



South Asia
Regional Consultation
on **Child Labour**
in **Agriculture**
and **Allied Activities**

A REPORT

South Asia

Regional Consultation
on **Child Labour**
in **Agriculture**
and **Allied Activities**

A REPORT



First published 2010

Report team

Sandhya Lakshmi Ch

Priyanka Ribhu

Abha Duggal

Ghislaine Naduad

Design: Vijay Singh

For more information about the publication
please contact:

Global March Against Child Labour

International Secretariat

L-6, 1 Floor, Kalkaji

New Delhi 110019, India

Email: info@globalmarch.org

Tel: +91 11 4132 9025

Bachpan Bachao Andolan

L-6, , Kalkaji

New Delhi 110019, India

Email: info@bba.org.in

Tel: +91 11 2622 4899, 2647 5481

Acknowledgements

Bachpan Bachao Andolan (BBA) and Global March Against Child Labour (GMACL) would like to express their deep appreciation and gratitude to those organisations and agencies whose generosity in their financial support helped to ensure the successful implementation of this historic consultation. These agencies include:

- Royal Netherlands Embassy in New Delhi, India
- Bread for the World, Germany
- Kidsrights Foundation, The Netherlands

In addition, the Indian National Trade Union Congress (INTUC) has been a strong and loyal member of the Global March Against Child Labour alliance and has been generous in mobilising partners and key stakeholders for this consultation. The South Asian Coalition on Child Servitude (SACCS) was instrumental in supporting with its partners in the sub-region. Finally, without the administrative and logistic support of the Association for Voluntary Action (AVA), and the child participants from the Bal Ashram Trust (BAT) and Backward Society Education (BASE), Nepal, this consultation would not have been possible.



Kingdom of the Netherlands

Brot
für die Welt



Child Labour in Agriculture - A Brief Background

Of 215 million child labourers in the world, most child labourers aged 5 and 17 years old are in agriculture (60%) compared to some 26% in services and 7% in industry (Accelerating action against child labour, ILO Report 2010). Child labour in agriculture is hazardous: children work long hours, use sharp tools which need not be machinery (a sickle for instance); carrying weight over their tiny shoulders, exposure to pesticides etc. None of these activities may actually fall under the 'hazardous' list legally in India or other countries, but the very nature of work has apparent health hazards.

Bt cotton, cocoa, tea plantations, silk making and fisheries industry are only a few examples of intervention against child labour in agriculture and allied activities, the world over. It is interesting to note the similarities. All these sectors are largely governed by commercial farms owned by a syndicate of companies having the dominant share in the industry they represent. Apart from these sectors of agriculture, there is little understanding or research done in others. Given the scope of the sector and the number of children it affects, a much larger perspective is necessary.

In the preamble of the outcome of Global Child Labour Conference 2010 at The Hague – the *Roadmap for Achieving The Elimination of the Worst Forms of Child Labour by 2016* – is stated that parties acknowledge that over the last decade the incidence of child labour in agriculture has been the highest. Parties have recognised that political leadership is needed to achieve the elimination of the worst forms of child labour, and that governments in partnership with all other relevant actors need to act swiftly and with determination, particularly in the informal economy where most child labour occurs.

At the Hague Conference it was also stated that more data collection covering child labour in agriculture and allied activities is required. The subject of child labour in agriculture has undergone little systematic analysis. Available information is often vague, incomplete and undated. Children that work in agriculture are often hard to reach. Besides that the work that children in agriculture and allied activities perform is often invisible, because they assist their parents in task work or other forms of work organisation. Since this work is not recognised, nor easily recorded in statistics, it goes largely unnoticed. This creates a cycle of poverty and affects the future of children since their access to education and training is greatly reduced.

Therefore, Bachpan Bachao Andolan (BBA) and Global March Against Child Labour planned to organise a South Asia Regional Consultation on Child Labour in Agriculture and Allied Activities on 29 July 2010 in New Delhi, India. This consultation was aimed at bringing NGOs and civil society partners from India, Nepal, Bangladesh and Sri Lanka, INGOs, UN agencies including International Labour Organisation (ILO), UNICEF and Food and Agriculture Organisation (FAO), trade unions including farmers' unions and teachers unions. The objective of this consultation was to build an understanding of the situation of child labour in agriculture and allied activities, share lessons from the field in different countries on how to address the issues, and to devise a common regional (South Asia) strategy for elimination of child labour in agriculture and allied activities.



Preparation for the Consultation

The South Asia Consultation called for experts from different parts of South Asia in the fields of agricultural labour and related aspects, child labour, community development, workers rights, right to education, etc, who could throw light on the various aspects of child labour in agriculture and allied activities, and the various factors causing and propelling it and led to a common plan for the region for its remediation.

A detailed desk research was undertaken to develop an understanding of the various national legislations and policies affecting child labour in agriculture and allied activities. It was also expanded to capture and document efforts that have been made by various organisations across in South Asia as well as the world. There were many common threads that emerged from the South Asia sub-region, for example, traditional acceptance of child labour and child bonded labour in agriculture and allied activities, landlessness, lack of food security, new and emerging issues like globalisation and its effect on agriculture and labour, practices already being implemented in various sectors of agriculture and allied activities within South Asia. The concept note and programme schedule are included in Annexure 1 and 2 of this report.



South Asia Regional Consultation on Child Labour in Agriculture and Allied Activities



Child labour in agriculture and allied activities need urgent focus

The speakers invited to address participants in the opening session of the consultation came from a broad range of key stakeholder groups, including government, UN agencies, trade unions and civil society, and children who had worked as agricultural bonded labourers. However, while representing different stakeholders, speakers presented a common message that prevention and elimination of child labour in its largest manifestation in agriculture and allied activities needs to be highlighted and concerted and strategic action should be initiated to work together to achieve the call set in the Roadmap to 2016.

A. Inaugural Session

Breaking the cycle of exploitation

Mr. Kailash Satyarthi, the Chairperson of Global March Against Child Labour and the founder of BBA, in his introductory address to the Consultation, postulated the Triangular Paradigm of Development, interlinking poverty, illiteracy and child labour in a cyclical relationship. He argued against the common assumption that a child works due to poverty, an argument common in the rural context. He stressed the fact that child labour causes and perpetuates poverty, and termed it a serious violation of human rights. He outlined the various



complications of child labour in agriculture:

- children working alongside family in family farms;
- children are allowed to work (with parents or without parents) in agricultural fields, only for certain hours- 3-6 hours for those aged between 6-14 years. But who checks that this is being followed and how can one decide whether this is acceptable and not-acceptable;
- caste system and the discrimination under it is stifling and finally
- the enforcement of laws in the remote rural areas is difficult.

