

Kindernothilfe



Kindernothilfe's Position on the Topic of Child Labor

Results of an internal
consultation process

Contents

Foreword	4
1 Introduction	5
1.1 Positioning steps	5
2 Child labor	6
2.1 Definition of child labor	6
2.2 Child labor and international instruments	6
2.3 Legal situation and reality	8
2.4 Causes of exploitive child labor	8
2.5 Assessment of child labor	8
2.6 Child labor on the international agenda	9
3 Theories and demands	11
4 Focus of our program and project work	12
5 Focus of our educational and advocacy work	14
Appendix	15

Foreword

“Just how much can a child bear?” Kindernothilfe’s posters are now displaying this message. Next to this question there is an image of a boy shouldering a large load. This boy’s eyes reflect the bitter reality now facing millions of children all over the world. Although child labor in itself is scandalous - it is more often than not the only chance of ensuring that a family can make ends meet. Demands to ban child labor and abolish it as quickly as possible are supported by a great many people. We must make it our goal to protect children from economic exploitation – which is one of a child’s basic rights according to Article 32 of the UN Convention on the Rights of the Child. Worldwide, however, over 305 million children aged between five and 17 are currently working – 115 million of them even carrying out particularly hazardous work detrimental to their development. In view of these statistics, simply applying a ban is just not enough. Anyone demanding that child labor be abolished must also provide solutions as to how families can earn their living. We are not only talking about forcing children to work. The really bad types of exploitation, such as turning them into child soldiers or forcing them to prostitution and pornography, are not child labor at all but forms of particularly serious crime. As there is no one definition defining what child labor is, there is a high danger of losing sight of just how serious this scandal is – and of resigning to reality rather than trying to change it.

However, there are alternatives. This Position Paper, put forward by Kindernothilfe, is the result of a consultation process which has taken place amongst our staff. It includes a lot of things we have experienced in our project work and partner programs, as well as where the discussions regarding our education and advocacy work currently stand. Child labor is not an isolated phenomenon. It is caused by the economic and social poverty facing the children’s families. Anyone interested in finding real solutions must start here. Families need support to be able to improve their income situation. Parents must be persuaded to send their children to school and all state measures must prioritize creating jobs for adults rather than relying on cheaper child labor.

Despite all the negative aspects we associate with child labor, it does show that children are able to bear responsibility and do a lot to support their families. Anyone wishing to combat child labor can learn from these children. Instead of having to bear their great loads, they could make a huge contribution towards solving the problem. The successful programs are those in which children and adults work side-by-side to find ways of avoiding exploitation, those which facilitate education and health care and which incorporate both families and the social environment, to constantly keep our vision of conquering child labor all over the world in focus.

With this future in mind, I would like to thank all those Kindernothilfe employees who have contributed towards creating this Position Paper. I hope that all those who read it and reflect upon it are able to gain a more differentiated viewpoint, whilst remaining true to our goal of ensuring everyone all over the world can live and survive without the need for child labor.



Dr. Jürgen Thiesbonenkamp
Chairman of the Board of Directors

1 Introduction

The approaches used in previous projects and programs carried out by Kindernothilfe and its partners have always referred to the topic of child labor, particularly in the educational context. In 1997 we added lobbying and campaigning to the list when Kindernothilfe joined the German Global March against Child Labor alliance, a worldwide campaign in which 1,400 organizations in 100 countries participated – including numerous Kindernothilfe partners. The main concern of the campaign, which reached its peak in June 1998, was the enforcement of children's rights and the "immediate abolishment of the most intolerable forms of child labor"¹. The goal was to also provide support whilst an international treaty was being drawn up and to be able to influence the text contained therein accordingly. The International Labor Organization (ILO) passed the new Convention No. 182 on the worst forms of child labor in June 1999. In the meantime, it has been ratified by over 170 nations. Kindernothilfe provided very intensive support and comments during the whole process. Furthermore, numerous publications on the topic of child labor were produced – in particular with regard to educational work on development policy – with a lot more activities being undertaken besides. Please refer to the Appendix to this document for an overview containing examples of our publications and activities.

1.1 Positioning steps

Once the international campaign had come to an end, the German NGO Forum on Child Labor was formed in Germany with the following members: Brot für die Welt, terre des hommes, ProNats, DGB-Bildungswerk (trade union training institute), Werkstatt Ökonomie and Kindernothilfe.

Work carried out by the alliance focused on the following: Provision of information and lobbying as well as qualifying the controversial discussion on the child labor ban.

