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Stop Child Labour is a coalition of non-governmental organizations, which is coordinated by Hivos and includes the Algemene Onderwijsbond (AOb), Mondiaal FNV, Hivos, the India Committee of the Netherlands (ICN), Kerk in Actie & ICCO Cooperation and Stichting Kinderpostzegels Nederland. The coalition closely collaborates with local organisations in Asia, Africa and Latin-America. www.stopchildlabour.org

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Special thanks to all
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movement.
Partner organisations,
NGO's, unions, national and
local authorities, employers,
teachers, community
members, parents and
children. Working together
towards a
Child Labour Free World.



INTRODUCTION

Efforts to reduce and remediate child labour require attention from multiple angles. One key element is the role of the private sector. This guide focuses on how Community Based Organizations (CBOs), Non-Governmental Organizations (NGOs) and Trade Unions can effectively engage private sector actors in their efforts to eradicate child labour, including by cooperating with them in an area-based approach, working towards Child Labour Free Zones.

To this end the objective of engaging private sector actors should be to:

- a) Bring attention to the (risks of) negative impact of private sector operations on child rights;
- b) Have the private sector actors recognize their responsibility to respect child rights including combating child labour and mitigate the impact of child labour;
- c) Include private sector actors as partners in Child Labour Free Zone (CLFZ) initiatives;
- d) Simultaneously encourage efforts to improve adult workers' income and working conditions and supporting the realization of the Right to Education (RTE) goals.

During the past years, Stop Child Labour has been successful in putting pressure on a number of European and other multinational companies to accept and live up to their responsibility to prevent and to remediate the use of child labour in their supply chain. Efforts to engage companies in constructive dialogue to combat child labour thus had some success but certainly needs to be scaled up. Overall companies and corporate social responsibility (CSR) initiatives are increasing their efforts to combat child labour and various companies have shown interest in supporting the creation of Child Labour Free Zones, in cooperation with the Stop Child Labour coalition and its partners.

While all private sector actors must comply with the universally accepted UN Guiding Principles on Business and Human Rights (UNGP) framework, the specific roles and responsibilities of the private sector vary according to their role in the supply chain/production processes. Indeed supply chains and production processes might differ substantially from one sector to another, from one company to another, as well as from one region to another. Therefore, CBOs, NGOs and Trade Unions applying the CLFZ approach should on the one hand interact with each actor and stakeholder individually according to the role they (can) play, and on the other hand simultaneously encourage collective action across supply chains and production processes. Specific methods to engage different private sector actors and the types of actions that should be encouraged are presented in this document.





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O1 CHILD LABOUR IN INDIA

THE ROLE OF THE PRIVATE SECTOR AND THE CLFZ

'Child Labour' is work performed by a child that is likely to interfere with his or her right to education, or is harmful to their health or physical, mental, spiritual, moral or social development. All work done by children under the age of 15 and dangerous work done by children under the age of 18 is illegal. Child labour is prohibited under international treaties and agreements.

1.1 CHILD LABOUR IN INDIA

According to the 2011 Census of India ¹, 23.8 million children are engaged in child labour, amounting to 5% of the total Indian workforce. According to other sources, this number is even higher, estimated at 38 million of children between 6 and 13 years of age ². Moreover, the number might be far higher given that children between 13 and 18 doing hazardous work are excluded from the second estimate provided above; and migrant children are unlikely to be included in the statistics gathered through the census ³. Indeed the census uses a very narrow definition of 'labour', which can explain the disparity between the official and other statistics and suggests that the overall numbers are higher than is estimated ⁴.

The participation rate of girls in the female workforce is 6.3% higher as compared to boys in the male workforce. Importantly, actual figures on child labour may be much higher as migrant children and children of migrant families are unlikely to be included in census data. Moreover, there may be underreporting due to the narrow definition of 'labour' adopted in the Census.

'Child labour' in India covers a wide range of activities and circumstances. The principal - partly overlapping - ones include:

- Children working in agriculture, either in family labour activities or the farms of others;
- Children working in their own home or as servants in the home of others, often (more than) full-time;
- Children who are doing badly paid or unpaid work in factories, workshops, mines, quarries or are engaged by the service sector such as domestic workers;
- Street children living off the street by conducting jobs such as shoe shining, rag pickers and street vendors;
- Bonded children who have been pledged by their parents for paltry loans in various rural and urban situated occupations;
- Children engaged in commercial sexual exploitation;
- Migrant children belonging mostly to marginalized rural families who leave for urban centres in search of seasonal work.

The majority of child labourers (75%) are engaged in agricultural work and allied sectors. Children often work in the same activities and sectors as adults. A significant number of working children in India are engaged in hazardous work resulting in adverse health consequences.