Besides these complications, he spoke about four *deficits* which need to be urgently addressed:

- Education deficit:** lack of opportunity of quality, free education that address all aspects of education- presence of schools, good infrastructure, properly trained teachers, all of which together cause drop-outs among children and maintains the huge number of children out of school and in child labour.
- Legal deficit:** Child labour in agriculture and allied activities often are not considered hazardous in the domestic legislations of many countries. Wherever other laws are applicable, there is no clear judicial mechanism enforce them.
- Moral deficit:** People are not only unaware of the dangers of child labour in agriculture and allied activities, but are also not bothered about the problem. There is a need to generate awareness and build consciousness among the people.
- Social deficit:** All kinds of discrimination that cause the social exclusion-caste, gender, religion, class, etc. need to be addressed.

He also suggested the *appropriate measures* to be taken to address the above four deficits:

- Social actions to include a wide range of partners- leaders of different religious outfits, community based groups such as *Khap Panchayats* (a special kind of council governing a clan of families),
- Legal and judicial awareness among the common man and policy advocacy,

- Corporations who have taken to contract farming should take up true corporate social responsibility in favour of farmers' rights and not as a matter of charity, and
- Development of the rural areas by the State in order to provide proper amenities and infrastructure in all aspects of rural life. This will ensure proper working conditions for the adult workers and proper education for the children.

Trade unions call for synchronising local efforts with global norms

Mr. N.M.Adyanthaya, Sr. Vice President, INTUC, ILO Governing Body member and Governing Board member, Global March, said that poverty alleviation and quality education are the two most important things in the battle against child labour. He also exhorted that the trade unions and all social actors come together in this fight. He stressed on the proper implementation of government schemes so that they reach the proper target population. And, called upon the Indian Government to ratify the ILO Conventions No. 138 (on minimum age of employment) and 182 (on the worst forms of child labour) on a priority basis, because that would help devise appropriate measures to tackle child labour and related aspects.

Mr. Suneet Chopra, Secretary, Bharatiya Khet Mazdoor Union (All India Farm Workers Union), presented some alarming facts regarding the forces that are acting upon farmers and agricultural labourers:

- 60% of child labour is in agriculture; the number of working days in agriculture is decreasing and number of adult labourers is increasing. Adults who were once farmers are selling their land and becoming labourers explains this increase in adult labourers. The confounding fact is that though there are lesser days of work and more labourers (adults) available, child labour in agriculture is still high. Child labour exists because of cheap labour.
- A large number of men are also leaving homes to head to work in cities; many die or don't return thus forcing children to enter into labour force.
- Privatisation and globalisation have increased the demand for cheap labour, swelling the ranks of child labourers. Most of the child labour today is casual labour, replacing women labourers.
- The only way to fight child labour is to organise the labour force in agriculture, which would ensure proper rights and bring down child labour.
- He also felt that ILO Convention 182 would not be able to stop this because it prevents cheap labour. However, it provides a mechanism to combat the worst form of child labour. He opined that India had not yet ratified Conventions 182 and 138

Speaking of solutions, he said:

- He strongly advocated for an organised force against capitalism, only then could child labour be effectively blocked. He called for organising not only the agri-sector but also more people, to organise the wages and the work and the employees against this mechanism.
- He said the battle is not just one for education, but it was a battle against exploitation, a battle against casual labour, women labour and child labour instead of women labour. He said that only when the rights of the workers are protected, their jobs protected, laws are stricter and Conventions are ratified, that this problem can be solved.
- He also said that there is increased trafficking which must be addressed by the trade unions.

Effective implementation of domestic legislations

Mr. Ramdev Prasad, Chair, Bihar Child Labour Commission was vocal in his opinion that a stricter stand should be taken against child labour and the starting point for that is to remove the term 'regulation' from "Child Labour (Prohibition and Regulation) Act, 1986". He lamented the fact that ILO and other international organisations' efforts against child labour haven't been as successful as they ought to have been. Despite all this, he opined that people were being benefiting from programmes like *Sarva Shiksha Abhiyan* (SSA, Education for all campaign, a flagship of the Government of India), mid-day meal, and various scholarships. He also called forth for honest implementation of government's poverty alleviation programmes in time bound manner.

A small voice against exploitation

Mr. Rakesh Kumar Sada, a former trafficked bonded child labourer rescued from Punjab, informed that he was trafficked to Punjab when he was very young and worked there as labourer for six and half years. When he was rescued and repatriated he found himself unable to communicate with his family as he had forgotten his native language. He is a child who was re-trafficked to the same place and industry in Punjab. The second time it was for a shorter duration. He was employed in a potato farm without wages having a working hour of more than 12 hours. The employer there used to manhandle the children if they would say NO to employer's order. When he was re-trafficked, he was forcefully taken away by the middleman. He contacted BBA for releasing him and other children like him. He also gave information of all the adjacent farms which employed child labourers who were subsequently rescued.



International agency calls for holistic action

Mr. Simon Steyne, Head of the Programme Support Unit of the ILO's International Programme on the Elimination of Child Labour (ILO-IPEC) clarified the role of ILO saying that IPEC's job is to support, governments, employers, trade unions and NGOs in the fight against child labour rather than ILO eliminating it directly. Stating ILO's goal to eliminate all the worst forms of labour by 2016, he expressed anguish that the progress is not enough yet. There is a need to upscale strategies to prevent child labour and to integrate interventions to reach decent work and education for all.

He said that not all work by children in agriculture is child labour as defined in ILO Conventions 138 and 182. However, 60% of the world's 215 million child labourers and the majority of the 115 million in the Worst Forms of Child Labour are engaged in agriculture, suggesting that most child labour in agriculture is currently invisible and hence greater action is necessary. Also, agriculture by its very nature occurs in remote areas. Hence there is need for better labour inspection. There is a need to strengthen the number of labour inspectors and the quality of inspection services, he noted.

