

Position Paper

Against child labour exploitation

Introduction

Terre des hommes has been fighting against child¹ labour exploitation for over 50 years. The use of children as cheap or even free workforce in conditions that can hinder their development is alarming, more so that the phenomenon exists on a global scale. Despite the important progress achieved in the field, around 85 million children are still working under extremely damaging conditions².

This document states the position of the organisation in relation to the economic exploitation of children, also called child labour exploitation.

Definitions

Labour exploitation:

The Convention on the Rights of the Child recognises the inalienable right of children to be protected from economic exploitation and from performing any work that is likely to be hazardous, to interfere with the child's education or to be harmful to the child's health or physical, mental, spiritual, moral or social development³. This concerns, for example, children subjected to the worst forms of labour⁴, victims of abuse of power, children forced to work at too young an age or compelled to work excessively long days. It also concerns children who are paid too little for the work they perform, as well as victims of trafficking who always work for the benefit of the exploiter.

The worst forms of labour:

Article 3 of ILO Convention 182 describes the worst forms of labour as:

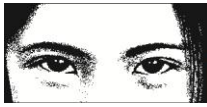
- (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- (b) the use, procuring or offering of a child for prostitution,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

¹ This text concerns all children up to 18 years of age.

² [Evaluating the progress in the fight against child labour: Global estimations and tendencies 2000-2012](#), ILO, Geneva, 2013

³ Article 32 of the [Convention on the Rights of the Child](#)

⁴ Based on ILO [Convention 182](#), article 3



Context

There are 168 million children working around the world. Agriculture continues by far to be the sector with the highest number of children compelled to work (98 million), but the number of children working in services (54 million) and industries (12 million) is far from negligible – mainly in the informal economy⁵. Not all of these cases, however, can be qualified as exploitation. There is a distinction between *child work* (work that does not subject the child to exploitation) and *child labour* (work that exploits the child). In many countries, children are part of their family economic structure and acquire a learned skill. They execute tasks under parental protection and suitable conditions.

Children often find themselves obliged to work due to financial hardship, the lack of alternatives when they are unable to attend school, socio-cultural traditions, beliefs or norms in certain regions in the world, or structural inequality. While some children get paid, the majority work for the benefit of a third party. Children are in high demand because they work for a small wage or even for free, are flexible and submissive. However, they are also more vulnerable and face high risks of abuse, violent acts and other violations of their fundamental rights. Thus, **85 million children are victims of the worst forms of labour** because they are exposed to dangerous conditions that can be extremely damaging.

Within the framework of its projects in rural areas, Terre des hommes mainly encounters children working in rock quarries, gold mines, cotton fields, the brickmaking industry, or carrying out other agricultural tasks for their family or a third party for free. They are also frequently exposed to inadequate safety conditions, such as chemical substances, which can have serious health consequences, or are forced to carry loads that are too heavy for them. In urban zones, children wash cars, shine shoes, sell items on the street or work for illegal groups (organised gangs, drug traffickers). These children are at risk of all types of violence and abuse. Domestic work, which is very common, is just as dangerous because the mistreatment, exploitation and sexual abuse that many of these children are subjected to take place behind closed doors and are very difficult to detect. Additionally, children also face sexual exploitation for commercial purposes, an activity that is extremely damaging in terms of health and mental development, and which affects millions of youngsters around the world.

In the majority of these cases, and regardless of the type of exploitation they endure, children have no access to the basic services guaranteeing the fulfilment of their fundamental rights (schooling, social services, healthcare, sanitation, recreation centres, psychosocial support, etc.). Recent studies show that children in migrant situations (internally or on an international level) are even more vulnerable to labour exploitation and that they encounter more difficulty in contacting authorities to report their case.

⁵ *Evaluating the progress in the fight against child labour: Global estimations and tendencies 2000-2012*, (op. cit. note 1)
Position paper - Exploitation – November 2013

The experience of Terre des hommes

Despite a significant reduction in the number of children affected, the goal of eliminating the worst forms of child labour by 2016⁶ is still far from being accomplished⁷. **Half of the working children are victims of one of the worst forms of labour.**

The reason for this failure (aside from the fact that it emphasises once more the long road that still has to be covered in order for the Convention on the Rights of the Child to be fully respected by all) is linked in part to the projects themselves that are being run to fight the phenomenon. All too often, the measures implemented focus on the sole aim of prohibiting child labour, without taking into account individual situations and the root causes of this phenomenon, and above all without offering alternative income-generating possibilities to the families concerned.

Drawing on its field expertise, Terre des hommes has developed a pragmatic approach based on the evaluation of the actual working conditions and the best interest of the child involved.

Three scenarios thus present themselves:

- 1) If the work being done is damaging to the child's development and the violation of the child's fundamental rights⁸ cannot be avoided, as it is the case for example of sexual exploitation (emblematic of *child labour*), an urgent solution must be found for removing the child from that place of work as quickly as possible. This removal must be supported by psychological and social assistance, as well as reintegration measures (schooling, training). The child must also be referred to the appropriate public structures, such as social, legal and health services.
- 2) If the work being done subjects the child to a violation of one or more fundamental rights, but these violations can be eliminated within the course of the work or in the child's environment, then the priority is placed on improving working conditions – provided that it is in the best interest of the child – so that they no longer compromise the child's rights, but rather contribute to their realisation.
- 3) If the work being done is not damaging the child in any way, if it corresponds to a family or cultural tradition that is beneficial to the child's development, or if it allows the child to enter a process to gain professional training without violating any fundamental rights (in other words, *child work*), the child must still be supported, but in an indirect manner: maintaining or improving public safety systems, guaranteeing access to education, health, social services and other basic services.