- ¹ The Indian census provides information on demographics, economic activity, literacy and education, housing and household amenities, urbanization, fertility and mortality. See: http:// censusindia.gov.in
- ² See: http://www.thehindubusinessline. com/opinion/still-too-many-childrenoutof-school/article7814794
- ³ Alex George and Sameet Panda, (September, 2015), Child Labour Law Amendment, Applying the Brakes on Social Mobility, Economic and Political Weekly, Vol. L No. 38.
- Working children are counted as workers only if they make monitory contribution to national product; this may not include all work related activities performed by children that hinder their development. Prognosys, (2012), Child Labour, Always right in front of you but why constantly hidden from your view? http:// planningcommission.nic.in/reports/ sereport/ser/ser_nclp1709.pdf
- ⁵ Alex George and Sameet Panda, (September, 2015), Child Labour Law Amendment, Applying the Brakes on Social Mobility, Economic and Political Weekly, Vol. L No. 38.
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1.2. CHILD LABOUR IN PRODUCT CHAINS

As most child labourers are engaged in the informal sector, many companies do not engage children in their own facilities and hence are not faced with the realities of the problem. When companies subcontract parts of their production to smaller factories, workshops and/or home workers, the prevalence of engaging child labour increases drastically.

According to the UN Guiding Principles on Business and Human Rights, also supported by the Indian government, companies have the responsibility to respect human rights and to identify, prevent and mitigate the impact of violations. This responsibility is not limited to their direct business activities and first-tier suppliers, but extends to subcontractors, intermediary stages of production, and suppliers of raw materials.

A growing number of international companies feel a sense of urgency in taking action against child labour throughout their supply chains. However, most efforts made thus far have only led to improvements in the first-tier of production and unfortunately, child labour has moved to tier 2 and 3 and to the more hidden parts of the supply chain like the subcontractors and informal production units.

1.3. STOP CHILD LABOUR AND CHILD LABOUR FREE ZONES

Stop Child Labour' strongly believes in a holistic approach towards the prevention and remediation of child labour. Experience has demonstrated that eliminating child labour in all its forms can be achieved by adopting an area-based approach, which focuses on the rights of all children in a specific geographical area. This approach to reducing, and eventually eliminating, child labour is known as the Child Labour Free Zones (CLFZ) model.

Child Labour Free Zones (CLFZ)

A child labour free zone is a defined area, such as a village or a plantation, where everyone is convinced that 'No child should be working, every child should be in school!' Teachers, local authorities, village leaders, employers, parents and children in these zones work together to get children out of work and into school. Child labour is no longer accepted because all children are entitled to good, full-time education.

All forms of child labour

In a child labour free zone, no distinction is made between different forms of child labour; every child is entitled to education. The focus is not on child labour in specific sectors or on the 'worst forms of child labour', but rather on all children who work instead of going to school.

Power of the community

for their own role in the community, all children can go to school. Activities aiming to secure the rights of all children are initiated within existing community groups in cooperation with local authorities. Adults learn how they can make ends meet without the income generated by their children, for instance by participating in savings and loan groups and developing additional or complementary

income-generating activities.

Poverty is not seen as an excuse for child labour.

Extra focus on former child workers

School bridging programmes – either in school or outside - are organised to prepare former child workers for mainstream education. At the same time special attention is given to children engaged in mainstream education to ensure that they complete school and don't drop out early.

Good primary and secondary education and decent work

As governments are responsible for providing good quality education, Stop Child Labour partners call on governments to fulfil their 'duty to protect' children's rights. At the same time, parents are encouraged to children can receive formal quality education until the age of 15, at least. The community also helps older children (15-18 years) to complete secondary so that they can find decent work. This enables families to break the vicious cycle of poverty, and also supports communities, and even countries, to improve their socio-economic situation in a sustainable wav.

More info:

http://www.stopchildlabour.eu/ child-labour-free-zones



O2 RESPONSIBILITIES

OF COMPANIES IN COMBATING CHILD LABOUR

2.1 RULES AND REGULATIONS

Companies have the responsibility to respect human rights and undertake 'due diligence' to identify, prevent and mitigate the impact of violations of human rights. These responsibilities are made explicit in the OECD Guidelines for Multinational Enterprises and the UN Guiding Principles for Business and Human Rights and national laws.

All businesses, big or small, need to ensure that they comply with relevant guidelines and laws (see Further Reading Section "Understanding the Law"). Meeting the requirements established in these documents means that businesses must:

- Develop relevant policy;
- Apply due diligence on child rights (and other human rights);
- Account for, prevent, and mitigate the negative impacts their activities may have on human rights, including any adverse impact on children;
- Provide for remediation processes, including grievance redressal mechanisms;1
- Proactively advance human rights including children's rights.²

2.2 DEVELOPING AND IMPLEMENTING A POLICY COMMITMENT

The development and implementation of a policy commitment should include the following elements:

- Be grounded in international agreements;
- Be endorsed and supported by the senior management;
- Define the roles and responsibilities of personnel, business partners and other parties directly linked to operations, the products or services provided;
- Include mechanisms that ensure that the policy is communicated to all relevant parties and is embedded in operational procedures/policies.