In 2002 and 2003 the Forum on Child Labor held some very notable international symposia in Hattingen which generated a mutual position. These two conferences came to the following conclusion:

- The topic of child labor must be viewed and discussed in a differentiated fashion as it is an extremely complex problem.
- There are no easy answers.

The participants agreed on the following points:

- There must be a change of perspective:
- It is no use demanding an all-out ban. Emphasis needs to be placed on a rights-based approach.
- The Convention on the Rights of the Child (CRC) should be used as a reference framework.

During the discussions and from experience gained by the various participants, it became clear that: The fewer rights a child has – be it within his/her own family and/or in the community in which he/she lives –, the higher the danger of exploitation. Therefore, a child's rights obviously need to be reinforced, i.e. a rights-based approach must be pursued.

¹ The youth association of the German Protestant Church (aej), the episcopal relief organization Misereor, Brot für die Welt, the Federation of German Catholic Youth (BDKJ) – federal board, German trade union confederation (DGB), FairTrade e.V., Kindernothilfe e.V. (ed.): Global March against Child Labor, Weltweit unterwegs für Kinderrechte. Schließen Sie sich an! (On the road around the world in support of children's rights. Join us!), Heidelberg, December 1997

2 Child labor

2.1 Definition of child labor

There is no universally accepted definition of what child labor is. The following definitions are used at UN level:

UNICEF

On September 8, 2009 the United Nations Children's Fund presented a global report² on child rights abuse on the occasion of the 20th anniversary of the CRC. In the chapter devoted to child labor, reference is made to a resolution made at the 18th International Conference of Labor Statisticians (2008) on the topic of child labor statistics. At this conference a new definition of child labor was adopted:

“According to this resolution, the term “child labor” incorporates:

- The worst forms of child labor, including slavery, prostitution and pornography; non-permissible activities and work which are likely to harm the health, safety or morals of children, as defined in ILO Convention No. 182.
- Employment below the minimum age of 15, as specified in ILO Convention No. 138.
- Hazardous unpaid domestic services, including services performed for long hours or in an unhealthy or unsafe environment or using unsafe equipment and/or or tools or involving heavy loads.”³

UNICEF criteria⁴ for defining exploitation are when

- children take on full-time work too early;
- their working hours are too long;
- the work is not appropriately remunerated;
- children are forced to bear too much responsibility;
- the work is boring and monotonous;
- the work environment is dangerous, e.g. on the street or underground;
- they do work which is both physically and mentally too strenuous;
- they have no energy or time to go to school or do their schoolwork.

International Labor Organization (ILO)

The ILO has brought in some very important standards in the area of child labor, differentiating these as follows:

Economic activities : Children are economically active when they work at least one hour a week. The ILO Convention does not regard these children as child laborers.

Child labor according to the ILO standards: Undercutting the minimum age limit, work hours which are too long, dangerous working conditions, hazardous work.

Hazardous work: Any activity or occupation that, by its very nature, can have adverse effects on the child's safety, physical or mental health or moral development.

Worst forms of child labor: Child slavery and forced labor, forced recruitment of children as soldiers, sale and trafficking of children, recruitment of children for the purpose of prostitution or pornography as well as the production of drugs, hazardous work.

Kindernothilfe's definition

Kindernothilfe aligns itself with the above definitions, pointing out that it is not appropriate to classify child soldiers, trafficking, recruiting or offering children for prostitution or pornographic purposes or using them in the production of drugs as being forms of child labor as these are all criminal practices and as such illegal.

2.2 Child labor and international instruments

As early as 1919, the year of the birth of the ILO, a first convention on child labor was passed: Convention No. 5 on the minimum age of employment in industrial undertakings. This Convention bans children from working in such undertakings under the age of 14. Convention No. 29, passed in 1930, also bans all types of forced labor – thus also banning forced labor amongst children. The most comprehensive conventions, however, were ILO Convention No. 138 (which has been in force since 19.6.1976 and was ratified by 161 nations) and ILO Convention No. 182 (in force since 19.11.2000 and ratified by 174 nations).⁶

² UNICEF Progress for Children. A Report Card on Child Protection, September 2009, New York, p. 15 and 16

³ UNICEF: Progress for Children. A Report Card on Child Protection, September 2009, New York, p. 16

⁴ UNICEF: Information: Kinderarbeit - Grenzenlose Ausbeutung (Child labor - limitless exploitation), Cologne 2008

⁵ International Labor Office: The end of child labor: Within reach. Global report as part of the follow-up measures to the ILO declaration on fundamental principles and rights at work, p. 6, Geneva 2006

⁶ Ratification status: 28.12.2011, www.ilo.org

⁷ cf. International Labor Office in Geneva (1996): Child labor: Targeting the intolerable, Report VI (1), International Labor Conference, 86th session 1998, Geneva

Convention No. 138 stipulates that governments shall determine a legal minimum age limit for youth employment. The most important principle contained in this Convention is that the minimum age limit should not be below 15 years of age. Employment of persons aged 13 and upwards is allowed where this is not harmful to the health or development of a child and does not prejudice school attendance.⁷ India, Bangladesh, the USA, Saudi Arabia, Iran and Burma are amongst those countries which have not yet ratified the Convention.