Though there is an increase in globally traded agriculture with many multinationals entering the sector, most children work in farms for local products. Hence it is important to raise awareness among the parents of the danger of agriculture. Parents usually are oblivious to these dangers (e.g. the use of pesticides). Furthermore services regarding safety and working conditions need to be present. The best way to combat child labour is to provide good quality education with good infrastructure in schools.

With regards to the increasing role of multinationals in agriculture, he said that they have a large social responsibility to undertake. He suggested that they should use private labour inspections in large agricultural holdings. They should also realise that it is their responsibility to do so and not thrust this inspection or its expenses on the Government.

IPEC's strategy regarding child labour is to have a sector approach, where employers and trade unions of that respective sector work together in the elimination of child labour and bring together all stakeholders to work together.

Key highlights of the inaugural session

Various aspects of the problem of child labour in agriculture:

- 60% of all child labourers in the world are in agriculture and allied activities.
- Caused by the force of poverty and ignorance due to illiteracy leading to bonded labour
- Invisible nature of agriculture in general and child labour in agriculture in particular
- Problem of casual labourers- child labourers replacing women
- The inherent nature of capitalism to give more importance to money rather than people
- Increasing globalisation and privatisation in agriculture which demand cheap labour hence child labour
- Increasing landlessness due to multinationals acquiring agricultural lands reducing farmers to labourers

The solutions recommended included:

- Address the 4 deficits: education deficit, legal deficit, moral deficit and social deficit
- Strict implementation of laws and government's welfare measures
- Organise the labour force in agriculture to ensure proper rights
- Increased awareness among the parents and the community
- Ratification of ILO Conventions which would help in setting up proper provisions to combat child labour
- Joining of forces of Governments, trade unions, NGOs and the civil society

With this preliminary broad outlook been set by the speakers of the inaugural session, the proceedings moved to technical aspects in the next sessions.

B. Plenary Session 1

Setting the stage – child labour and trafficking in the field, farms and allied activities



The main objective of this session was to understand the extent and nature of child labour and trafficking in agriculture and allied activities in the different countries in the South Asia sub-region.

The session was chaired by Mr. Amod Kanth, Chairman, Delhi Commission for the Protection of the Right of the Child (DCPCR).

Ms. Sherin Khan, Senior Child Labour Specialist of ILO South Asia Sub-regional office in New Delhi said that there are 215 million child labourers in the world and 113 million of them are in hazardous work. The largest number of child labourers in the world is in South Asia. 45% of all the hazardous forms of child labour are in South Asia and 60% of this number is in agriculture and allied activities. A third of all child labourers are in countries that have not ratified ILO Conventions nos. 138 and 182.

She said that there are a host of reasons that give rise to and perpetuate child labour in the agriculture sector, the world over: Sub-Saharan Africa does not invest much in education; conflicts and natural disasters make the battle against child labour difficult; intense poverty in rural areas, due to which small farmers are struggling and working as bonded labourers. She said that the economic crisis had less impact on these communities.

Since agriculture is becoming industrialised, she opined that trade unions have a significant role to play, and to promote workers rights, programmes on decent and safe work should be initiated. A focus on skill training,

social awareness is also essential, she felt. She said that the Governments are in the driver seat and if they so will, the problem can be tackled effectively. She said that social partners should work along with the governments in this matter, because IPEC programme only translates the national level programme to the community level.

She maintained that one should not look for success in two year projects because time and resources are required to solve this problem. Local organisations need time to implement programmes effectively. Also, the greater the input and the longer the duration, the longer is the impact.

Mr. K. Marimuttu of Ceylon Workers Union, Sri Lanka outlined the success story of Sri Lanka, which in his words has a relatively smaller programme on child labour. Sri Lanka also has the blessing of not having to cope with caste system. One reason for success was the close coordination between social partners (trade unions) and the Government. Additionally, the legal framework in Sri Lanka is also good. There is also a framework to monitor child labour in which the Minister of Justice and Labour plays an important role.

Another key feature in Sri Lanka's success is the National Steering Committee consisting of the Government, trade unions and the civil society to work together at both national and district levels. He quoted the example of two programs- one in the fishing and two, in the tourism industry where the committees actively coordinating and monitoring these industries for child labour.

Mr. J. John, Executive Director of Centre for Education and Communication (CEC), India, related his experience of working with tea plantations quoting from his experience of utilising the Plantation Labour Act, 1951, which has been present long before Child Labour (Prohibition and Regulation Act, 1986 came into being in India. This Act regulates labour in plantations (tea plantations). However, it is alarming to note that this industry came up with a notification of wages for child labour in 2009. He said that adolescent labour in tea plantations should be banned.

He said that agriculture was moving from feudal to capitalist system, he outlined the changing dynamics of agricultural labour with an impact on bonded labour and child labour, as follows:

- a) The number of small farmers is increasing.
- b) Simultaneously, larger corporations have come into the picture and they are directly engaging small farmers for contract farming, with the condition that these farmer will sell their produce only to the said corporations.
- c) Displacement of farmers due to natural disasters (floods for instance): This results in large scale forced migration and trafficking.

As a result of the above, the bonded labour manifestations now are different from the inter-generational bondage of yesteryears. The generational bondage has decreased, giving way to *barasiya* (one year work) and *chah masiya* (6 months work) in which workers are engaged for 1 year or 6 months respectively, during which period they are bonded to the fields or the employers and their rights are constrained.

He said that there is a need to distinguish between small and large farms because of the nature of farming and the differences between each. He also said that there is a need to acknowledge the inadequacy of wages for the labourers. The matter, he said was not about minimum wage, because even if they earn minimum wage (which most do not) it is inadequate. He said that all the factors together cause child labour. He suggested that there is a need to include agriculture as being hazardous under the Child Labour Act. He also advocated for universal social security as agricultural labourers do not receive any social security currently. This affects the families especially the children when parents fall sick or are unemployed.

Mr. Kishore Gautam, Nepal Trade Union Congress (NTUC), Nepal exhorted for abolition of all forms of child labour without any exception. He said: “How can there be progress without education? And how can we educate all children till we abolish all forms of child labour?”

Ms. Rajkumari, former child labourer, Nepal: In her inspiring speech, Rajkumari a former child labourer, now an adolescent said that child labourers should be provided with education as a first priority. She had worked for 3 months before she was rescued and provided with non-formal education. She called for the unity of all the countries to end child labour. She questioned, “How can we talk and boast of technological advances by humankind when social evils like child labour are still present? Does development of a country not include children's growth?”

