackle ‘worst forms’ of child labour within a set timeframe. They start with data collection and other actions to create an ‘enabling environment for the elimination of the worst forms of child labour’.<sup>166</sup>

El Salvador, Nepal, and the United Republic of Tanzania were the first three countries to implement TBPs, starting in 2002. Seventeen other countries have since followed suit, several more are preparing similar programmes. As an example, the United Republic of Tanzania set out to reduce the number of children involved in the worst forms of child labour by 75%, and the overall child labour participation from the current 25% to less than 10% by 2010. Mid-term evaluation found these objectives to be on course.<sup>167</sup>

### Contact

In spite of the hidden nature of much child labour, a variety of mechanisms can be used to make contact with child workers. These include child-to-child contact in places where young workers go at off-duty times. Such places include parks, churches, temples or mosques, evening classes, shops or markets. Several organisations, including those taking part in ILO/IPEC and UNICEF programmes, run awareness-raising sessions for local leaders, police, householders and children, in which they learn about reporting, handling cases, the need to avoid violence in removing children from abusive situations, and to retain the cooperation of employers.

Hotlines and help-lines have become a well-known technique for enabling children to report violence against themselves. Some organisations working to eliminate child labour have established hotlines for child workers to use. The *Kasambahay* (domestic worker) programme run by Visayan Forum in the Philippines operates hotlines to receive reports of abuse and facilitate rescue.<sup>168</sup> In Cambodia, a local NGO organises the distribution of cards with pop stars’ pictures on the front and telephone numbers and addresses of centres to contact on the reverse. These are left in places such as phone booths, bars, markets, and discos.<sup>169</sup> However, hotlines are resource-intensive: they need to be manned round the clock, by well-trained personnel, and have effective processes for involving police or emergency services.

### Rescue operations

Efforts to remove children from workplace violence may require emergency action. Key steps in a process of rapid response to emergency cases include: setting up systems to receive information about abuse, including from children themselves via hotlines and drop-in centres; planning the rescue; the rescue operation; post-rescue rehabilitation; and post-rescue legal redress.<sup>170</sup> In removing children from dangerous workplaces, interventions must ensure that the situation of children is not worsened – that their physical well-being and self-respect are not further damaged by the trauma of the rescue.<sup>171</sup> Many rescue operations are not properly prepared nor are the necessary follow-up support and services in place, such as health care and counselling for women and children rescued from the sex industry.<sup>172</sup>



## RESCUE OPERATION IN ATHLONE, CAPE TOWN

In early 2004, an NGO campaigning against the abuse of domestic servants (Anex-CDW) began to receive referrals from the local police station of girls who had run away from an agency called 'Excellent Domestics'. The agency brought girls in from the countryside, housed them and found them jobs. When Anex visited the premises, they found appalling living conditions, under-age girls, and cases of workers not given any pay. They reported their findings to the Department of Labour. A few weeks later, an article in the newspaper about a girl trapped at the agency finally led to action. The agency was found to be operating illegally and closed. The girls at the premises were all traumatised and wanted to return to their homes, even when offered skills-training in town. The police and Anex found them shelter and food, and they received free tickets home. The proprietors of 'Excellent Domestics' were taken to court.<sup>173</sup>



UNICEF/HQ99-0878. Roger Lamoyne

VIET NAM, 1999, A girl selling postcards on the street shows one of her cards to a social worker who works with street children in Ho Chi Minh City.

## Rehabilitation

A number of organisations' primary activity is to remove children from child labour and reintegrate them with their families. The South Asian Coalition on Child Servitude (SACCS) has a mission to identify, liberate and rehabilitate children in servitude. In India, a number of human rights organisations attempt to gain release of, and rehabilitate children in forced and bonded labour. WAYS in Kampala, Uganda has had notable success in resettling over 300 former child domestic labourers. They regard counselling of the families in advance of resettlement and reunification as essential. Whenever possible, children should have access to services that aim to bring them closer to their family.<sup>174</sup>

Organisations working with victims of workplace abuse maintain that it is always important to contact the family, but not to force the child to return if she or he does not want to.

