

Analysis



Situation analysis findings on child labour and child participation



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Kindernothilfe is a German children’s rights organisation that supports vulnerable and marginalized children and youth to develop their full potential. We partner with local non-governmental organisations in 33 countries and empower children to lead independent, self-fulfilled lives.

Terre des Hommes International Federation is a network of ten national organisations committed to realizing children’s rights and to promote equitable development without racial, religious, political, cultural or gender-based discrimination.

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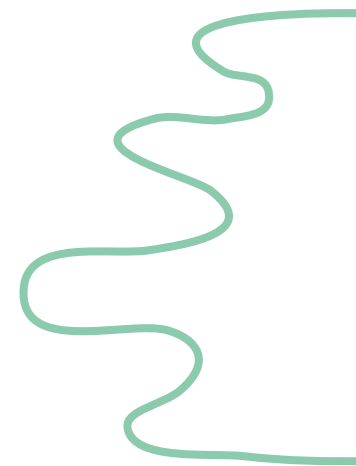
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Introductionⁱ

To inform evidence-based and targeted advocacy efforts with and by working children, Dialogue Works NGO partnersⁱⁱ undertook country-specific analyses on child labour and children's participation in Bangladesh, Ethiopia, Guatemala, Kenya, Lebanon, Nepal, Peru and Zimbabwe. A guiding framework was applied to inform implementation of the country (or sub-national level) situation analysis, with adaptation to local contexts.ⁱⁱⁱ This brief report shares overarching findings from across the eight country studies,^{iv} identifying many common findings despite the diversity of contexts. ●

Scale of child labour and trends^v

According to ILO figures, globally there are 160 million child labourers (63 million girls and 97 million boys), with 79 million children engaged in hazardous work that directly endangers their health, safety, and moral development.^{vi} Most child labour takes place within the family unit (72%), and agricultural work is the largest sector (70%).^{vii} While more boys are engaged in hazardous work, when household chores are taken into account, the gender gap in child labour prevalence narrows.^{viii} Nearly 28% of 5 to 11 year-olds and 35% of 12 to 14 year-olds in child labour are out of school,^{ix} and thus deprived of education, while others are combining work and school.

From 2000 to 2016 child labour declined, with a net reduction of 94 million children in child labour, and the number of children in hazardous work fell by more than half over the same period.^x However, in recent years the COVID-19 pandemic has contributed to significant setbacks, reversing trends in the numbers of children engaged in child labour, including hazardous forms. The ILO and UNICEF warn that 9 million additional children are at risk of labour as a result of the pandemic.^{xi} ●

Underlying and root causes of child labour

The root causes underlying harmful work and children's exploitation are complex. The reality that supporting the families is one of the main reasons and motivations for children's work,^{xii} is an indication of why the largest share of child labour takes place within the family.^{xiii} Factors that make child labour a structural issue that goes beyond children's interest and choice to work include:

- **Poverty** (including family debt, low pay, inadequate or inexistent opportunities for decent work for parents and caregivers; food insecurity; and inadequate child protection schemes);
- **Structural inequalities** (perpetrated by discrimination; social exclusion; globalization and its impact on cheap labour, climate change, conflict and migration);
- **Poor governance** (including lack of law enforcement; inadequate government investments in free quality education for all, infrastructure, and health services; lack of transparency; insufficient allocation of financial and human resources; and lack of state presence in remote and most vulnerable areas);
- **Dysfunctional families** (due to parents being migrant workers; death or poor health of a family member; numerous families; neglected children); and,
- **Social norms and values** (reflected in social acceptance of different forms of child labour; less value for girls to continue their education; and acceptance of child marriage). ●

Impact of labour on children

Low pay and exploitation of children is prevalent. Many working children are exposed to injury, health risks and different forms of violence (emotional, physical, sexual) in the work place. Some risks are gendered (e.g. increased risks of sexual harassment and abuse of girls, increased risks of heavy work for boys). Furthermore, working long hours negatively affects children's opportunities to study, rest and play. The country situation analysis findings resonate with earlier "It's Time to Talk" findings^{xiv}, that children are negatively impacted by engaging in harmful forms of work that are: unhealthy, unsafe, or risk causing pain, injury or accident; too difficult or heavy for their age or ability; illegal, increasing the risk of being in conflict with the law; exposing them to abuse or violence; disrupting their education; or exploitative, for example, involves long working hours, low or no pay.