Ms. Bama Athreya, Executive Director, International Labour Rights Forum (ILRF), USA, spoke about ILRF's work in the USA with the World Bank and other US agencies and multinational corporations (MNC).

She threw light on the recently passed Food Security Act in the USA, which is focused on investment in the agriculture sector in developing countries. She expressed concern that these policies and investments are being done without proper and sufficient awareness of what agriculture is and without taking labour market into consideration. In agriculture worldwide, there is a high percentage of child labour and a high percentage of migrant labour. With every new investment we assume much more child labour and migrant labour. Ensuring proper wages to adults and decent work to protect children is the priority, she said.

On the one hand is Public Private Partnership (PPP) where Government money is being routed to Gates Foundation to be spent in Sub-Saharan Africa and large corporations like Monsanto who gain leverage with government spending. On the other hand is the ground situation where there is child labour and bonded labour in areas where seed companies like Bayer and Monsanto are operating. For e.g., in India, the minimum wage in certain states where Monsanto is present is Rs 100-120 per day (USD 2 - 2.25), while the actual average wage of the labourers is Rs. 60-70 (USD 1.10 - 1.25) per day. In addition there is labour shortage in these areas because of the National Rural Employment Guarantee Scheme (NREGS). “Why can't these companies implement NREGS in their fields?” she questioned. The irony is that seed companies are producing a hybrid vegetable seed that is supposed to eliminate the hunger in the world. But how would families feed themselves such low average wages?

Dr. Wajedul Islam Khan, Director, Bangladesh Institute of Labour Studies (BILS), Bangladesh said that ILO-IPEC has been in Bangladesh since 1994, however, it hasn't been effective in eliminating child labour. He felt that till the social conditioning of the country is not changed, child labour will be present in some form or the other. He said that widespread awareness is necessary to correct this situation. Another problem according to him was that only 10% of workforce being organised. Due to this, no proper action can be taken against the land owners. For instance, he said that women get lesser wage and so do children. He also said that the situation in the food processing and other industries allied to agriculture should be addressed.

Mr. Rampal Singh, General Secretary of All India Primary Teacher's Federation (AIPTF), India gave the teacher's perspective on child labour. He said that a large amount of child labour is due to drop outs. He also lamented that the quality of education in government schools was not good. He said that until child labour in agriculture is considered as child labour (under the law), child labour cannot be eliminated.

When the floor was open to questions, a few people shared their stories and opinions. Among them was **Mr. Pravin Sinha of Voluntary Health Association India**, spoke about their initiative in the *bidi* (tobacco) industry. He said that only 10% of the *bidis* were manufactured in factories while 90% are actually made in units, which cannot be classified as factories. They are hand rolled by several young children working in

sheds. Since a shed is not a closed area, it is not even recognised as a unit. Such alternatives are being found to subvert the law, and there is a need to address these evolving conditions.

The extent of child labour is about 215 million the world over, of which 113 million are engaged in hazardous child labour reiterated the moderator, Prof. Bupinder Zutshi, Centre for Social Studies, Jawaharlal Nehru University. He summed up the reasons for its perpetuation, that emerged from the discussion, as follows:

- There is not enough investment in education overall, especially primary education to support the needs of the children out of school and in child labour.
- In spite of decades of intervention and action, prevalence of bonded labour continues due to intense poverty of the small farmers, whose number is steadily increasing.
- The engagement of corporations in seed industry and farming, who are attracting small farmers under contract farming has given rise to new forms of trafficking and forced labour, for shorter time durations like 1 year or 6 months, instead of intergenerational debt bonded labour of the yesteryears.
- There is a multitude of socio-economics conditions, which are leading to increased trafficking of adults and children into agriculture and allied activities.
- Displacement of farmers due to natural disasters (floods for instance) results in large scale trafficking and forced migration.
- Policies of Public Private Partnership involving governments of developed countries and MNCs, which are indirectly increasing bonded labour and are negatively affecting the farmer population in developing countries, need to be understood better.
- Invisible and newer forms of child and bonded labour are emerging to subvert the law.

C. Plenary Session 2

Case studies – Lessons learnt and good practices from the countries



The primary objective of the session was to identify and understand the interventions on child labour in agriculture and allied activities in all five participating South Asian countries, map the good practices and lessons to be learnt, and check if they can be replicated in the rest of the sector.

Chair: Mr. U. Saratchandran, Member Secretary, National Legal Services Authority (NALSA).

Mr. Bijaya Sainju, Director, CONCERN, Nepal, expressed concern that 74% of the child labour force in Nepal is believed to be in agriculture. The tea and coffee plantations, where too children work, fall under the industrial sector, so the total child labour is much higher. According to some statistics, the average wage a child labourer is paid in Nepal is Nepali Rupees 79. He said that education is a sine qua non. He also called for a strong commitment to the enforcement of the ILO Conventions 138 and 182 to end child labour.

Ms. Suman Sahai, Founder, Gene Campaign, India said that though Gene Campaign works in the agriculture sector it is not specialised in child labour. According to her, child labour needs to be understood in the context that children are present in the food production of a family farm which is not always bad. Since schools start late, children spend time in the morning in farms, she felt. They can help with the family income as long as their rights aren't denied.

Stating the nimble finger theory, she said that in the hybrid seeds (e.g. cotton) children can help in pollination because they have small fingers. She said that they should work in this sector because it is an advantage but cautioned that it should be dependent on age and number of hours spent. If this is regulated, child labour

should not be necessarily banned, she opined. She also felt that companies follow a policy in which they don't use child labour.

She opined that child labour in agriculture can't be banned completely, because agriculture can accommodate children to work because of the flexibility it gives. Children can participate in a way that does not affect the health/future of children. She also said that the shareholder pressure can be so huge that children need to be employed to meet those demands.

Mr. L.V. Saptarishi, Confederation of NGOs of Rural India (CNRI), India said the need is to integrate educational requirements of children in coherence with the requirements of agriculture sector.

