

BALI DECLARATION POLICY BRIEF NO. 4 | 2018 UPDATE

ELIMINATING CHILD LABOUR AND FORCED LABOUR

BALI DECLARATION PRIORITY:

Accelerating action to eliminate
child labour and forced labour

Despite recent progress, there are 62 million child labourers in Asia and the Pacific. At the same time more than half the world's forced labour victims are located in the region, equivalent to 16.6 million people.

The eradication of child labour and forced labour is instrumental to inclusive and sustainable growth. Both dimensions are recognized in the Sustainable Development Goals (SDG) Target 8.7, which calls on governments to: “Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms”.

SDG Target 8.7 recognizes that child labour can stunt economic development and perpetuate household poverty. Child labourers are deprived of education or healthy physical development. As adults they are likely to face considerable disadvantages in accessing better quality jobs with earnings sufficient to lift their families out of poverty. Moreover, forced labour is a serious violation of both human and labour rights and goes against the very basic notion of what constitutes decent work.

The Bali Declaration was adopted at the 16th Asia and Pacific Regional Meeting of the ILO on 9 December 2016. The Declaration serves as a call to action for governments, workers' and employers' organizations in the region to do more to promote inclusive growth, social justice and decent work. This series of Policy Briefs aim to focus attention on the priorities for policies and actions at national level and by the ILO as defined in the Declaration.



Our message today is clear: we cannot achieve the SDGs unless we scale up efforts to end modern slavery and child labour.

– Guy Ryder, ILO Director-General

DEFINING THE CHALLENGE

The Asia-Pacific region has made significant strides in eliminating child labour and getting out-of-school children back to learning. Nevertheless, the challenge remains massive. In 2016, an estimated 62.1 million children aged between 5 and 17 were in child labour in Asia and the Pacific, equivalent to 7.4 per cent of all children (ILO, 2017a). The region accounts for around 40 per cent of the global total. Child labour tends to be higher among boys than girls and is typically concentrated in agriculture. However, working children are also engaged in a number of other economic sectors, including domestic work, seafood processing, garment and footwear factories, mining and quarrying, pyrotechnics, rag-picking and scavenging, entertainment and other services.

Hazardous work by children, a subset of child labour, is defined as any activity that has or leads to adverse effects on the child’s safety, health and moral development, and may include night work and long hours of work. It can involve exposure to physical, psychological or sexual abuse and dangerous working conditions. According to estimates in ILO (2017a), in 2016, 3.4 per cent of all children aged 5-17 in Asia and the Pacific (or 28.5 million) were in hazardous work.

Forced labour is work that is performed involuntarily and under the menace of any penalty. It refers to situations in which persons are coerced to work through the use of violence or intimidation, or by more subtle means such as manipulated debt, retention of identity papers or threats of denunciation to immigration authorities. In 2016, 24.8 million people were in forced labour worldwide out of which

16.6 million were in Asia and the Pacific (ILO, 2017b). This is equivalent to an average of 4 persons per 1,000 people in the region, the highest prevalence of all regions worldwide.

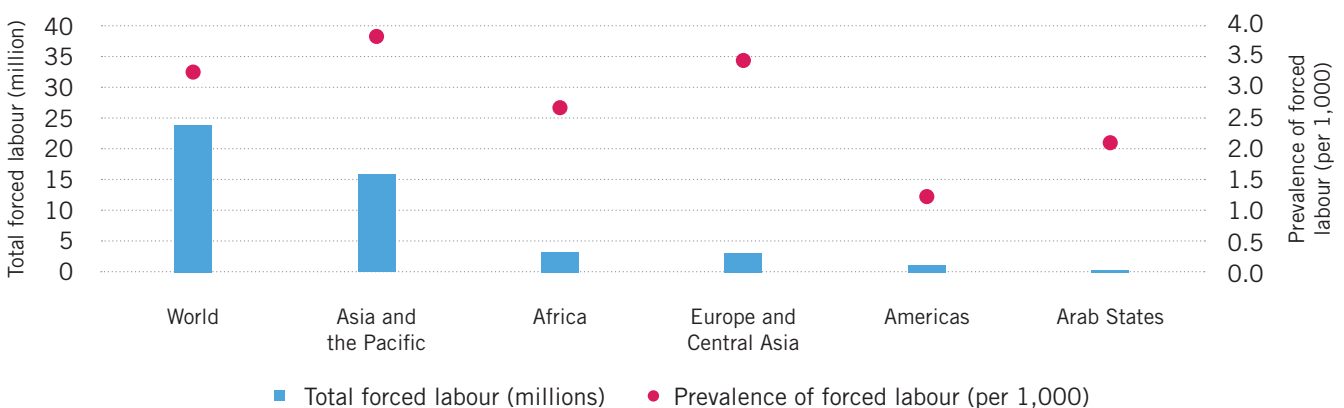
AREAS OF ACTION AND LESSONS LEARNED

To eradicate child labour and forced labour, a number of policy priorities are required.