This may not be in the child's best interests if social stigma and rejection are likely to be the outcome; or the child will be again sent to work, or re-trafficked. In the case of girls rescued from the sex industry, there is likely to be heavy stigma from families and communities to whom they are returned, and they may be looked upon as carriers of HIV.<sup>175</sup> Cases of re-trafficking, for example, from Nepal to India, are common.

### IMPROVED DATA COLLECTION

Much progress has been made since the mid-1990s in developing methodologies to obtain reliable data on child labour. A major initiative to improve understanding on the hidden, illegal and often criminal abuse of children in the workplace has been through the joint development by ILO and UNICEF of a Rapid Assessment methodology.<sup>176</sup>

NGOs have played a major role in uncovering some of the worst abuses of children in the workplace. For example, Anti-Slavery International led initiatives on children in domestic labour, initially focusing on simple research methodologies for local NGOs to use as a basis for advocacy.<sup>177</sup> Subsequently, an active network of practitioner NGOs working in the field of child domestic labour was developed, and through this, consultations were conducted with child domestics which shed much insight into the violence and abuse they suffered. Since this is a notoriously difficult group of children to reach, much can be learned from these experiences about how to contact invisible child workers and collect data with and from them.<sup>178</sup>

Much more is known about street children; as they are visible and accessible, children working in streets and public spaces have been studied in a number of settings, and even though numbers are usually estimates, a considerable body of information about them now exists. Some street child programmes now include components for monitoring, verification and tracking.<sup>179</sup> Far fewer extended surveys have been conducted into bonded child labour in South Asia, or into traditional forms of slavery or forced labour affecting children in Africa and Latin America. Those studies that exist have mostly been conducted by NGOs and, with some notable exceptions, are relatively small-scale. Very little is known about violence within a family work setting (mostly small-scale agriculture), which is where most children work.

### Action research and monitoring

Effort has recently been invested in research methodologies that aid in designing interventions or monitoring the impact of existing interventions in order to improve them. For example, action research on boys and girls involved in drug trafficking has been conducted in Indonesia, the Philippines, Thailand,<sup>180</sup> and Brazil, with an emphasis on collecting data about these children that is of direct use in developing interventions. One study by IPEC on drug use and trafficking in Estonia illustrated the difficulties of obtaining information on the experiences of children in extreme situations, concluding: "Violence is one of the few topics which young drug users do not want to discuss with strangers. It seems that the topic

of violence is taboo, and one interview is just not enough to build up mutual trust.<sup>181</sup>

In recent years, the concept of child labour monitoring has shifted from monitoring of industries or organised workplace settings, to monitoring of the children removed from work and provided with protection services. IPEC has developed a 'tracer' methodology to assess long-term changes (two years and more after the completion of an intervention) that have occurred in the lives of working children as a consequence of the intervention. Impacts examined include educational status, economic well-being, employment, health, and attitudes; working children on the streets (Turkey), mining (Ecuador), domestic labour (Uganda), fishing (Indonesia) and trafficked children (Sri Lanka).<sup>182</sup> In the informal economy, community-based monitoring is increasingly being used to provide reliable data and the tracking of working children. All these initiatives represent opportunities to identify children's experience of physical and psychological violence, its impact and the necessary steps to be taken for redress.

### **BUILDING MOMENTUM FOR CHANGE**

Since the mid-1990s, a worldwide movement against child labour has emerged, in which a wide range of protagonists have been active. Manifestations of the momentum behind this movement are the rapidity at which ILO Convention No. 182 has been ratified around the world, and the success of such initiatives as the Global March against Child Labour, which in 1998 brought together a network of organi-

sations to take ongoing action against child labour. Partners in the movement include international and regional organisations, bilateral agencies, the Inter-Parliamentary Union (IPU), workers' and employers' organisations, NGOs, the media, academics, and organisations representing working children.