Ms. Anna Minj, Director of Social Development Programme, BRAC, Bangladesh, spoke about the various programmes that the government of Bangladesh has for the elimination of child labour and those that BRAC is assisting in. They are as follows:

- Bangladesh Government Program: to get children of all levels enrolled in schools by 2015;
- Food for School programme under which enrolment increased from 75% to 95% and helped in reduction of child labour by 25% to 30%.
- To tackle drop-outs from secondary school, BRAC set up rural platforms that sensitised the community about their human rights and how to fight for them.
- Programs in raising awareness by creating events and dialogues.
- In addition, BRAC also runs schools in rural areas, which have helped enrol several thousands of children.

Mr. George Chira, Regional Coordinator, South Asia for Terres des Hommes, India, said that it is not enough or beneficial to have a sectoral approach towards ending child labour. While specific sectors are included in the Child Labour Act 1986 in India as hazardous industries, like the present 57 occupations/processes listed as hazardous. Calling for a complete ban on child labour Mr. Chira said, "We want to move agriculture on to the list of hazardous work. But this is ironical as well because it's not enough to talk only about the hazardous forms of child labour, because employment of children is always hazardous to them and their growth, especially so in the case of agriculture where they work for 8 hours."

Ms. Shanti Adhikary, Board Member of Children Women in Social Service and Human Rights (CWISH), Nepal, said that the world is dependent on agriculture but child labourers in agriculture are often discriminated. The situation is worsened by the fact that parents are unaware of the importance of education. Even if in some situations, parents are willing to sending their children to school, they cannot do so, due to poverty.

She opined that globalisation and privatisation are only increasing the poverty and the difference between the rich and the poor. The legal measure is there, but the implementation is very weak, she felt. She said that the new Constitution (of Nepal) addresses child labour and hoped that it would be implemented well.

Conclusions and recommendations that were summarised by the moderator Mr. Reni Jacob, Director Advocacy, World Vision India from the Plenary Session 2 were:

- **A sectoral approach towards child labour is not good as it justifies the presence of child labour in other sectors.**
- **The vicious circle of poverty-child labour and illiteracy needs to be broken because the circular relation is being used as a way to justify poverty and used as an excuse to deny education.**
- **Integrating farming/traditional craft into the school system is necessary.**
- **There is a need for large-scale awareness to ensure that parents do not send their children to the fields but instead send them to the school. There is a need to promote awareness and implementation of the education for all goals.**

This session and the day's discussions then led to the closing session with the main objective of coming out with the next steps of the consultation.

The closing session was graced by Mr. Harish Rawat, Minister of Labour and Employment; Dr. Gavin Linday Wall, Director of Food and Agriculture Organisation (FAO), the organisation that is engaging farmers and rural communities on child labour and related matters; Justice Dr. M. K. Sarma, Judge, Supreme Court of India and Mr. Simon Steyne, Head-Operations, ILO-IPEC.

SOUTH ASIA REGIONAL CONSULTATION ON CHILD LABOUR IN AGRICULTURE & ALLIED ACTIVITIES

29 JULY 2010

CONSTITUTION CLUB, NEW DELHI, INDIA



D. Closing Session

Way Forward- discussing the next steps to take the discussions of the Consultation forward



Working children erode human capital

Dr. Gavin Lindsay Wall, Director, Food and Agriculture Organisation (FAO) India said that the FAO was addressing the matter of child labour through addressing food security (MDG 1) to 400 million farmers worldwide and they recognise child labour in agriculture as being hazardous. Child labour in agriculture has a negative impact on education and development. When children are working, they are not in school. Besides, labour in agriculture is hazardous. The FAO states that this is a loss of human capital. To this effect, the FAO started Farmer Field Schools. In these schools children learn about farming, pesticides, dance, art and songs. They increase their knowledge about agriculture and crops. The teaching hours are in line with the crop season. Girls are as much encouraged to be a part of this, as boys. This programme is currently running in some African countries. Another FAO Project, School Feeding Program provides food for school children during their school hours to help encourage them to attend school regularly.

He said: “The biggest question being faced is not only if agriculture is hazardous, but what is the age to be working in hazardous work. It’s a cohesion of all complex issues; the right of food, poverty. Working children in agriculture is a loss of human capital. And we must stop it.”

Call for a common strategy

Mr. Kailash Satyarthi, Chairperson, Global March Against Child Labour said that no form of child labour is good. “It is not possible to allow child labour and make education a fundamental right. These two things can’t go together”, he affirmed. He said that all children should enjoy their childhood and be ensured of their rights. All children must receive free and quality education. He also stressed that the laws that are present must be implemented.

He said that this Consultation is to find a formal understanding and common ground. He further said that the conference was the beginning of a campaign and not the end of a discussion.

Holistic social security provisions for child labour elimination

Mr. Harish Rawat, Minister of State for Labour and Employment, India, said that even if a single child whose place is in school but is working in the fields, then it is a big challenge for everyone. He called for a need for governments, civil society and judiciary to work together to tackle this matter. He said that the root of child labour lay in poverty and illiteracy and these should be also the focus of any intervention.

He said, “Child labour exists right in front of our eyes and all of us need to address it, collectively.” He said the Food Security Bill, which had been tabled in the Indian Parliament will prove to be a milestone in mitigating hunger and also in tackling child labour. He also said that the Government had made a protocol and a monitoring mechanism against the hazardous forms of child labour. A roadmap had been made by the Government for this purpose and so have been action plans and training materials. He also called forth for a mechanism to check migration. He said that though there are several experiments to check child labour, the challenge was to address the loopholes in these experiments.

He also appealed to the trade unions to not put any pressure on the governments for the ratifying the Convention 182 on worst forms of child labour, because the government has been under a process of preparing a roadmap that takes various steps of implementing it within the democratic set-up of the country. He also said that proper measures were necessary to ensure that the threat of trade barriers is not given to the country as it could prove contra productive.

He also requested NGOs to represent the ideologies of the country globally. He said that one or 2 Conventions do not define the context of a country and that the practicality of the society needs to be taken into account. He said that one cannot speak of removing all children from farms –unless there are provisions of food security and education for all.

Effective implementation of the legislations

Justice Dr. M. K. Sarma, Judge, Supreme Court of India said that though there was some dispute regarding the available data on child labour, there was more child labour than the statistics suggest. Taking the example of Delhi, he asked if the number of child labour in Delhi is so high, what would be the situation in other states.