In contrast, children have described benefits from some work undertaken to help and contribute to their families, especially when the type and amount of work is suitable to their capacities, carried out in a safe environment, and not disruptive to their education. In many traditional societies, girls and boys are expected to help with household work, agricultural work and animal husbandry, while some are also encouraged to engage in paid work. Similar to "It's Time to Talk" findings, many children feel proud to help their families, they develop and learn skills, and many use their earnings to meet their basic needs to food, health care, as well as paying education costs, allowing them to continue their education.^{xv} ●

Laws, policies and programmes to protect children from labour exploitation

Over the past 30 years significant efforts have been made by governments and other actors to develop laws and policies to prevent and protect children from labour exploitation. Most countries have ratified the UN Convention on the Rights of the Child (UNCRC) and ILO Conventions (182, 138), expanding efforts to address the worst forms of child labour. In Africa, ratification of the African Charter on the Rights and Welfare of the Child (ACRWC) also articulates the importance of protection from all forms of economic exploitation or work that interferes with a child's development, while also outlining children's responsibilities towards their family and society. In more recent years, the SDGs (Sustainable Development Goals) have also provided impetus to policy and practice efforts to end child labour exploitation.

Across different continents, national laws and policies, as well as articles in the Constitution, exist to protect children from labour exploitation (including Labour Laws, Children's Acts, National Policies and Plans of Action to protect children from labour exploitation). A range of other laws and policies also reinforce child labour prevention and prohibition, including Education Acts promoting compulsory education, Factory Acts, Domestic Workers Act, laws to protect children from violence, exploitation, child marriage, and trafficking. However, **there are varying degrees of awareness on the details of these laws and policies among concerned stakeholders** (government officials, employers, caregivers, children etc.) **contributing to poor implementation.**

Moreover, across each country studied, **there is inadequate allocation of government budgets and insufficient human resources to monitor, implement and enforce existing laws and policies.** Guidelines or procedures on the roles and responsibilities of state institutions in protecting working children and responding to exploitation are **limited or non-existent** in some countries, especially in relation to monitoring and responding to child work in the informal sector.

There are also **weaknesses in existing laws, policies and regulations**, that are often limited to focus on children working in formal sectors in registered companies and factories, despite the prevalence of children's work in the informal sector, encompassing agricultural work for their own families, small scale vending, waste collection and other work.

Furthermore, there is **limited capacity building of relevant duty bearers** (including labour inspectors, social welfare officers, police, employers etc.) on child rights, labour laws, and children's right to be heard, contributing to deficient law enforcement. Greater efforts are needed by policy makers, practitioners, employers and parents to engage working children's representatives to consider their perspectives about beneficial and harmful forms of work, in order to better protect children from harmful work, especially the worst forms of child labour, while also enabling children to do dignified work that enhances their development. ●

Holistic inter-sectoral policies and programmes are necessary to prevent and address child labour exploitation

In most countries there is recognition that multi-sectoral efforts are required to prevent and address child labour exploitation and harm, encompassing:

- Poverty reduction and food security schemes to promote and ensure decent work for caregivers in rural, remote, urban and camp settings
- Social protection schemes especially for families affected by poverty, and for the most vulnerable including migrant, refugees, and stateless children, as well as families affected by disability, chronic poor health, or death of a caregiver.
- Improved access to quality basic services (health, education, protection etc.) and skill training
- Law enforcement and awareness raising about existing child labour laws and policies (as well as other related laws and policies on education, prevention of trafficking, safe migration etc.)
- Community mobilisation and specific efforts to transform harmful social and gender norms that perpetuate harmful forms of child labour
- Collaboration and coordination with civil society organisations and community-based child protection mechanism to monitor, prevent and respond to child labour exploitation
- Rescue and rehabilitation of children who are trafficked or engaged in the worst forms of child labour
- Strengthening institutional capacity and ensure skilled and trained professionals to increase children's protection and participation