An important dynamic has been the growing concern (and consumer action) over corporate social responsibility. Action has come largely through self-regulation via sectoral alliances and voluntary codes of conduct to ensure that members of supply chains in globalised manufacturing industries – garments, footballs, sports shoes, tobacco products – are not using child labour.<sup>183</sup> Employers' organisations in, for example, Azerbaijan, the Republic of Moldova, Malawi and Uganda, have promoted media campaigns against child labour; in Ghana, they have been involved in discussions with parliamentarians on a new draft of the Human Trafficking Bill. In Brazil, the National Confederation for Industry (CNI), in collaboration with local NGOs, has set up a prevention and rehabilitation programme for children in prostitution. In China's Yunan Province, 74 influential employers in Kunming City have called on private sector managers to comply with child labour laws and contribute to anti-trafficking efforts, including a street advocacy campaign.<sup>184</sup>

Trade unions have a long association with efforts to reduce child labour, and are well-placed to act as watchdogs and monitors of violence and abuse within the workplace. However, few trade unions are operational within the informal economy, or in those parts of the worldwide

*“The protection of children involves major financial resources but the life and well-being of millions of children depend on the willingness of governments to put in place the necessary measures. In our view, violence committed against a single child is one instance of violence too many.”*

Children, Regional Consultation, West and Central Africa, 2005<sup>XIV</sup>

working scene where children facing violence are most often found. In Bulgaria, trade union centres have begun to address the worst forms of child labour and workplaces in the informal economy. In the Ukraine, the Independent Trade Union of Miners (ITUMU) has taken the lead to end child labour in 500 unregistered small-scale mines as part of an internationally brokered sector agreement involving both sides of industry. The agreement was signed on World Child Labour Day, 2005.

### A long way to go

Despite increased engagement in child protection issues by the UN system and NGOs since the advent of the CRC, and the new momentum to end ‘worst forms’ of child labour since the ratification of ILO Convention No. 182, there is still a long way to go. There has been a failure to acknowledge sufficiently working children’s varied experience of violence – physical, psychological and sexual – and take it fully into account when developing plans and programmes. There is still a need give greater weight internationally and nationally to those forms and situations of work that are intrinsically hazardous and violent, especially those in remote, illicit or hidden locations. There is also a need to work with trade unions and employer organisations to improve protection for the youngest members of the regular workforce where they are facing more risks than their older peers.

Within organisations working to end child labour, an enhanced focus on the violence suffered by child workers may help build renewed momentum for change.

## RECOMMENDATIONS

A wide range of measures is needed to address the problem of workplace violence against children. The issue has to be tackled as a livelihood, human rights, labour, health and safety, and law enforcement issue, starting with efforts to prevent under-age children from entering the workplace in the first place. Support for universal access to basic education and action to end children’s employment in ‘worst forms’ of labour are important preventive actions, but actions on a broader front, particularly those related to poverty and family need, are also required.

The key departure point has to be *a policy of zero tolerance of violence against children who are working*, whether within the law or outside it, in organised workplaces or in the informal economy. The issue has to be brought out into the open, and perpetrators of acts of violence towards children in the workplace brought to account. Children who are under working age need to be helped to leave work, receive education and training, and improve their life chances. Where they are working legally, prevention of violence should be explicitly built into the regulation and inspection process, with access of young workers to reporting systems, complaints procedures and the courts.

### Legislation

- 1. Violence against working children should be condemned.** Governments should ensure that the reality that child workers in many settings, both under- and above the minimum legal age of employ-

ment, routinely suffer violence in the workplace is brought to public attention and systematically condemned in law and in practice.