Though the Constitution states the fundamental right of free and compulsory education yet children are at work. Article 39 (e) and (f) of the India Constitution state that a child must live with distinction. Also Article 29 of the Constitution prohibits child labour under the age of 14 years. But, a look at children beyond the age group of 6-14 is also necessary: children younger than 6 years have no education. The same is the case with children more than 14 years. This situation encourages drop-outs, he said.

He also said that provision of free milk at schools should be added to the Right to Education Act 2009 to encourage children to attend school. He also spoke about Delhi High Court directives for the setting up of State Child Rights Commissions yet in many states these Child Rights Commissions have not been constituted. He also called for scheme for rehabilitation to ensure that rescued children are not re-trafficked but are properly rehabilitated. He called for enforcement of the Right to Education Act. But he felt that there was a need for education in rural areas. He also called for prevention of all forms of child labour, not only the hazardous forms.

Coherence in existing strategies

Mr. Simon Steyne, Head of the Programme Support Unit, ILO-IPEC, said that an important aspect is to be in tune with the international developments in the sphere of child labour and integrate the proceedings of the Consultation in accordance with those developments. The ILO called for scaling up of the existing strategies of what works to ensure:

- education for all;
- decent work for adults;
- good law, properly enforced;
- decent labour inspection;
- decent public infrastructure;
- decent social infrastructure (e.g. taxes);
- fight against informal and unregistered employment.

These are in line with demands that emerged from Global Conference on Child Labour that was held in The Hague, Netherlands “Towards a world without child labour – Mapping the road to 2016”. The ILO also called forth for active engagement of the community in eliminating child labour. ILO also exhorted member nations to ratify Convention 182 and 138 as that would help formulate action plans for the success of the aforementioned strategies.

He also spoke about the importance of the role of employers in eliminating child labour and called for a sectoral approach to tackle child labour with the cooperation of all the civil society partners. He also said that the community has to learn more about the hazards to which the children are exposed.

The vote of thanks was given by Senior Advocate and the President of BBA, Mr. Ramesh Gupta. On behalf of BBA, the Global March and all his colleagues, he thanked the participants and the speakers for their valuable participation. The issue of child labour in agriculture and allied activities was felt in the heart and challenged the mind and he hoped that this had prompted collaborative action for its eradication.

He said: “BBA and Global March will continue to jointly work together in the fight against child labour and focus their efforts on the problem in agriculture and allied activities. We aim to spread awareness in the communities, mobilise partnerships in the South Asia region, address knowledge gap and work towards positive policy and legislative actions.

GLOBAL MARCH
Against Child Labour
Centre of Trade Unions
Centre of Trade Unions



International Trade Union Congress

Asian Coalition
Against Child Servitude

Organised by



Supported by



Kingdom

kid
right

SOUTH ASIA REGIONAL CONFERENCE ON CHILD LABOUR IN & ALLIED ACTS



29 JULY 2018

CONSTITUTION CLUB, KOLKATA



E. Conclusion and analysis of the Consultation

Child labour does not exist in isolation. It is a manifestation of several problems occurring simultaneously- poverty, illiteracy, adult unemployment, ignorance, social discrimination, inability to avail food rights, and social rights, etc. Tackling any of these with a perspective to provide social stability to a family and having a child rights focus can bolster prevention of child labour. Experiences of tackling child labour in agriculture range from direct withdrawal/rescue of child labourers engaged in hazardous agricultural labour, providing adequate wages to the farmers, tackling migrant and trafficked labour, addressing land rights and landlessness, and understanding the effects of globalisation on farming as an occupation and farmers as a community. In the context of South Asia, one traditional form of labour is bonded labour where a family that has taken debt pledges labour in lieu of the repayment of debt.

Hence child labour, particularly child labour in agriculture and allied activities must be looked at from the perspective of tackling aspects that cause and perpetuate the problem.

Effects of globalisation on agriculture and allied activities

There are two different schools regarding globalisation- one that favours it and another that is against it. There is a need to refrain from taking an extreme position and instead view globalisation with a healthy disregard wherever human rights are not met in its name and to foster its role wherever it breaks barriers and brings the world together. One cannot happen at the cost of the other. There is a need to work towards an equitable society that brings the best of globalisation to everyone without hurting those sections who cannot yet understand its effect on their lives, leave alone reap its benefits.

“Small hands of slavery” by Mita Bhattacharya¹ states that the proponents of globalisation believe that the international free market will reduce the necessity of child labour with overall economic development through higher income and standards of living. However, according to its opponents, globalisation increases the opportunity to exploit cheap labour, particularly from poor countries.

Agriculture in India and in all of South Asia (apart from Sri Lanka) was traditionally practiced by individual farmers owning small farm holders and by feudals (*zamindars*) who employed agricultural labourers including bonded labourers. While mechanisation helped increase production, globalisation changed the way agriculture is done in certain sectors, which has caused an increase in child labour.²

Corporations own large farm tracts and employ labourers, for example, tea gardens. In some cases, the corporations have a control over the seeds to be sown, seeds which traditionally have been saved from the previous crop, but which now is not possible, for instance, in *Bacillus Thuringiensis* (Bt) Cotton. The nature of dependence has changed and on one hand, there are misgivings among the farming community about the high amount of control that corporations have. On the other, corporations claim social responsibility structures being in place which work for the best interests of the farmers. The report 'The Price of Childhood'³ very clearly provides ample evidence that companies outsourcing their seed production to farmers, are

1. Monash Business Review. 2007.; Monash University ePress: Victoria

2. As mechanisation and specialisation in agricultural operations proceed, the scope of employment of children expands. Source: Agricultural Modernisation, Child Labour and Fertility : Rural West Bengal, India, Prasanta K. Majumdar, Dilip K. Dolui and Hiron K. Banerjee). The report further indicates that mechanisation in agricultural operations, capital intensive technology and intensive cropping are responsible for higher demand for child labour.

3. The Price of Childhood by D. Venkateswarulu, (October 2005)

paying almost 40% too little to enable them to hire adults for the local minimum wage of Rs.52 instead of children. Even the public websites of companies like Monsanto⁴ and Bayer Crop Sciences⁵ show their acknowledgment of the presence of child labour.

In Bangladesh, a study done by Dr. Md. Parvez Sattar, Social Development Initiative (2006) to assess the existence, nature and impact of over-indebtedness amongst the tea plantation workers in Bangladesh proves the practice of bonded labour.