In some contexts, civil society organisations are engaged in government-led platforms and networks addressing child labour exploitation. However, in most countries, there is insufficient political will to dedicate sufficient human, material and financial resources to support integrated multi-sectoral efforts. Coordination remains a challenge within state institutions, and even more between states and civil society organisations. ●

Laws, policies and programmes to enhance children's participation rights and status of their implementation

In the past three decades, government and civil society agencies gained increased awareness about children's right to be heard because of the UNCRC; and the right to be heard is reflected in a wide number of national constitutions, laws, policies, procedures, and guidelines relating to children's education, health, care, protection, and justice procedures. There are also an increasing number of structures and platforms for children's expression at local, sub-national and national levels, including child clubs/groups, working children's associations, children's councils or parliaments.^{xvi} For example,

- In most countries, community and school-based child clubs/ councils, girls' clubs, and/or life skill clubs are supported by CSOs, and some have links to the district and higher-level participation structures. In Nepal, for instance there are over 23,000 registered child clubs.
- In Guatemala, there is a regional network called 'Girls lead' (Las niñas lideran) and serves as a platform to coordinate girl-led advocacy initiatives to address issues affecting girls in three municipalities, to raise awareness on the role of girls and women in society, and to promote empowerment. Other initiatives include the working children and adolescents' organisation (ONNATs) through which working children collaborate with others to advocate for their rights and protection.
- Children's Advisory Committees of working children are supported through the Dialogue works project, and some partners support wider associations, networks and movements of working children in Africa (e.g. AMWCY^{xvii}), and Latin America (e.g. MOLACNATS^{xviii}).
- In Kenya, the Department of Children Services established Children Assemblies in 47 counties which are designed to: create a formal and sustainable mechanism for children to participate and to influence policy and participate in state funded mechanisms; and to create avenues through which national governments and county are informed about critical issues that impact the child rights such as health, education, budgeting, HIV/AIDS and child protection. →

- In Lebanon, Children's Municipality Councils were established in 1999 (there have been 16 operational since 2003) and aim to introduce children to democratic practices, civic engagement and to involve them in the local community decision-making processes.
- In Peru, the National Action Plan on Childhood and Adolescence 2012-2021 placed high importance to the creation of platforms for the participation of children between 12-17 years old. Up to 2020, the Consultative Councils were fully working at regional level, but more efforts are needed for the Councils to reach all of the local governments.
- The Ethiopian government encourages the formation of children's parliaments at the zonal and regional levels, for children to express their views to decision-makers in council meetings.
- In Zimbabwe, Junior Parliaments have been formed in 63 districts, and many include special interest groups, including those living with HIV, children with disabilities and children living on the streets. The intention is for children to talk directly to ministers and councillors about issues that affect them.
- In Bangladesh, the Government formed a National Children's Task Force (NCTF) that represents children from all categories, and helps children to express opinions on the formulation of various laws, policies and actions initiated by the Government in Bangladesh. Furthermore, the concerned Ministries for both Primary and Secondary Education have initiated the formation of Student Councils and cabinets in primary and secondary schools respectively to ensure children's participation in school activities.

Despite such progress, across the countries, there is **inadequate government investments** (human resources and financial) to support functioning structures and processes for meaningful participation of children and young people to regularly meet with decision-makers. National and local officials lack funds for training of staff (e.g. on meaningful participation, power-sharing) and for children (e.g. on child rights, life skills). They also lack budget for transport and costs associated with regular meetings and action initiatives.

Furthermore, in many countries there are **legal barriers to register clubs and associations** run by children and young people under the age of 18 years. Lack of legal registration also creates obstacles to apply for and receive funds from donors. For example, Lebanon children and young people are banned from forming associations until they turn 20 years old and are not allowed to join a registered association until they are 18 years old. This regulation becomes even more exclusive when applied to refugee children, given that the only ones allowed to join registered associations are Lebanese citizens.

Across **diverse socio-cultural contexts**, prevalent social norms about children, about their place and power in society continues to make it harder for children to speak up and influence decisions affecting them. Moreover, many of the existing child participation structures are not inclusive of the most marginalised children. Not all involve out of school working children, children with disabilities, children on the move, or children from remote locations.