2.3 ACCOUNT FOR, PREVENT, AND MITIGATE THE NEGATIVE IMPACTS BUSINESS ACTIVITIES MAY HAVE ON CHILDREN

Due Diligence

According to UNICEF, 'due diligence' on child rights can be described as an on-going process whereby businesses are asked to identify and assess actual and potential child right impacts; to integrate and act upon relevant findings; to track the adequacy and effectiveness of their responses; and to openly communicate how impacts have been addressed. (Source: International Commission of Jurists, (ICJ) UNICEF, (2015), Obligations and actions on children's rights and business: A practical guide for States on how to implement the UN CRC Committee General Comment no. 16)

¹ IOE-ILO Guidance Tool, Supra

² ld

³ Gravity of the impact on those affected

⁴ The number of people/children affected

 $^{^{\}rm 5}\,$ How difficult it is to remedy the harm



Leverage

The IOE-ILO Guidance Tool explains 'leverage' to be the ability of a business to affect a change in the wrongful practices of another party that is (either) causing or contributing to the violation of child rights.

Leverage can be exercised in a number of ways – during contracting or procuring processes, discouraging engagement of child labour among staff and ensuring that they abide by the company policy, through collective action with other companies in the same or related industries, bilateral engagements with business peers, governments, international agencies or CBOs and facilitating coordination between these entities.

Leverage can also be exercised through proactive measures such as capacity development initiatives for communities and other stakeholders, as well as by promoting practices that reduce child labour. For instance, by paying a procurement price to suppliers thus enabling them to avoid child labour and by employing adults on conditions of decent wages and working conditions.

Source: ILO-IOE Guidance Tool for Business: How to do business with respect for children's right to be free from child labour (2015). The IOE-ILO Guidance Tool mentioning of 'child rights impacts' refers to actual or potential infringement of a child's right to be free from child labour. The severity of the impact has to be assessed against factors of scale ³, scope ⁴ and irremediability ⁵. Private enterprises are expected to stop carrying out any activities that causes or contributes to negative impacts on child rights. Similarly private enterprises are required to remediate any harm they have caused or contributed to.

Private enterprises, depending on their size and nature of their business, can possibly cause, contribute to or be linked to child labour in the following ways:

- 1. Directly by, for example, hiring children below prescribed minimum age (= causing);
- 2. Indirectly through a business relationship with a supplier or customer, or through the actions of its associates. For example, when sourcing companies impose unrealistic deadlines or inadequate prices for goods or services their actions can lead to the engagement of subcontractors who rely on child labour (= contributing to);
- 3. Linked to its operations, products or services through its business relationship with other entities. For example, when a company procures raw materials produced using child labour.

2.4 PROVIDE FOR REMEDIATION PROCESSES, INCLUDING GRIEVANCE REDRESSAL MECHANISMS ⁶

When due diligence is conducted and child labour is found, be it direct or indirect (causing or contributing), companies are required to take action, including rehabilitating the child and facilitating its access to school, if needed through bridge schooling. The hiring of child labourers must stop immediately and companies



must ensure that children withdrawn from work are guided to education and are otherwise rehabilitated. More generally, the company should comply with national laws and international principles and set up appropriate procedures including age verification measures to prevent child labour.

When a company is linked to child labour, it should use its influence ('leverage') to make efforts to convince/stimulate actors causing or contributing to the case of child labour to prevent and mitigate child labour.

Notably the provision of schooling is a government responsibility and cooperation with the government should be sought to promote them to take up this responsibility. However, in specific instances the company causing or contributing to child labour should not use this as an excuse not to fulfil its own responsibility.

2.5 PROACTIVELY ADVANCE CHILDREN'S RIGHTS

Although companies are not required to engage in activities to act on children's rights outside the supply chain, they are certainly encouraged to do so. Equally, they are encouraged to play a role that exceeds their legal obligation on issues related to child labour. One way by which the private sector can be proactive in support of children's rights and at the same time reduce the risks of child labour involved in their supply chain is by supporting activities aimed at creating a CLFZ in an area where part of their production or sourcing takes place. There are a number of ways that private business can do this.

⁶ IOE-ILO Guidance Tool, Supra

Some of these are noted below. Importantly these processes are not mutually exclusive 7:

- 1) Companies that work locally, including as part of or supplying to large Indian or multinational companies, can:
- a) Identify community groups, NGOs and/or unions to work with;
- b) Build a good relation and start cooperating with the community on realizing children's rights;
- c) Identify what activities are already being undertaken to get children from work to school, support the existing activities and/or complement these with engagement in other activities identified in collaboration with the community;
- d) Build up trust and develop cooperation in order to enable local organizations to provide input for the due diligence process of companies that look more broadly into possible violations of labour rights;
- e) Set up an agreement with local organizations to make sure that monitoring and remediation of cases of child labour take place in a coordinated manner;
- f) Work with the organization(s) identified toward establishing a CLFZ, with local community-based organizations as the 'lead partner';
- g) Plan and conduct a survey of all children in the community that are or might be affected by company operations involving local organization(s);
- h) Engage in dialogue with relevant actors locally on the findings of the survey and plan for joint action.

In addition, companies can:

2) Take a position within the community:

- a) Position themselves as having a non-negotiable position on putting an end to child labour and the right to education;
- b) Help build/promote a consensual view that purports that all children should go to school and not work.