Terre des hommes, on one hand, develops supportive measures to protect exploited children by focusing on their superior interests (working conditions and hours, remuneration, housing, schooling), and on the other hand, supports the strengthening of child protection systems in

⁶ [Roadmap for the elimination of the worst forms of child labour by 2016](#), The Hague Global Child Labour Conference 2010

⁷ [Speech by Guy Ryder](#), General Director of ILO, at the 3rd Conference on Child Labour, Brasilia, 2013

⁸ Such as are defined in the Convention on the Rights of the Child (op. cit. note 2)

the regions and countries involved so that these children will have access to basic services. This involves carrying out important advocacy work to improve the existing laws and policies and their application to ensure better protection for children.

In parallel, Terre des hommes implements preventive measures to inform children and their families of the potential dangers children face in a working environment and to delay the moment they start working, thus minimising the risks of exploitation. In the field, prevention activities include awareness raising workshops, the reinforcement of the educational system, income-generating activities and family aid.

Nine recommendations to eradicate child labour exploitation

1. Coordinate the work being done

Fighting against child labour exploitation is a collective responsibility that rests primarily with the government, but social partners, civil society, international organisations, families and the communities affected also have a role to play.

2. Apply international conventions

Nearly all of the world's States have ratified ILO Conventions 182 and 138⁹, the key pillars in fighting child labour exploitation. Nevertheless, in many cases, the articles are not implemented in the field¹⁰. A collective effort and pragmatic, realistic solutions that correspond to local contexts and the labour market are necessary.

3. Punish those responsible

Those responsible for exploiting children must be prosecuted and convicted of criminal offences.

4. Implement a holistic approach

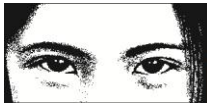
The fight against child labour exploitation involves the implementation of long-term targeted legislation and public policies. However, it must also be integrated into the framework of a wider strategy and systematic approaches for child protection, because of the strong existing interconnections between the different causes of exploitation. The children's individual needs and interactions must be taken into account. The proposed solutions must be adapted to the situations and contexts encountered.

5. Guarantee access to education

Guaranteeing access to school for all children is the best way to prevent children from premature work and exploitation and strengthen their capacities to protect themselves

⁹ ILO Convention 138 focuses mainly on the minimum legal age of admission to employment, which depends on the type of work planned. See [the summarised table of ages](#) on the ILO website.

¹⁰ This convention was drafted in 1999 and ratified by 174 states (95.1%). Convention 138, relating to the minimum age of admission to employment, was ratified by 161 states. However, a high percentage of the global population is not yet covered by the conventions, while several densely populated countries have yet to ratify them. Respectively, 81% and 70.3% of the population are covered by these conventions, ([Tackling child labour](#), Geneva, ILO, 2012)



against abuse. School is also a fundamental tool for supporting working children¹¹, including child domestic workers, provided that the educational system can be adapted if necessary to meet the needs of specific professions and guarantee effective access (modular courses, half-day attendance, etc.).

6. Implement individualised measures

Assisting and protecting children identified as exploited requires the implementation of realistic alternatives accompanied by access to basic services, a healthy environment and recreational activities. Children must be able to participate in solving their issues and be supported in exercising their rights.

7. Define the “best interest” of the child

The definition of the best interest of the child is very subjective. Within a working environment, determining the best solution for the child must be based on an analysis of the nature of the job, the working conditions and the respect of child rights, as well as the impact of the workload on the child's education, health, and physical, mental, spiritual, moral and social development.

8. Guarantee fundamental rights

The State has the responsibility to respect the fundamental rights of working children, who must be given the means to voice their opinions above all. Access to healthcare, sanitary accommodation, decent wages and acceptable working conditions must be ensured.

9. Promote a responsible economy

A dialogue between the private and public sectors should enable the implementation of child protection measures – an integral part of a genuine policy of social responsibility – in formal and informal businesses.

Conclusion

Ways out of child labour exploitation do exist. **In ten years, almost 100,000,000 children have been able to escape from the worst forms of labour¹².**

However, the efforts that must be made to eradicate this phenomenon remain important and must be taken in cooperation with all stakeholders, including the children and their families. Finding pragmatic solutions, which examine working conditions, define the best interest of the child and offer a viable alternative, is the only answer to enable the eradication of child labour exploitation once and for all.

¹¹ ILO [Recommendation 146](#) sets limits for authorised working hours. In particular it establishes the obligation of the States to pay special attention to "the development and progressive extension of adequate facilities for education and vocational orientation and training appropriate in form and content to the needs of the children and young persons concerned" (Article 2 (d) ILO Recommendation 146). Article 13 (b) stipulates moreover the "strict limitation of the hours spent at work in a day and in a week, and the prohibition of overtime, so as to allow enough time for education and training (including the time needed for homework related thereto), for rest during the day and for leisure activities".

¹² *Evaluating the progress in the fight against child labour: Global estimations and tendencies 2000-2012*, (op. cit. note 1)