An understanding of these nuances is important. Also essential is to engage a) the farmers (individual or collective, small, medium or large land owners), b) Corporations and c) those institutions providing/establishing social equity standards to corporations, and d) Farmer's Unions/forums which are looking after the rights of the farming community. It is in this light that the corporations' role in agriculture needs to be seen.

A look at the many publications by corporations and firms show their belief that child labour in agriculture helps provide food security for their family through their extra earning, and that the conditions are not always hazardous. They use this perception to justify employing 'young people', in other words, children. Some others opine that children's nimble fingers are essential for its pollination hence justify their employment in the fields. This school of thought also opines that child labour cannot be completely banned and that agriculture can accommodate child labourers because of the flexibility of work. To quote one of the speakers in the conference, "employment of children is sometimes a necessity, because the shareholder pressure to deliver quickly can be so high that children need to be employed. They opine that children can render their services in a way that does not affect their health/future and if it is within the ambit of the law."

Clearly, this viewpoint doesn't seem to empathise with a need to change the law to ban child labour in agriculture, a line that child rights organisations, trade unions and farmer's unions take, partially if not completely. In fact, the opinion within civil society organisations regarding ban of child labour in agriculture also differs and ranges from allowing them to do 'non-harmful' activities i.e. where they need not use machinery or pesticides etc.; partially allowing child labour with proper monitoring; to a blanket ban of child labour. Despite these differences of opinion among the civil society players, there is a need to address these differences amongst themselves as well as those of the corporations and their representative partners. The need is for a dispassionate discussion.

To address the issues raised by corporations regarding allowing child labour and the nimble finger theory. To allow child labour because of the pressure of shareholder crops leaves a high probability for children's needs being left unmet. The systems of monitoring labour rights of farmers as well as of the children employed in such fields need to be known- the role and scope of such a system, and its proper implementation. The nimble finger theory has been fished out several times in several industries to justify and perpetuate child labour. Numerous studies have debunked the theory and proved that the same tasks can be performed with equal or even better results by adults. The fact that this theory has been researched and disproved needs to be understood. The US Department of Labour (2000)⁶ refute the nimble finger theory stating that the main reasons behind the acceptance of children in the workforce are not related to their special abilities, but because of the fact that children can be employed at a very small wage. Another industry where this theory has been comprehensively researched is that of the carpet industry. The empirical research on actual productivity conducted by Deborah Levinson in 1996, clearly says that that for no activity in hand knotting of carpets are children essential.⁷

4. <http://www.monsanto.com/ourcommitments/Pages/human-rights-child-labor.aspx>

5. <http://www.bayercropscience.com/bcsweb/cropprotection.nsf/id/D95B654B6BBB3269C125740F004E8A34>

6. http://www.bachelorpapers.nl/uploads/Economics/170_Child_labor_should_be_banned.pdf

7. http://www.bachelorpapers.nl/uploads/Economics/170_Child_labor_should_be_banned.pdf

It is to be acknowledged here that the conference did not generate much discussion on child labour in allied activities of agriculture. A definition of allied activities would be the first step in developing a better understanding.

In addition, a desk research followed by primary research on the presence of child labour in allied activities needs to be undertaken.

Complete ban on all forms of child labour- a possibility?

Also essential is to build an environment conducive to ensuring that the Millennium Development Goal 2 that promises education for all children in the world. Foremost among this is to ensure that no child is engaged in any activity that prevents him/her from accessing full-time education, without any exception. A large chunk of this population constitutes child labourers, a majority of who are engaged in agricultural labour. Hence, no theory that perpetuates child labour either in the name of enhancing economic security or food security should be allowed to come in the way of education of children. Instead the focus should be to increase food and economic security through targeting the adults or the family as a whole.

In addition, a brief look at the Western history would help us put things in perspective. During the age of industrialisation, child labour mushroomed and was in fact even propelled by the State. However, a few decades later, by early 1900s, there was a social wave seeking the safeguarding of children's rights as quintessential. This, the political leadership at that time recognised and put the policies and necessary infrastructure in place which then led to education becoming compulsory and free for all children, and a collective duty of the State at the policy level and of the parents at the family level. The biggest lesson that one can draw from this is that, with political will, providing education for all is possible.⁸

While there are corporations who opine that child labour can continue provided their basic rights are not being violated, on the other end of the spectrum are those that seek blanket ban on child labour. A complete ban on child labour seems too radical a measure with several arguments of why it is not a feasible solution being put forth. A look at some of the arguments against and for, and their analysis is as follows:

- a) The child labour population is huge and it can be effectively removed in phases, hence eliminate child labour progressively by taking a few sectors at a time and increasing its ambit. The main problem with this approach is that it is a piecemeal approach and has a sector centric approach based on the procedures involved in the work because it believes child labour is acceptable in certain areas and not in others. While a child centric approach will define the problem with regards to the overall development of the child- physical, emotional, mental and moral.
- b) Child labour should not be completely eliminated because the families cannot afford it; working children are beneficial for the families. The fact that families don't have economic sustainability should call for improving their economic status by targeting the adults to ensure proper employment, and proper welfare measures and not by targeting the children to promote them to become economically active at an age when it is more appropriate for them to be in schools and gain education

The arguments in favour of complete ban of child labour are as follows:

- c) When addressed in the sector-wise approach, the law is giving options to unscrupulous employers to find ways to go around the law and gives rise to invisible forms of child labour. For e.g. child labour in *bidi* making is banned and is deemed hazardous but the employers usually have children working in an open

8. <http://www.localhistories.org/19thcentengland.html> and <http://www.spartacus.schoolnet.co.uk/history1a.htm> provide details of the history of child labour and the role of the will of the Governments of the UK and the USA including that of strict labour inspection and monitoring in eliminating child labour

shed (hence not a factory) where children are employed. And since it is not a factory, it does not even fall under the labour inspector's radar.

- d) Secondly, the presence of child labour negates the fundamental Right to Education and poses a serious challenge to the fulfilment of this right. But this is not the only reason why child labour should be eliminated. It should be eliminated for the harm it does to children, for the loss of their childhood and detriment to their overall development. When a child is respected for being an individual entity with rights as much as an adult, we will appreciate the fact that no practice that harms children can be allowed to continue and will find means to resolve the so-called causes of child labour, rather than use them as an excuse to perpetuate it.