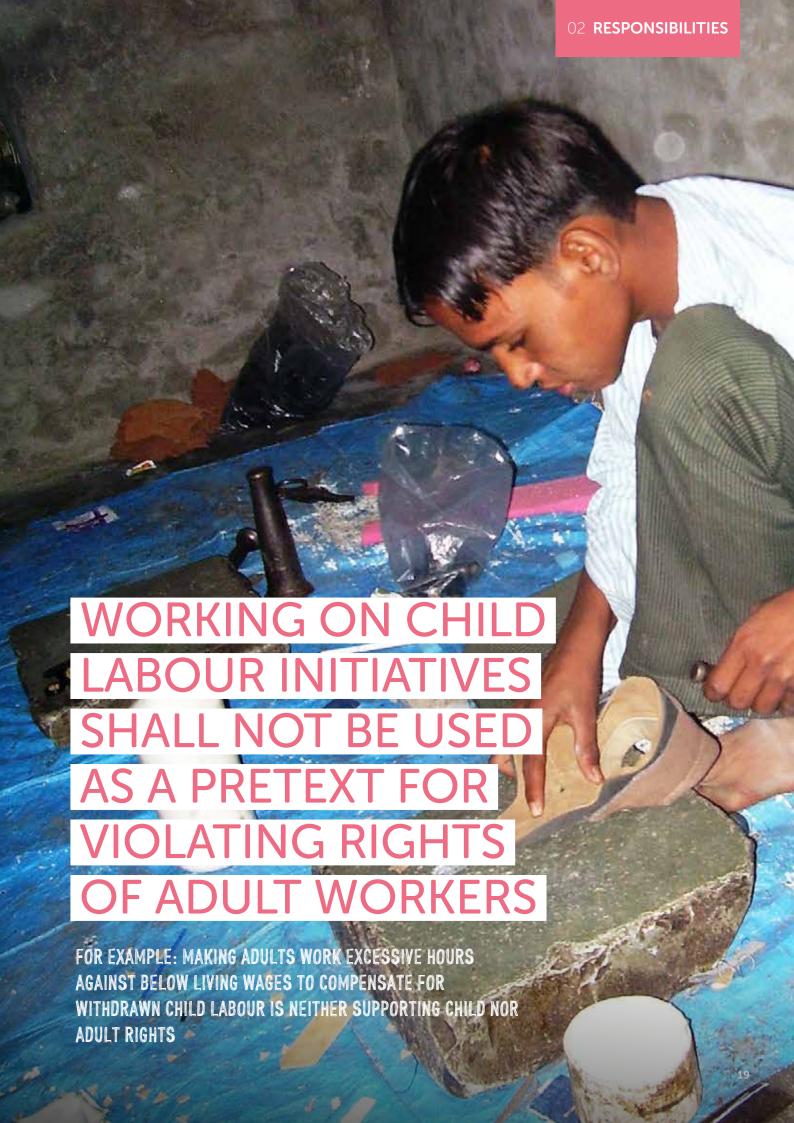
3) Educate/inform:

- a) Highlight the challenges faced by out of school children at the community level e.g. towards local or national authorities and/or other companies;
- b) Conduct awareness raising on children who are affected by existing practices or omissions by companies in the sector (individual industries and/or suppliers or industry associations).

4) Support the educational process together with the local community:

- a) Support the strengthening of the local (formal) school system;
- b) Support/conduct school enrollment drives for younger children;
- c) Support the improvement of the school infrastructure and/or quality education;
- d) Support the assignment of sufficient teachers and/or improving the working conditions of the teachers;
- e) Guide children above the usual school entry age (normally 9 to 15) to motivation camps and/or a form of transitory and accelerated education so they can enter formal full-time school at a class appropriate to their age.

⁷ see SCL Action Plan for Companies to Compat Child Labour, 2012



COMPANIES AND PRIVATE SECTOR

STAKEHOLDERS
COLLABORATING ON CLFZ

3.1 ROLES OF CBOS, NGOS AND TRADE UNIONS IN CLFZ

The Committee on the Rights of the Child (CRC) recognizes the role that Civil Society and Unions can play in promoting and protecting human rights resulting from their strong links to communities and direct awareness of how businesses affect children's rights on a practical day-to-day basis. Notably, some CBOs, NGOs and Trade Unions ² currently support in multiple ways or lead the implementation of the CLFZ approach in a number of locations in India. ³

Examples of their involvement includes:

- Starting up (meaning playing a key role in the establishment of the CLFZ);
- Collecting data to enable the implementation of a CLFZ;
- Spreading the message or sharing key information regarding what a CLFZ is and what the benefits of its establishment are;
- Engaging in ensuring the improvement of education services;
- Supporting the strengthening of family and community units by supporting collective welfare while reducing child labour;
- Supporting the principals of CLFZ through their active engagement with government agencies and/or private companies/enterprises.

A central element to the success of CLFZ, in areas where private companies are engaged, is the effective engagement of those private companies. Various types of organizations can play different, and complementary, roles in the establishment of CLFZ and in how/when private companies can/should be engaged.

Aside from directly engaging companies to become more active in tracking and combating child labour, CBOs, NGOs and Trade Unions can carry out a number of activities that can lead to the increased involvement of private sector stakeholders in CLFZ.