Convention No. 182 defines the worst forms of child labor for all persons under 18 years of age:

- a) All types of slavery or practices similar to slavery in nature, such as the sale and trafficking of children, forced labor to pay off a debt as well as any other type of servitude or forced labor, including forced recruitment of children for armed conflict;
- b) Enlisting or offering children for purposes of prostitution or the production of pornographic material or pornographic performances;
- c) Enlisting or offering children for illegal activities, especially the production or trafficking of drugs, as defined in the respective international agreements;
- d) Any work which by its very nature, or due to the conditions in which it is performed, could damage the health, safety or morals of children.⁸

The **Convention on the Rights of the Child (CRC)**, passed in 1989, sets down the right of the child to protection from economic exploitation. Children should not be employed to perform 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”⁹. The contractual partners also pledge to enforce legislative, administrative, social and educational measures to secure this legal right. Reference is also made to further provisions related to this topic specified in other international treaties which require that a minimum age be determined and work hours and conditions accordingly controlled. Appropriate penalties or other sanctions aimed at

ensuring that the provisions of Article 32 are enforced are also planned.

Both **Optional Protocols** to the CRC on the topic of children and armed conflict¹⁰ and the subject of child sale and trafficking, child prostitution and child pornography¹¹ are also very important in connection with child labor. Both Protocols were adopted by the General Assembly of the United Nations on May 25, 2000 and came into force at the beginning of 2002. In the meantime, both Protocols have been ratified by over 100 nations. These Protocols are important supplements to the CRC.

One more Optional Protocol was passed by the UN General Assembly on December 19, 2011, providing for an individual complaints procedure¹² as well as other complaints mechanisms (investigation procedures, intergovernmental complaints) within the scope of the CRC and the Optional Protocols. This contract will be approved for signature and ratification in 2012. This new internationally recognized contract for children will come into force following its 10th ratification. Breaches of Article 32 of the CRC can then be brought before the UN Committee on the Rights of the Child – once all other means of redress have been exhausted.

The **EU Guidelines** on children’s rights, passed by the Council of Foreign Ministers of the European Union on December 10, 2007,¹³ is another instrument which can be applied to enforce children’s rights, including Article 32. The Guidelines include the following statement: “The EU reaffirms its determination to observe as a matter of priority in its external human rights policy the promotion and protection of all rights of the child, i.e. persons below the age of 18 years, taking into account the best interests of the child and its right to protection from discrimination and participation in decision-making processes”¹⁴. A human rights-oriented approach should form the framework within which the goals set down in the Guidelines can be realized.

All in all, Kindernothilfe views all the international contracts and agreements quoted as being a very important basis for obtaining commitments from the nations in question. However, there is no

⁸ cf. International Labor Organization: Convention No. 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labor, 1999, Article 3

⁹ Kindernothilfe: Children have rights! Die UN-Kinderrechtskonvention im Wortlaut (Wording of the UN Convention on the rights of the child) (undated)

¹⁰ Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

¹¹ Optional Protocol to the Convention on the Rights of the Child on the trafficking of children, child prostitution and child pornography

¹² Please refer to www.kindernothilfe.de/kinderrechte

¹³ EU Guidelines for the Promotion and Protection of the Rights of the Child

¹⁴ Council of the European Union: Guidelines for the Promotion and Protection of the Rights of the Child, 16031/07, December 3, 2007, page 3

reference to child labor in the informal sector in either of the two most significant ILO Conventions. As most of the children are employed, respectively exploited, in this area, this really should be taken into account when putting the contracts into practice. Our task should be to repeatedly bring this up within the scope of our advocacy work.

2.3 Legal situation and reality

Article 32 of the UN Convention on the Rights of the Child guarantees boys and girls under 18 years of age protection against economic exploitation. However, the new global report prepared by the International Labor Organization (ILO) in 2010 describes the situation more realistically:

Worldwide more than 305 million children aged five to 17 work – 215 million of these being classed as child laborers due to the fact that they perform work which violates the provisions of the ILO Conventions. 115 million children are carrying out dangerous work. A lot of this data is based on estimates and national spot checks. Most of these children work in the informal sector. It is still very difficult to obtain reliable data in this respect.