Thus, while it may be true that certain policies and structures should be in place to enforce complete ban of child labour, the Nation States must categorically endorse that complete ban is a necessity. It is only when this strong stand is taken that the will to come up the relevant policies and structures will take place; else excuses will continue to be made. Until child labour in agriculture is addressed, neither will complete elimination of child labour be possible, nor will the fundamental right to education be realised.

Government policies and implementation of legal provisions

Government policies that affect the rural community should be formulated with care and implemented with zest. It is very essential that new policies that are made don't come in the way of farming activities. For instance, the National Rural Employment Guarantee Scheme (NREGS) in India provides a wage higher than the wage they earn by farming. Hence, many farmers have actually left agriculture labour in the hope that they would earn a higher wage by working in the NREGS jobs. A proper wage structure should be fixed for all agricultural farm labour. Also policies shouldn't take farmers away from agriculture which the mainstay of rural economy.

The South Asian agricultural child labour and the policies that govern them are at different stages in different countries. For example, in Sri Lanka, the trade unions and the Government work together to improve the condition of the farmers, besides ensuring that their children are not engaged in labour. Lessons should be learnt from the Sri Lankan experience. Bangladesh has a vibrant civil society where the larger NGOs are playing an important role in providing full time education to the children and safeguarding their rights. India has made education a Fundamental Right but needs proper implementation. Nepal is in the midst of drafting its new Constitution that will include Education as a Fundamental Right. But provisions need to be made to implement the law and draw proper action plans to proper effect.

Role of international organisations

International organisations like UN agencies like ILO, UNICEF and FAO etc. are engaged in several initiatives that influence the welfare of labourers, agricultural labourers in specific and children among them. There is a need to learn from their experiences in other countries and take a lesson or two for them for implementation. A genuine effort should be made to gather the experiences to eliminate child labour in agriculture from other countries across the world and lessons learnt from them.

F. Recommendations

Understanding the underlying causes, and identifying solutions and strategies for child labour remediation in agriculture and allied activities were the two basic goals of the consultation.

Addressing the knowledge gap

There is a clear paucity of information and knowledge on child labour (nature, extent and impact) in agriculture and allied activities. The national surveys frugally capture the work participation of children in agriculture and allied activities, and most child labour researches do not cover these as they rarely are categorised in the list of hazardous occupations in national legislations. The key recommendation for addressing the knowledge gap include rigorous data collection, improving the availability of data and the knowledge sources and dedicated sub-sectoral researches both quantitative and qualitative to measure the nature and extent of child labour as well as the impact of the working conditions on the individual child.

Most often it is assumed that children work in family farms with no linkages to the market outside. It is critical to understand the penetration and implication of child labour in agriculture and allied activities in the global farming, fishing, aquaculture and other farm related supply chains.

There is a vast repertoire of good practices and effective solutions at local level in different geographies, including various initiatives undertaken by small community based organisations and other civil society groups, with little or no documentation of these efforts. For knowledge management these need to be mapped, compiled, analysed and disseminated to build existing knowledge on addressing child labour in agriculture and allied activities.

Policy and legal measures

The policy and legal measures needed to protect children from exploitation in agriculture and allied activities is limited in most countries. Ratification and implementation of international norms and standards, effective implementation of existing legislations, amendments in the existing legislations to make them robust, inclusion of agriculture and allied activities in list of hazardous occupations, establishment of inter-agency mechanisms on child labour in agriculture and allied activities, promoting social dialogue among key stakeholders, integration of child labour in agriculture and allied activities frameworks and trade policy guidelines are some indicative policy and legislative measures for future action.

Ratification of the relevant ILO Conventions notably Nos. 138 (on minimum age of employment) and 182 (on worst forms of child labour) can pave the way for decisive changes in the domestic child protection frameworks. These are essential as they provide the legal basis for snowballing action as well as providing a key strategy for awareness-raising at all levels.

Presence of child labour in agriculture and allied activities undermines the promotion of the decent work for adults. It is important to have policies and programmes that promote decent work agenda for adults in the agriculture and allied activities. Decent work in sustainable agriculture also works to alleviate poverty, foster economically viable, ecologically balanced and socially just development.

The civil society groups and voices have to come to a coherent and unified national policy and action plan. Trade unions have a critical role to play in this for championing the rights of the farm and allied workers and advocating the decent work agenda.

International, regional and sub-regional policies on child labour, agriculture and allied trade and decent work can have an overarching effect in prompting national plan of actions and task forces for addressing the issues. Sub-regional spaces like the South Asian Association for Regional Cooperation (SAARC) would have a clear mandate for stimulating policy change at national levels.

Universal primary education, technological changes, implementation of international safety standards, cash transfer measures, public private partnerships and awareness raising have the ability to eliminate child labour. The switch from hazardous technologies or practices to non-hazardous techniques may be cost heavy in the beginning but in the long term will lead to sustainable practices thereby making child labour redundant.

Awareness raising and capacity building

Awareness raising and capacity building among others are concrete actions that can be taken by all stakeholders, namely, the governments, trade unions, employer groups, non-government organisations, private sector, and multi-stakeholder initiatives. Awareness raising and community sensitisation campaigns on the adverse effects of child labour are crucial in breaking the attitudinal barriers and paving the way for effective implementation of policies and legislations.

Training and capacity building of the various stakeholders on the issue of child labour in agriculture and allied activities will also instil the decent work agenda and promote sustainable development.

The private sector has a lot of potential in addressing child labour in their supply chains. Corporate codes of conducts, policies and practices have evolved in the last decades. Ethical consumerism is gaining grounds and corporations need to respond to this challenge with innovate, transparent and accountable practices of sourcing and production. Multi-stakeholder initiatives involving the private sector have shown potential in addressing child labour in various sectors including cocoa and tobacco, and can be scaled up to other agricultural and allied activities.

Aware and active community based organisations and community influencers are key stakeholders in monitoring compliance with child labour regulations in their communities, and also traditional sources of knowledge and solutions. It is important to engage in continuous dialogue and seek their participation in child labour elimination.

Finally and most importantly, access to free and quality education is the key to prevention and elimination of child labour. Education sector has the ability to provide both curative interventions to former child labourers in their rehabilitation and reintegration in their communities. Additionally, quality education equips the children and their families with the skills and knowledge to abstain from hazardous work places and practices.