These include:

- Conducting action-oriented research on child labour issues;
- Advocating with companies, either nationally and/or internationally, at the policy level to tackle child labour, preferably based on the outcome of action-oriented research;
- Playing a 'watchdog' role to see if companies live up to their stated policies;
- Being part of multi-stakeholder initiatives to encourage joint action, also at local level.

More specifically, Trade Unions can influence policy changes at the national/state levels as well as labour practices on the ground level. Trade Unions can have considerable influence in directly preventing the entry of child labourers into production processes. Trade Unions can also include aspects of eliminating child labour in negotiations with companies on wages and working conditions and within collective bargaining agendas. Therefore, the support of trade unions is very important to the successful development, implementation and sustainability of CLFZs, specifically as part of efforts to engage the private sector.

Trade unions, the private sector and child labour

The Stop Child Labour's experience has shown that child labour is much less likely to occur in situations where the relationships between the union and the company are wellestablished and productive. Additionally, in areas where the labour sector is not organized and trade unions are seeking to collectivise workers, raising issues of child labour has proven to be an effective entry points for mobilizing the workforce.

Teachers Unions - The potential

Teachers Unions can play an important role in supporting child school attendance and supporting child labour free practices. In India Teachers Unions have not been active, but experience from both Africa and Latin America shows that their role can be seminal.

- ¹ ICJ, UNICEF, Obligations and actions on children's rights and business, A practical guide for States on how to implement the UN CRC Committee General Comment no. 16 http://www.unicef.org/csr/files/ CSR_GC_OBLIGATIONS_AND_ ACTIONS_FINAL_AUGUST05.pdf
- ² Trade unions, like CBOs and NGOs, have been able to implement CLFZ approach on their own initiative or in collaboration with community stakeholders. Teachers Unions specifically can play a key role towards improving education.
- ³ SCL, Stop Child Labour, Engaging with Companies and CSR initiatives', http:// www.stopchildlabour.eu/assets/ HI-16-04-SKA-Brochure-Bedrijven_UK_ Cover_A-LR.pdf

3.2 PREPARING TO COLLABORATE WITH THE PRIVATE SECTOR ON CLFZ IMPLEMENTATION

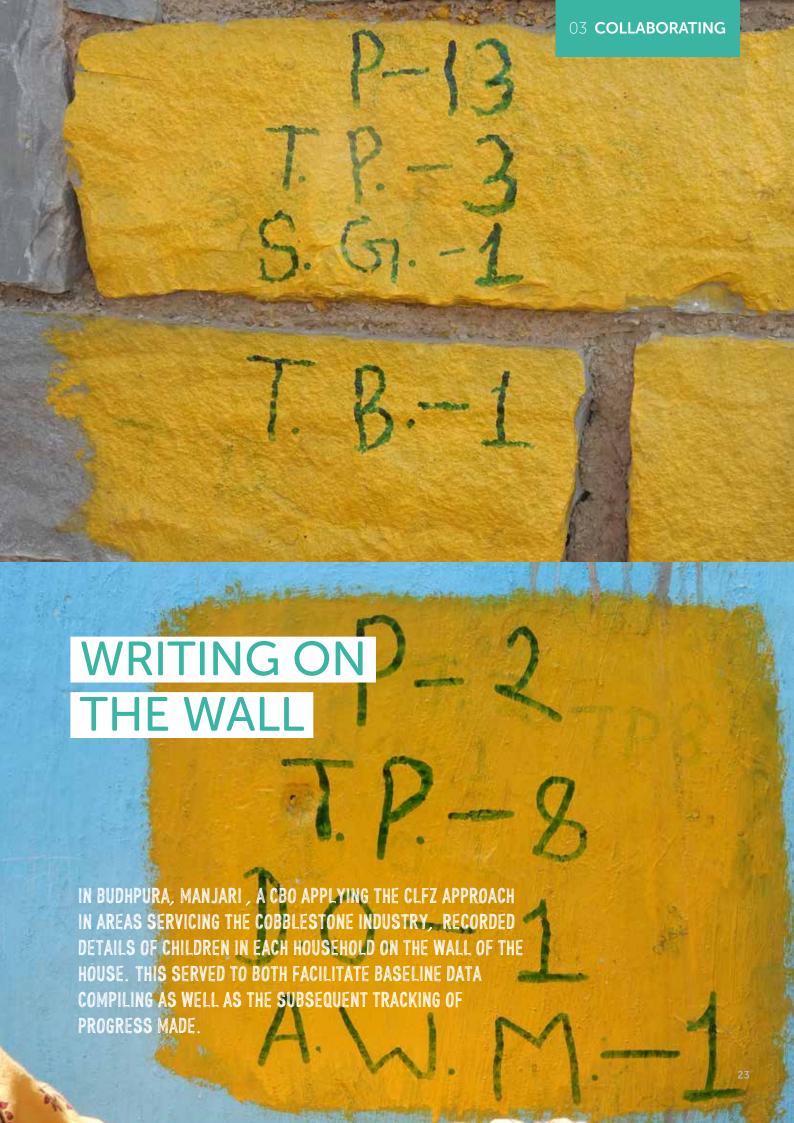
Before entering into collaborative agreements with the private sector, it is important that some data collection activities are undertaken to generate the basic information required to move forward. To this end CBOs, NGOs and Trade Unions should carry out a detailed household mapping to serve as baseline information.