Around 60 percent of the five to 17-year-olds work in agriculture, around 25 percent in the service sector, approx. seven percent in industry and roughly seven percent in other non-specified areas. The ILO's new report does not state any figures with regard to the proportion of children who are exploited in export production but estimates put this figure at around five percent. The ILO reports that the number of male child laborers has increased, although one should remember that we are talking here about the period 2004 to 2008 – as is generally the case throughout the report. As work carried out by girls is generally less visible than that done by boys, it is often not included in the statistics. The number of child laborers in the 15-to-17 age group rose by 20 percent from 52 to 62 million.

All in all, the ILO found that child labor has not been reduced as quickly as expected and that it is falling more rapidly in the Asia-Pacific and Latin America and the Caribbean regions than in sub-Saharan Africa. In the latter, there has actually been an increase. As in the past, most children work in agriculture – with only one in five children being paid for this work. The vast majority works in family undertakings and is unpaid.

2.4 Causes of exploitive child labor

Child labor cannot be contributed to just one cause. The cultural, social and economic factors in each respective country or region, as well as global developments, all influence whether a child is exploited or not.

Poverty is a very important reason for making children work. The families often do not have any choice in their fight to survive. Taking a look at the level of poverty in a country confirms that a lot of children have to work in the very poor countries, in particular in African countries south of the Sahara. However, the picture is not consistent. For example, whilst an estimated 30 percent of the five to 14-year-olds in Uganda work, the level in Benin is up at 65 percent, despite the fact that the level of poverty in both countries is roughly the same, when using the per capita gross domestic product as a yardstick.¹⁵

One cultural and social factor, for example, is the caste system in India. Forced labor to pay off debts is particularly widespread in this country. An insufficient or poor education system leads to children going to work. Children are particularly in danger of slipping into an exploitive employment situation in areas of conflict or following a war. In the informal economic sector the demand for particularly cheap laborers is high. This explains why children tend to be selected rather than adults – also because they are easier to influence.

2.5 Assessment of child labor

For the international community the term “child labor” does not include all activities performed by children under 18 years of age. There is a general consensus that activities which keep to the legal limits and do not affect the health or personal development of a child can be a positive experience¹⁶. This opinion is also shared by organizations for working children in Latin America, Asia and Africa. Being introduced to the working environment, holding one's ground and recognition are important experiences on the road to adulthood.

2.6 Child labor on the international agenda

It took a long time for the topic of child labor to take up a prominent position on national and international agendas. Non-

¹⁵ German NGO Forum on Child Labor: Child labor – children's rights. Contributions to qualifying the debate on child labor in a child rights perspective. Published on behalf of the German NGO Forum on Child Labor by Klaus Heidel, Heidelberg, June 2009

¹⁶ Interparliamentary Union/IAA: Eliminating the worst forms of child labor: A practical guide to ILO Convention No. 182, Handbook for parliamentarians No. 3 (Geneva 2002), p. 15

¹⁷ Global March against Child Labour

¹⁸ Youth association of the German Protestant Church (aej), the episcopal relief organization Misereor, Brot für die Welt, the Federation of German Catholic Youth (BDKJ) – federal board, German trade union confederation (DGB), FairTrade e.V., Kindernothilfe e.V., Werkstatt Ökonomie (ed.): Weltweit unterwegs für Kinderrechte (on the road around the world in support of children's rights). Global March against Child Labor, Heidelberg, December 1997, p. 4

governmental organizations are largely to thank for this change. For example, the so-called carpet campaign on the topic of child labor in the carpet industry kicked off in the early 90's and in 1997 preparations began for a worldwide march in protest at child labor¹⁷, with the Werkstatt Ökonomie, Brot für die Welt, Misereor and Kindernothilfe organizations all participating in Germany. Worldwide around 1,400 organizations in over 100 countries joined in the march.

The campaign was a huge success. The march started in Manila, Cape Town and São Paulo and continued on to Geneva, where the new ILO Convention No. 182 was under discussion. Both this and the following ILO Conference (1999) were characterized by the children's presence and encounters between the delegates and the children, resp. adolescents who provided insights into their experience as child laborers. The march also boosted public interest in the topic of child labor. The campaign's main concern was the enforcement of children's rights and the abolishment of the most intolerable forms of child labor¹⁸.