2. **Relevant international legal instruments should be ratified and applied.** Governments should harmonise national legislation concerning child labour with international standards, notably ILO Conventions Nos 138 and 182 and the Convention on the Rights of the Child. Legislation should specify enforcement mechanisms and impose penalties that act as an incentive to eliminate ‘worst forms’ of child labour as a first priority.

#### Policy and programme development

3. **Develop national action plans to address child labour.** Governments should create and implement plans of action to tackle the many issues connected with child labour. These plans should be integrated into national development plans and policies; this should be done with the necessary range of partners (including working children’s representatives), appropriate expertise, and resources. In order to base these plans on solid evidence, high priority should be given to building a knowledge base about violence against working children (see recommendation 14).
4. **Tackle violence in the workplace generally.** Governments should ensure that workplace violence is tackled as a whole, with an emphasis on the special vulnerabilities of the youngest members of the workforce. Employers, trades unions and labour authorities should promote zero tolerance towards those who victimise young workers.
5. **Set up services for children to report violence and escape from it.** Governments should ensure that working children should have a means of reporting violence against them to people whom they can have trust, and who can help them to leave the workplace or obtain redress. These services may include hotlines so that children can summon assistance, and if necessary be rescued and placed in emergency care.
6. **Provide services for working children and those leaving the workplace.** Governments should ensure that working children’s rights to education, health, and social services are fully respected. Children should be encouraged and enabled to leave work and attend school or vocational training, by transitional education programmes and other initiatives which ensure that learning is relevant, accessible and child-friendly. Life skills should be part of non-formal education for working children.
7. **Mainstream the participation of working children in the creation and implementation of policies, programmes and services for their benefit.** Governments should ensure that children’s right to, and capacity for, participation is respected. Working children’s views, energies, creative skills, and effectiveness in advocacy should be deployed in ways that enable policies

and programmes to end child labour to be effective and sustainable.

- 8. Build the capacity for all who come into contact with working children.** Governments should ensure that the capacity of programme partners, Government agencies, trades unions, employers, police, judiciary, labour inspectorates, NGOs, community organisations, children's groups, and researchers to address violence in the workplace is enhanced.

#### Enforcement

- 9. Perpetrators of violence against children in the workplace should be brought to account.** Governments should ensure that the impunity frequently enjoyed by employers of under-age children, and the perpetration of physical, psychological and sexual violence against them, is ended by the real prospect of prosecution and meaningful penalties. Criminal sanctions against the use of children for sex, prostitution or pornography, and against recruiters and traffickers of children need to be vigorously enforced.
- 10. Enforcement and judicial procedures should be child-friendly.** Governments should ensure that in the enforcement of legislation concerning the removal of children from workplaces or the prosecution of employers or co-workers, the rights of children not to suffer further violence, trauma or discrimination are respected. In addition, the principle of 'best interests of the child' needs to be observed in all actions involving child workers.

#### Advocacy and social mobilisation

- 11. Increase public awareness of the damaging effects of child labour.** Governments should ensure that public awareness of the right of all children to be protected from all forms of violence is increased, and information about the risks of violence and its damaging impacts on working children are disseminated to parents, families and communities. Social dialogue should be encouraged around the concept of decent work, and the value of schooling underlined.
- 12. Enlist the support of the private sector and civil society.** Governments should make efforts to stimulate corporate social responsibility to tackle workplace violence against children, including by the adoption of ethical guidelines in the workplace. In particular, the tourism industry and media should be encouraged to campaign against sexual exploitation and trafficking of children.

#### Information and research

- 13. Collect data about violence against children in the workplace.** Given the almost total lack of data about violence against children in the workplace, Governments should ensure that all possible means of collecting such data are deployed within programmes and services and by specific studies and surveys. Especially vulnerable children should be targeted for research, notably those in home-based, street-based and illicit work.



**14. Interventions should be monitored and evaluated.** Governments should ensure that the impact of interventions is monitored over a period of time extending beyond the conclusion of any intervention, and good practice lessons widely disseminated.

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