Where working children's associations and networks exist, greater efforts are needed by government authorities, UN agencies and civil society organisations **to work in partnership to enhance inclusive decision-making processes**. Moreover, in the case of children living in emergency contexts, it is paramount that humanitarian organisations increase their commitment towards an effective and ethical participation of children that goes beyond consultation and surveys. ●

Strategic entry points for advocacy by working children and NGOs

The analyses identified strategic entry points for advocacy. The main areas of common advocacy included:

- Advocacy to widen and strengthen **platforms for working children's participation** in decision-making. For example, by supporting:
 - Children's participation in all forums that deal with working children
 - Dialogue with relevant Ministries (e.g. Ministry of Labour) to support working children's participation in policy making, and to increase government-led initiatives to engage children in decision-making processes.
 - Children's participation in the revision of the National Plan of Action on child labour
 - Inclusion of working children, including working children with disabilities, in existing child clubs, networks and other participation structures
 - Child-centred participation opportunities that prioritise children's protagonism by building on working children's experiences and views about issues affecting them
- Advocacy to **increase human and financial resources** for improved implementation and monitoring of existing child labour policies and laws (including funds for capacity building of concerned duty bearers, increased accessibility to justice services in rural areas, and decentralised protection services for working children)
- Advocacy to **refine child labour laws, policies and regulations** to enhance monitoring, prevention and response to child labour in the informal sector.
- Advocacy to ensure **children's right to education** including access and quality education and vocational training for the most marginalised (including street children, migrant, refugee, stateless children, as well as children with disabilities).
- Advocacy for an **integrated approach to prevent and protect children from labour exploitation** encompassing: poverty and inequality reduction, access to quality basic services (health, education, protection), awareness raising and addressing harmful social norms, strengthening child-friendly families/ schools/ communities
- Advocacy to **increase coordination and mobilisation of civil society organisations**, by promoting awareness raising on the existing policies and programmes to address and prevent child labour exploitation. ●

References and Endnotes

References and Endnotes

i Written by Claire O’Kane and Ornella Barros with thanks and acknowledgements to the NGO partners, their staff and consultants who implemented and wrote country situation analysis reports. Thanks to each adult and child that was consulted during the process. Thanks also to feedback from Dialogue Works Steering Committee members

ii CSID (Bangladesh), Facilitators for Change (Ethiopia), CEIPA (Guatemala), AfCIC & WCY (Kenya), AMURT, Nabaa, Sama, PWHO and TDH Lausanne (Lebanon), CWISH (Nepal), CESIP and IFEJANT (Peru) and CACLAZ (Zimbabwe)

iii For example, in Ethiopia a sub-national level Situation Analysis was undertaken, focusing on the Amhara region

iv Situation Analysis on Child Labour and Children’s Participation reports from Bangladesh, Ethiopia, Guatemala, Kenya, Lebanon, Nepal, Peru and Zimbabwe. Most reports were written in collaboration with national consultants and NGO staff.

v This section provides global data on the scale and trends, rather than findings from the country reports

vi UNICEF/ ILO (2021). Child Labour: Global estimates 2020, trends and the road forwards.

vii Ibid

viii Ibid

ix Ibid

x ILO (2017). Global estimates of child labour results and trends 2012-2016.

xi UNICEF/ ILO (2021). Child Labour: Global estimates 2020, trends and the road forwards.

xii O’Kane, C., Barros, O., and Meslaoui, N. (2018) It’s Time to Talk: Children’s views on children’s work. It’s Time to Talk: Kindernothilfe and Terre des Hommes

xiii ILO (2017). Global estimates of child labour results and trends 2012-2016.

xiv O’Kane, C., Barros, O., and Meslaoui, N. (2018) It’s Time to Talk: Children’s views on children’s work. It’s Time to Talk: Kindernothilfe and Terre des Hommes

xv Ibid

xvi Joining Forces (2019). Joining Forces (2019). The Second Revolution. Thirty years of child rights, and the unfinished agenda. Written by Claire O’Kane, Annabel Trapp, Patrick Watt, and Richard Morgan.

xvii AMWCY = African Movement of Working Children and Youth

xviii MOLACNATS = Movimiento Latino Americano y Caribeño de Niños, Niñas y Adolescentes Trabajadores

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