The new ILO Convention No. 182 was generally welcomed by the non-governmental organizations (NGOs). However, at the time there was criticism that it had not proved possible to bring in a narrowed-down concept of the worst forms of child labor. A total ban on child soldiers was also not achieved. Furthermore, the Convention only includes some weak provisions with respect to NGO participation in the development and implementation of action programs.

On the occasion of the 10th anniversary of the Convention, the German NGO Forum on Child Labor made the following demand in a press bulletin referring to June 12, 2009, the World Day against Child Labor: "The International Labor Organization must bring its child labor efforts more in line with reality, more consistently following the child rights approach than previously experienced. This also means involving working children in the decision-making process."¹⁹

Since the two ILO Conferences and the Global March, none of the following UN conferences have placed the topic of child labor in such a prominent center stage position. It played a role as one of many topics at the 2002 World Summit for Children in New York and was included in the closing document²⁰ in the chapter entitled: "Combating child labor". It is also mentioned in a European Parliament report on the subject of "EU external action: A special

place for children"²¹. In the UN Committee on the Rights of the Child, a panel made up of 18 experts located in Geneva set up to monitor the implementation of the CRC, the topic is included in state reporting procedures. However, the Committee has not really paid it any systematic attention for a long time, e.g. as part of a Day of General Discussion. A General Comment issued by the UN Committee, i.e. a detailed interpretation of Article 32 of the CRC, would be a helpful reference document, particularly concerning the question of how to ensure a differentiated view of the very complex topic of child labor.

At the 2002 World Summit for Children the nations pledged to set up National Action Plans to achieve a world fit for children. Germany fulfilled its commitment in 2005²². The chapter: "International commitments" deals with the protection of working children, in Figure 2.6.1.4.

In its interim report²³ on implementing the National Action Plan, the Federal Ministry for Families, Senior Citizens, Women and Youths primarily lists measures in the fair trade area. Generally speaking, this is a good approach – one finding the support of a lot of NGOs. Kindernothilfe is also a member of TransFair, the German organization for fair trade labeling. However, one should consider the fact that the export industry accounts for less than five percent of exploitive child labor.

Unfortunately, a measure suggested by the NGOs which envisaged the Federal Government actively compiling effective mechanisms to also enforce (working) children's rights in the informal sector was not adopted.

In 2002 the ILO declared June 12 as the "World day against child labor". This date is used not only by the ILO but also by the NGOs to draw attention to the topic of child labor.

In March 2008 the subject of child labor was more closely linked to education. With EU support, the project "Tackling child labor through education" was launched. The plan is to fight poverty through access to education in eleven African countries, the Caribbean and some Pacific countries. ILO's IPEC program would also like to carry out this project, designed to continue until 2012, in further countries.

In May 2010 the ILO tried once again to shift attention over to

¹⁹ German NGO Forum on Child Labor (Brot für die Welt, DGB Bildungswerk (trade union training institute) North-South network, Kindernothilfe, ProNats, terre des hommes, Werkstatt Ökonomie), Heidelberg, 12.06.2009

²⁰ United Nations: A world fit for children. A/S-27/19/Rev.1 (Translation from English Document A/S-27/19/Rev.1, Chapter III), 2002

²¹ European Parliament: Report on "EU external action: A special place for children" (2008/2230 (INI)), A6 0039/2009

²² Federal Ministry for Families, Senior Citizens, Women and Youths: National Action Plan. For a Germany fit for children 2005-2010, Berlin, January 2005

²³ Federal Ministry for Families, Senior Citizens, Women and Youths: National Action Plan. For a Germany fit for children 2005-2010 interim report, Berlin, December 2008

the topic of child labor. An international conference took place in The Hague: The Hague Global Child Labor Conference 2010. Its goal: Renew, resp. bolster commitment with a view to abolishing the worst forms of child labor.

A Roadmap²⁴ (Roadmap for Achieving the Elimination of the Worst Forms of Child Labor by 2016) was adopted. This Roadmap, however, is non-committal in character. It is divided into the following sections: Preamble, Principles and Action and Promotion of the Roadmap and Monitoring. The most important principles included are the right to education, a child's well-being and participation of the children.

A new international ILO treaty on the topic of domestic work was passed on June 16, 2011 (ILO Convention No. 189). This deals with improving work conditions, minimum wages, freedom of movement, mechanisms for investigating complaints, support in cases of abuse and more. This is the very first time that a standard has been created for the informal sector.