First, effective **legal frameworks based on international labour standards** should be implemented and enforced at the national level.

- A recent study of 48 countries noted a strong correlation between ratification of international legal standards and reductions in child labour incidence (ILO, 2017c). Tackling child labour is reflected in two of the eight ILO fundamental human rights Conventions, namely the Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182). Of the 36 countries in the Asia-Pacific region, 24 countries have ratified C138 and 32 countries have ratified C182. Thus, out of the 16 countries globally that have not yet ratified C138, 12 countries are in the Asia-Pacific region, and out of the 5 countries globally that have not yet ratified C182, 4 countries are in the Asia-Pacific region. The latest ratifications in the region were done by India which ratified both Conventions in June 2017 and the Cook Islands which ratified C182 in August 2018. An ILO-led campaign for universal ratification continues.
- There are three binding and one non-binding ILO instruments against forced labour: The Forced Labour Convention, 1930 (No. 29) and the Abolition of Forced Labour Convention, 1957 (No. 105) – both fundamental ILO conventions – and the Protocol of 2014 to the Forced Labour Convention 1930. The Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203) provides non-binding practical guidance in the areas of prevention, protection of victims and ensuring their access to justice and remedies, enforcement and

TOTAL FORCED LABOUR AND PREVALENCE OF FORCED LABOUR, BY REGION, 2016



Source: ILO, 2017c.

international cooperation. Twenty-eight Asia-Pacific countries have ratified the Forced Labour Convention, 1930 (C029) and 24 have ratified the Abolition of Forced Labour Convention, 1957 (C. 105). However, only one country in the region – Thailand – has so far ratified the Protocol of 2014 to the Forced Labour Convention, 1930 (P029).

Second, **develop national policies and programmes to combat child labour and for better prevention and assistance to victims of forced labour.** For example, the Lao People’s Democratic Republic has adopted a revised labour law enhancing the legal framework on child labour (2013) and India has introduced new legislation on manual scavenging and revised its child labour legislation (2013). There are a variety of strategies and measures available with the aim to strengthen legislation and policy frameworks for action against child labour discussed in the recent ILO report entitled *Ending child labour by 2025: A review of policies and programmes* (ILO, 2017c).

With regards to recent good practices in relation to forced labour:

- In 2015, Malaysia amended the Anti-Trafficking in Persons Act, allowing trafficking victims to move freely and work after a protection order has been granted. Victims are able to receive compensation for unpaid wages in cases of non-conviction of perpetrators and non-governmental organizations and civil society organizations can provide official protection services to victims (ILO, 2016).
- Jureidini (2016) highlights some promising practices to offset unregulated and unscrupulous recruitment of low-skilled migrant workers that are in line with the ILO’s General Principles and Operational Guidelines for Fair Recruitment. Among those established in the Asia-Arab States corridor are zero fees to workers (aligning to Principle 7 of the Guidelines), standard contracts (Principle 8), information dissemination (Principle 10), Memorandum of Understandings (Operational Guideline 13), among others.



Freedom from child labour and all forms of forced labour – as well as freedom from discrimination and freedom to organize and bargain collectively - are fundamental principles and rights at work and the keystones of social justice and peace.