In order to generate a baseline, the following data must be collected:

- a) A Child Labour Area Specific Situation Assessment: The situation analysis should include information on the number of child labourers or prevalence of child labour as a practice, the known impact of child labour, the attitudes towards child labour, as well as school enrolment rates and drop-out rates.
- b Education Environment Assessment: The availability and adequacy of education facilities and services should be assessed against standards prescribed in the RTE Act. Data collection on child rights must consider that a child's ability to enjoy specific rights may be tied to their gender, caste/tribal membership, migration status, as well as other factors.
- c) Industry Assessment: The nature and size of local industry/industries/occupations and conditions of adult labourers, including information on the number of workers, nature of employment (whether organized, contractual, or unorganized), as well as the degree to which core (and possibly other) labour standards are met should be assessed.⁴
- NB: When starting work in an area where the CLFZ model is already under way at a minimum, the information for a, b and c should be available already.
- d) Supply Chain Mapping: Map the role(s) played (e.g. local influence and position on child labour) in the supply chain by key private sector actor including importing, exporting and processing companies, local suppliers, subcontractors, employment unions, etc. It is also important to map industrial and sectoral processes and practices (e.g. through a task and risk mapping) and variations between industries and sectors as relates to engaging child labourers (e.g. home based, guarry workers, field workers etc).
- e) Governance/Legal Framework Mapping: Map the government and legal frameworks that are applicable (national and state laws/regulations) to labour and child rights, particularly on child labour and the Right to Education (RTE). It is essential to familiarize oneself with the jurisdiction (sectoral and area), as well as with the local personnel in line departments and law enforcement mechanisms.
- f) Government Scheme Mapping: Identify all relevant government schemes and relevant implementation mechanisms.⁵

After collecting baseline data, it is essential that data are regularly updated to track and review child rights impacts in the area.

- 4 'Core Labor Standards' are the baseline standards for labor set up by the International Labor Organization (ILO). The baseline standards include: freedom of association and the right to collective bargaining; the elimination of forced and compulsory labor; the abolition of child labor; the elimination of discrimination in the workplace, and limits to excessive hours of work.
- To illustrate, map the delivery of benefits under central schemes/programs on child labour through the labour department, delivery of crèche, nutritional, etc. services under the Integrated Child Development Services Scheme of the Ministry of Women and Child Development, programs under the National Policy for Children, 2013, where applicable, employment opportunities available under the National Rural Employment Guarantees Schemes, etc.



3.3 COLLABORATING WITH THE PRIVATE SECTOR ON CLFZ IMPLEMENTATION

- ⁶ Interviews with representatives of SAVE Tirupur and Manjari, Budhpura, March-April, 2016
- ⁷ To illustrate, CBO Manjari organizes regular multi-stakeholder meetings at the community district and state levels with representatives of business enterprises, labourers, women's self help groups, representatives of line departments including departments of health, education, women and child development, mines and labour. In these meetings Manjari informs participants of field level developments and gaps in legal/policy implementation. As a result of these meetings and action taken by participants, the Budhpura area in which Maniari operates, was able to get two new government schools, two bridge course programs and a crèche sanctioned by government authorities.

CBOs, NGOs and Trade Unions applying the CLFZ approach must take the followinginto consideration when attempting to engage the private sector in a manner that is sustainable:

- · Building credibility
- · Creating two-way communication and dialogue
- · Showcasing past and current experiences
- Promoting enforcement of legislation

a) Building credibility

Field experience⁶ has shown that private sector actors (as is the case with community members) initially regard CLFZ initiatives to withdraw children from labour with suspicion. Their wariness is based on the fear that CLFZ related activities will affect profit margins and income. Therefore, changing these perceptions and successfully convincing private sector actors of the benefits they can enjoy from supporting the implementation of CLFZ, and also of their responsibility to work towards the eradication of child labour, needs to be a priority for CBOs, NGOs and Trade Unions alike.

The fact that the CLFZ model is very much relying on community mobilization efforts, as well as on efforts to establish norms which discourage child labour and which are accepted by both the local community and government authorities, is one step towards building credibility amongst private sector actors. However, the activities themselves may be insufficient. Efforts to build credibility amongst private sector actors must also make active use of documented results/successes in the field which can be used for monitoring of and giving insight in concrete results; clear and regular communication and recognition from e.g. local government and companies.