Other important instruments include the OECD's Guidelines for Multinational Enterprises, the UN Global Compact, company codes of behavior, inter-sectoral initiatives (e.g. Business Social Compliance Initiative – BSCI) and trade-specific initiatives (e.g. fashion, toys, textiles) as well as certification and official labels condemning child labor (e.g. SA 8000, TransFair). Kindernothilfe has not so far placed any particular focus on the topic of child labor and enterprises.

²⁴ www.childlabourconference2010.com

3 Theories

Kindernothilfe is faced with eight theories and demands:

Theory 1

There is no ONE definition of child labor. The causes, types and effects of child labor vary considerably. Demanding a ban on child labor without differentiating the various aspects is not particularly helpful. In view of the economic and social circumstances found in a lot of countries, one cannot simply go ahead and wipe out child labor immediately. What really needs to be done is to introduce measures specifically geared to the respective surroundings and situation and which center around the rights of the child.

Theory 2

Slavery, child prostitution, trafficking, servitude, forced labor, recruiting children for drugs production and forced drafting²⁵ all represent major violations of children's rights and need to be abolished immediately. Defining these activities as work is totally inappropriate. Here we are talking about criminal offenses which must be condemned.

Theory 3

Exploitive child labor in the informal economic sector (all black economy areas: industry, agriculture, households)²⁶ **requires a stronger focus.** The vast majority of children work in the informal economy, as do two thirds of all adults worldwide - most of them in developing or emerging countries. As a result, legal, economic and social insecurity prevail. Therefore, it is important to develop suitable strategies to enforce the rights of the child in an informal economy surrounding.

Theory 4

Poverty is a major cause of child labor. A third of all children in the developing countries, around 600 million, live in absolute poverty. Within the fight against poverty context children and their rights are still not perceived as being an important target

group. This means that any strategies aimed towards combating poverty must focus on child poverty.

Theory 5

Children and young people represent a target group that needs to be more firmly embedded in development cooperation work, whereby the child's well-being (Article 3 of the UN Convention on the Rights of the Child) must be the number one principle. This should also apply to any measures taken with regard to child labor.

Theory 6

Education opportunities for child laborers must be improved.

These include access to good quality, formal education, non-formal education and an education package adapted to the needs of working children. Well-educated boys and girls are much better protected from abuse and exploitation. Education²⁷ helps to break out of the poverty circle and is an important foundation upon which to build an independent life with responsibility for one's own actions.

Theory 7

(Working) children must participate when it comes to enforcing their own rights. When implementing ILO Convention No. 182, more attention should be paid than has previously been the case in ensuring that working children and youth-led organizations participate.

Theory 8

Children must be able to voice complaint when their rights are infringed. Offices for lodging complaints, contact points and ombudsman offices need to be set up on a national scale, as envisaged in Recommendation No. 190 of ILO Convention No. 182. At an **international level**, an **individual complaints procedure** will be in place²⁸.

²⁵ The ILO defines the worst forms as follows:

- All types of slavery or practices similar to slavery in nature, such as the sale and trafficking of children, forced labor to pay off a debt as well as any other type of servitude or forced labor, including forced recruitment of children for armed conflict;
- Enlisting or offering children for purposes of prostitution or the production of pornographic material or pornographic performances;
- Enlisting or offering children for illegal activities, especially the production or trafficking of drugs, as defined in the respective international agreements;
- Work which due to its very nature or the circumstances in which it is performed is likely to harm the health, safety or morals of children.

²⁶ In the informal sector, respectively in the informal economy, there are no trade supervisory or work inspection boards, no contracts, social security benefits or controlled work hours. For example, children carry out domestic work (invisible, informal work) or work in backyards weaving carpets.

²⁷ On the subject of education, Kindernothilfe is currently designing a concept which will include in detail exactly what Kindernothilfe understands by the term education.

²⁸ Please refer to www.kindernothilfe.de/kinderrechte for more information

4 Focus of our program and project work

Kindernothilfe's goal is use its program and project work to play a contribution towards the realization of children's rights. In the child labor context this means enforcing the right of the child to be protected from economic exploitation (Article 32 of the CRC). In the light of this basic, strategic goal, the following major concepts are important for project design and implementation:

Child Rights Programming (CRP) must be understood and consequently applied in order to put the rights of the child into practice in our program work. The following represent the most significant elements of CRP: Combating children's rights violations through direct actions and activities, changing structures, influencing the duty bearers through advocacy work as well as supporting children, families and civil society in enabling them to claim their rights.

The **state, which acts as the ultimate guarantor when it comes to observing and implementing rights**, must accept responsibility for protecting children's rights. Political decision-makers, who not only pass laws but also drive their implementation, therefore represent an important target group. On top of this, our aim should be to get other relevant players in society²⁹ to accept responsibility and to strengthen civil society in such a way as to allow people to claim their rights.