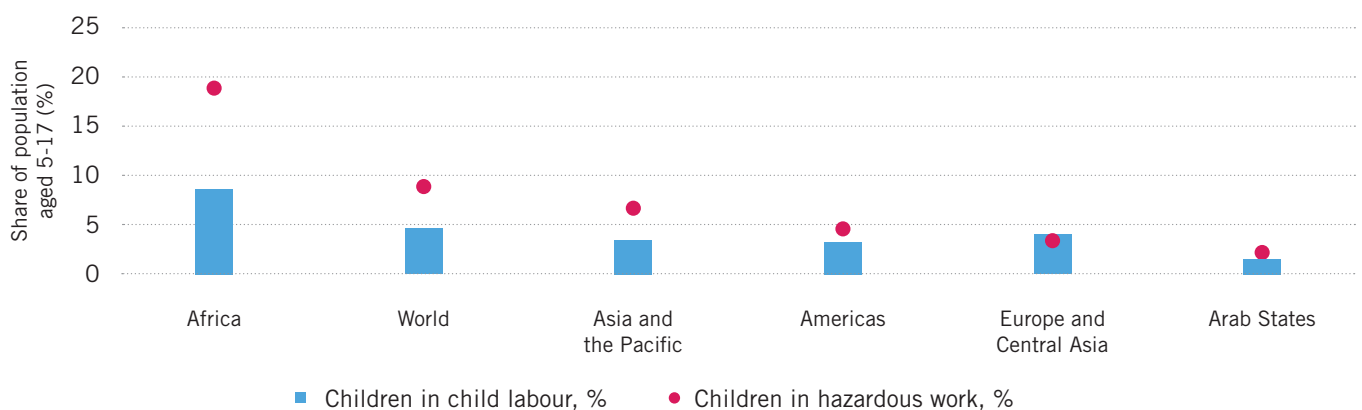
– ILO, 2017d

WHERE DO WE GO FROM HERE?

The ILO’s support has focused on national and regional responses to child labour, particularly by mainstreaming child labour concerns into development policy frameworks, and by integrating efforts to combat child labour more effectively within the ILO’s overall Decent Work Agenda. The ILO’s International Programme on the Elimination of Child Labour (IPEC+) “flagship” programme adopts a fundamental rights strategy to not only provide support for better laws and policies, better enforcement and better business practices, but also to support empowerment through collective organization and effective representation of working men and women whose families and communities are victims of child labour and forced labour (ILO, 2017d).

The ILO is a key partner in Alliance 8.7, a global partnership committed to achieve SDG target 8.7, which consists in eradicating forced labour, modern slavery, human trafficking and child labour. The partnership focuses on four areas: to accelerate timelines, better coordinate research and knowledge sharing, drive innovation and increase and leverage resources. See www.alliance87.org for more information.

PREVALENCE OF CHILD LABOUR AND CHILDREN IN HAZARDOUS WORK, BY REGION, 2016



Source: ILO, 2017a.

Recent ILO projects

The ILO is currently supporting numerous technical cooperation projects aimed at the elimination of child labour and forced labour throughout the Asia-Pacific region, including in Afghanistan, Bangladesh, India, Indonesia, Myanmar, the Philippines, Sri Lanka, Thailand and Viet Nam, among others:

- Ship to shore rights (February 2016 – July 2019) is a project that aims to prevent and reduce forced labour, child labour and other unacceptable forms of work, and progressively eliminate the exploitation of workers, particularly migrant workers in the Thai fishing and seafood processing sectors.
- From Protocol to Practice: A Bridge to Global Action on Forced Labour (June 2017 – September 2019) is a global project that aims to support global and national efforts aimed at combating forced labour, and has specific components in Malaysia and Nepal. The ILO is focusing on technical assistance in the areas of legislative reform, capacity building on enforcement, victim protection and provision of access to remedies, and research.
- The Work in Freedom project is a joint project with the Department for International Development (DFID) of the United Kingdom that is currently in its second phase (March 2018 – March 2023), and focuses on reducing the vulnerability to labour trafficking and forced labour, especially of migrants, and more particularly of female workers in the garment and domestic work sectors within and outside of South Asia.
- The CARING Gold Mining Project (December 2015 - April 2019), funded by the United States Department of Labor (USDOL), addresses child labour, decent work deficits and working conditions in Artisanal and Small-Scale Gold Mining (ASGM) in the Philippines, specifically in Camarines Norte as pilot province.
- The Myanmar Programme on the Elimination of Child Labour (My-PEC) (December 2013 – June 2019) is a project funded by the US Department of Labor, which endeavours to establish a comprehensive, inclusive and efficient multi-stakeholder response to reducing child labour in Myanmar.
- The ENHANCE project in Viet Nam (December 2014 – June 2020) is funded by the US Department of Labor and aims to support the prevention and reduction of child labour in Vietnam, including through support to enhance government efforts to address the informal sector and identified priority industry sectors.

Useful references:

Jureidini, R. 2016. *Ways forward in recruitment of low-skilled migrant workers in the Asia-Arab states corridor: ILO white paper* (Beirut, ILO).

International Labour Organization (ILO). 2017a. *Global estimates on child labour: Results and trends, 2012-2016* (Geneva).

—. 2017b. *Global estimates on modern slavery: Forced labour and forced marriage* (Geneva).

—. 2017c. *Ending child labour by 2025: A review of policies and programmes* (Geneva).

—. 2017d. "ILO IPEC+ Flagship Strategy - International Programme on the Elimination of Child Labour and Modern Slavery", brochure, Jun.

—. 2016. *Review of labour migration policy in Malaysia* (Geneva).