NB: Credibility can be severely damaged if private sector actors engage CBOs, NGOs or Trade Unions in agreements that include the exchange of monetary incentives for withdrawing children from work or paying stipends.

b) Communication and dialogue

Engagement in regular dialogues with private sector actors is essential to build trust, consolidate working relationships, and overall strengthen the partnership. Dialogue can include the following elements:

- Regular one-on-one interactions with all individuals involved, at each stage, of the supply chain and production process;
- Sharing and discussing responsibilities, expectations, restrictions, challenges and opportunities;

- Facilitating multi-stakeholder interactions to ensure cohesive strategies;
- Organizing quarterly or (bi-)annual community level meetings which include all key actors and stakeholders to share experiences and update participants on recent developments.⁷ These meetings should include government and line department staff.
- Facilitating interactions between entities at different levels of the supply chain.
 For example between importers and exporters, or employers unions and exporters. These interactions can serve to build consensus on strategies and roles to combat child labour.
 - NB: It is crucial that all engagement pursues a resolution-oriented approach instead of a confrontationist approach. A resolution-oriented approach will serve to support sustainable cooperation and maintain or encourage current or future joint actions.

c) Showcasing past and current experiences

The CLFZ model includes a variety of activities aimed at sustainably removing children from labour and reintegrating them into formal education facilities (if needed first through bridge schooling). These activities are tailored to the local conditions so that they best respond to the reasons, which have led to child labour locally. With this in mind, showcasing success stories, practical examples and explanation of challenges is important to use in the communication with and efforts to engage the private sector. To this end organizing field trips for multi-stakeholder delegations to communities, schools and work sites are very important. They help to get a better understanding of the situation of the children and their families, of child labour rehabilitation measures, the enforcement of child rights, as well as other aspects of the CLFZ model and are key to successfully engaging the private sector.

d) Promoting enforcement of legislation

Engaging the private sector in efforts to promote their compliance with, and support of, legislation is also important. A key tool used by the CLFZ model is the support for state accountability, as well as supplementing state initiatives toward achieving the Right to Education goals.

To this end interactions with State agencies can be useful in two ways:

- 1. Ensuring compliance with laws on child labour through engagement with the Labour Commissioners appointed under the Child Labour Act.
- 2. Cooperation with the education department functionaries in order to supplement efforts to achieve the RTE goals.

These efforts can be more fruitful if the collaboration of the private sector is attained early on, and is voluntary in order for the private sector to see the benefit of complying with, and supporting, existing legislation. Additionally, efforts to lobby the government to comply with its legal responsibilities are more easily obtained when the private sector works together with NGOs, CBOs and/or Trade Unions.

Example: Adapting CLFZ to the local realities

The Building and Wood Workers International (BWI), an international trade union consortium in industry, has been applying the CLFZ approach in brick kilns and stone guarries in Rajasthan. In order to meet the requirements these sectors, it organizes worksite bridge schools near brick kilns for children of migrant labourers engaged in the sector. It also delivers the 'School on Wheels' -a mobile school program in Rajasthan to cater to areas, which do not have government schools.

Example: MV Foundation

MV Foundation, while working with business enterprises in the hybrid seed industry in Andhra Pradesh, maintained close relations with the designated Labour Commissioners and kept them informed of field level develop-

ments. MV Foundation's proximity to these agencies strengthened their ability to negotiate with private sector actors. In cases where negotiation did not yield positive outcomes, MV Foundation made use of the law by filing relevant complaints with the Labour Commissioner requesting further action, such as raids to production areas, and the imposition of penalties as prescribed in the law.

Experience has also shown that including the private sector in negotiations with government functionaries serves to strengthen the efforts to lobby for improvements in the provision of education services. For instance, collective demands made by Manjari and private business working in the cobble stone industry lead to the sanctioning of two new government schools, two bridge schools, and crèche services in the area. It is believed that the joint effort was an important element in the



3.4 ACTIVITIES THAT CAN BE CONDUCTED BY VARIOUS ACTORS

Here you will find an overview of activities that can be carried out by various types of organizations. This overview is based on the work of the MV Foundation on the issue.

NON-GOVERNMENTAL ORGANIZATIONS

Exposure visits

NGOs working in the field on the issue of CLFZ visited MVF and were convinced that it is possible to create CLFZ in their operational area.

Collect data on the status of children

Collecting data is a first step to gaining a clear understanding of the situation on the ground and what strategies may be followed. A simple format may be used for a household survey that then covers all households. This survey should include an assessment of children who are of school going age, and insight in who of them are attending school regularly, unregularly or not at all. More specifically the survey, and other data collection, should be able to generate data that allows for:

- The development of a profile of out of school children as per the work they are engaged in, age, wage/non-wage work, gender etc.
- The distinction between the different types of work. For example children working in companies/farms/export oriented production processes etc.

- The identification of companies and employers that use child labour.
- A mapping of the supply chain.
- The assessment of availability of schools and the infrastructure therein.
 - Engage with Companies
- Present the data base, giving details about children working at their production units.
- Solicit the support of companies to prohibit the use of child labour in the process of production
- Propose joint visits to the production units/farms
- Propose orientation to the staff members of the company.
- Inform NGO or unions in sourcing countries and ask them to engage at that level as well.

Developing community leadership

Identify the persons who are ready to take a stand in favour of children through community mobilisation activities. These individuals will then have to be briefed on:

- The impact of child labour.
- The findings of the survey.
- Companies employing children in their supply chain.
- Several child related Acts such as the Right to Education Act, Child Labour Act and law enforcement authorities.