The rights of the children and young people must always remain the central point of focus in all our project and program efforts. A project must be aimed at **enforcing the right** of working children and adolescents to suitable working conditions, in as far as these form part of the respective project.

The worst forms of exploitation of children in our project areas, such as the crimes of slavery, forced labor and forced labor to pay off a debt, must be tackled in all projects receiving our support as soon as we gain knowledge of them. Unless otherwise in place, **legal aid for victims** must be made available. All this can, of course, be achieved by incorporating other players with the respective expertise.

Child labor which can damage a child's health – such as working in quarries, mines, brickworks, at landfill sites or in situations in which children are exposed to hazardous chemicals, acids or alkalis, as well as sugar plantations –, and any other activities ruling out a child's education, are totally unacceptable. Here we need to find **alternative sources of income** – something which can also be done in partnership with other players.

We must also develop strategies and measures to reduce child labor in informal working conditions. Our program and project work must be well-acquainted with the working environment to which children and adolescents are exposed in the country concerned and must promote projects aimed at improving actual working conditions. On the one hand, this incorporates respectively **educating** children, parents and employers, and on the other getting both parents and the state to accept **responsibility**. Rules need to be set up to prevent child and youth exploitation.

To sustainably put a stop to the causes of child labor, it is vital to **improve the parents' income situation** and strengthen the community as a whole. Parents and other adult family members must be allowed to work on fair terms with appropriate remuneration instead of being dependent on their children's earnings to secure the family's survival.

Adult working conditions, which are becoming more and more precarious, and the trend towards replacing adult labor with "cheaper" child labor have far-reaching consequences for children and young people. They are often denied the opportunity of going to school, with their right to education being ignored, thus further intensifying the problems of poverty and impoverishment. In the long term this vicious circle only makes it all the more difficult to conquer poverty.

This is why our project and program work can only reduce poverty in the long-term when we link it to measures to combat child labor and promote suitable education opportunities. Community

²⁹ Other players include, for example, parents, families, village communities, development organizations.

development projects in rural areas with a focus on children and the setting-up of self help groups amongst the women can also contribute to achieving these goals.

Project intervention related to child labor must also aim at ensuring that all working children receive **education/training** – whereby children under 15 years of age should have access to the formal education system. In some specific project approaches it may be appropriate to offer safe living or sleeping quarters as part of our efforts to reintegrate working children.

Kindernothilfe must make it its objective to ensure that when supporting projects with working children as the main target group the **children involved can organize themselves** into groups, build networks and, wherever it makes sense, found umbrella organizations. These alliances, formed as a form of self help and to defend their interests, are important forms of campaigning in civil society, making children “visible”, standing

up for children’s rights and respecting their viewpoints and skills. Capacity building to promote commitment within civil society is also very important. Adult trade unions, which are important players when it comes to standing up for the rights of working people, are important **allies** for working children’s organizations.

Once national and international **offices for lodging complaints** have been installed, those project sponsors and coordination structures supported by Kindernothilfe must ensure that these are publicized and procedures accordingly practiced.

It is also vital that both project sponsors and the respective national networks - including Kindernothilfe itself - contribute to making the concerns and demands of the children and adolescents known and accessible to a wide public in their lobby and advocacy work and by using all available communication channels.

5 Focus of our educational and advocacy work

One of our goals in the **educational work** we carry out is to continue to provide information on the causes, consequences and possible courses of action with respect to child labor. Our tried and tested instruments should be implemented to achieve this goal: Teaching units, community materials, PowerPoint presentations and films. New methods should also be developed – including cooperation with volunteers.

As a TransFair member, we will continue to bring across the various options for taking action resulting from fair trade efforts - including their positive effects – especially in the area of prevention.

Within the scope of our **advocacy work** we will continue to work on promoting the awareness of politicians with respect to exploitive child labor practices in the informal economy. We must push for the development of suitable strategies and for appropriate programs and projects in our development cooperation work.

Within the context of **combating poverty**, one of Kindernothilfe's main concerns must be to ensure that Poverty Reduction Strategy Papers (PRSPs) are aligned in accordance with children's rights – as has always been the case in the past. In connection with its lobby work on children's rights vis-à-vis the Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung (BMZ = Federal Ministry for Economic Cooperation and Development), Kindernothilfe will throw the full weight of the expertise it has gained in the two PRSP studies behind drawing attention to the inter-relationship of: "Child poverty as the major cause of child labor".

The **right to education**, which is closely connected to the topic of child labor, already plays a central role in our lobby and advocacy work. We intend to further promote and qualify this in the context of Kindernothilfe's strategic alignment and our focus on education.

As a relief organization which also cooperates with companies and enterprises, the topic of **enterprise responsibility** and adherence to the core labor standards – which include child labor – we are going to be paying more attention to this topic than in the past. Even if "only" five percent of all child laborers are to be found in the export economy, we must take a clear position on this, resp. have guidelines available as to how to handle cooperations with companies.

While we actively accompany the implementation of the new international treaty on children's rights, with its **complaints procedure**, Kindernothilfe will be prioritizing the topic of child labor. This also includes putting our overseas partners in a position to be able to work with this new contract.

Kindernothilfe will campaign to have the UN Committee on the Rights of the Child compile a **General Comment**³⁰ on Article 32 of the CRC.

Kindernothilfe will continue to provide the Federal Government with support in creating and implementing new concepts and strategies on the topic of children's rights, whereby the implementation of the new **BMZ Strategy Paper** "Young people in German development policy – a contribution to implementing the rights of children and young people", published on November 20, 2011, will play a major role.

³⁰ The UN Committee on the Rights of the Child has published a total of 13 so-called General Comments since being founded in 1999. These are more detailed interpretations and recommendations on how to implement the CRC. The 13th General Comment deals with the topic of violence towards children. Please refer to <http://www2.ohchr.org/english/bodies/crc/comments.htm> for more information

Appendix: Selected Kindernothilfe publications and activities on the topic of child labor

Education materials:

- Teaching unit: „Arbeit statt Schule“ (Work instead of school) (1998)
- Text reader and poster series (1998)
- Global March campaign newspaper (1998)
- Orangensaft - Materialien für die Bildungsarbeit und Aktionen (Orange juice - materials for educational work and campaigns) (1999 and 2003), in association with Brot für die Welt, Misereor and TransFair, including a series of slides and a film
- Slide series „Auf dem Rücken der Kinder“ (On the children's backs) (2000)
- Teaching materials „Ist das fair? Kinderarbeit im Haushalt“ (Is it fair? Domestic child labor) (2004)
- Kinder, Kinder (Children, children) (Ecuador, India, Brazil, the Philippines, Bolivia, Indonesia)

Films:

- Lernen statt schuften (Learning instead of grafting) (1998)
- Unter Aasgeiern. Die Müllkinder von Payatas (Amongst vultures. The garbage children of Payatas) (1998)
- Indonesien: Kinderarbeit auf Nias (Indonesia: Child labor on the island of Nias) (2012) - and others

Exhibitions:

- Kinderarbeit gestern und heute (Child labor - today and in the past) (1998)
- Ausbildung statt Ausbeutung (Education instead of exploitation) (2009)

Studies:

- Kinderarbeit in Haushalten, Child Domestic Labor in Kafue, Petauke and Kapiri Mphoshi Districts, carried out in Zambia (2004)
- Poverty Reduction Strategy Papers - blind to the rights of the (working) child? (2004)
- Poverty Reduction Strategy Papers: Children First!, A Case Study on PRSP Processes in Ethiopia, Kenya and Zambia from a Child Rights Perspective (2005)
- Children's rights in Poverty Reduction Strategy Papers. Evaluation of Kindernothilfe's PRSP projects (2009)

Orange juice project:

On 14.7.1998 the Board passed the so-called "Eine-Welt-Projekt Kinderarbeit und Orangensaft" (One World child labor and orange juice project). This project included project work in Brazil, educational and press work in Europe as well as lobby work. In cooperation with former Kindernothilfe partners AMENCAR, CONANDA (national committee for the rights of children and young people), Brot für die Welt, the Swiss relief organization HEKS and TransFair, Kindernothilfe played a major role in introducing fair trade orange juice which came onto the German market in 1999. The additional revenue resulting from sales of the juice benefited social projects in Brazil, including the educational and health areas.

Web page: www.globalmarch.de (1998-2002)

On top of this, we have always provided - and continue to provide – a great deal of input at conferences, workshops, specialist talks, in journal articles and poster campaigns as well as through our **"Action!Kidz – Kinder gegen Kinderarbeit!"** campaign **(children against child labor), which mobilizes children every year and gets them socially involved.**

In addition to this, Kindernothilfe has regularly published press releases in the past, sometimes in cooperation with the German Forum on Child Labor. Also, child labor has often been a topic of discussion in our magazine and annual reports – and is still referred to frequently.

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