Training Programmes & Exposure visits

Different stakeholders (parents, teachers, youth, volunteers, government officers, trade union leaders, employers, staff of the companies, representatives of local bodies, School Management Committees etc) have to be trained on the rights of children, CLRP Act, Right to Education Act, and the impact of work on the health of young children etc.

Arrange exposure visits to the production units/farms and villages which are working towards creating CLFZs.

Advocacy & Networking

 Conduct workshops with government officials and other NGOs, unions and community persons to share the experiences.

- Organize review meetings with exporters/importers.
- Submit petitions on the conditions of children and schools to the concerned
- Try to get information from NGO or unions in sourcing

Campaign & Publicity

Folklore, street theatre, cultural programmes, rallies, celebrating the social events, wall posters and wall writings, public meetings, school days, children days, anti-child labour days etc can all be used to promote child rights and elimination of child labour.

Campaigning and seeking publicity can also be done globally in coordination between local and global actors.



MULTINATIONAL, NATIONAL OR LOCAL COMPANIES

Multinational companies

- Verify if child labour is used or at risk to be used at any stage in the supply chain including subcontracted production units/farms.
- If child labour is found, convince national and local companies that it is against the principles of the company.
- Include a clause in the agreements with the national and/or local companies that their products should be free of child labour⁸ and that remediation will be provided if possible via a community-based approach to children who are found to be working with local companies and/or suppliers.
- Identify (inter)national agencies that may support the company in making its goods free of child labour and help with prevention and remediation
- Advise the national and local companies on how to seek the support of NGOs and/or unions that are working on addressing child labour including freeing children from the work force.
- Provide incentives to local suppliers that work child labour free, including better prices, reasonable production time etc.

National companies

- Should take a pledge that child labour shall not be made use of in the process of production, including at their suppliers and subcontractors.
- No to child labour plus effective community-based remediation should be made the policy of the company.
- Take the support of local NGOs, so that they will help in identifying (the risk to) child labour and planning for their prevention and remediation.
- Have a dedicated staff to address the issue.
- Organise training programmes to the staff at all stages and also to all the sub-contractors.
- Provide incentives to local suppliers.

Supply chain/local companies

- Abide by international standards and the local laws on child labour, whichever is higher.
- Participate in the training programmes.
- Generate awareness on the issue among the workers.

⁸ This type of agreement (statement) should not be sought after in isolation as statements such as these do not alone guarantee a positive outcome.

TRADE UNIONS

Support efforts against the use of children in labour by:

- Having a no tolerance towards child labour approach/stance.
- Ensuring that productions units include a clause about child labour in the business agreements.
- Organise awareness camps
- Build pressure on the companies to have and implement a policy against child labour.
- Though (teachers') unions organize or support bridge courses and classes for out-ofschool children and make schools accessible for them.
- Invite NGOs and local groups to join the campaign and participate in their activities.
- Form Joint Action Committees at local level.
- Involve other trade unions, including teachers, on the issue to engage communities, local government and companies

GOVERNMENT ENTITIES

Support efforts against the use of children in labour by:

- Conduct meetings with other government departments, trade unions, civil society and make a plan as to how to create a CLFZ.
- Respond positively to the petitions of civil society
- Labour Department should

- monitor the status of children (in school/not in school) together with local groups, NGOs and/or local (teachers')
- Implement an awareness campaign against child labour with local stakeholders.
- Enforce the national law in letter and spirit.

COMMUNITY ENTITIES

Support efforts against the use of children in labour by:

- Playing a watchdog role aiming to protect child rights e.g. by child labour monitoring and petitioning local government.
- Take the responsibility to inform/orient parents on the issue, including on practical steps to take.
- Ensuring that School
 Management Committees
 (SMCs) monitor and regulate
 the school as stipulated in the
 Right to Education Act.
- Engaging local government to monitor the whereabouts of children including migrating and immigrating children. This can be achieved by maintaining registers and updating them periodically as stipulated in the Right to Education Act.
- Working with local government and regularly petitioning that conditions of schools and support provided to children are improved e.g. asking for more (qualified) teachers and material.



O4 FOREIGNAND INTERNATIONAL

COMPANIES AND PRIVATE SECTOR STAKEHOLDERS COLLABORATING ON CLFZS

When CBOs, NGOs and trade unions that are applying the CLFZ approach wish to engage multinational companies and other private sector actors, they can make use of the approaches listed in chapter 3. In addition the strategies below are also useful:

- Cooperation with (like-minded) NGOs and trade unions in countries where the multinational is based or is selling its products;
- Engagement with international development agencies;
- Utilizing legal frameworks applicable to foreign companies in their countries of origin;
- Reporting/highlighting the impact of the company on child labour and child rights.



4.1. ENGAGEMENTS WITH (INTER) NATIONAL NGOS, TRADE UNIONS AND (DEVELOPMENT) AGENCIES

International pressure can play a significant role in ensuring corporate compliance with international standards on child labour. Often this pressure comes from NGOs and unions who are active in the field of promoting human rights in international supply chains. Research, publicity, campaigning and engaging with companies are some of their tools.

Although international agencies promoting or supporting compliance with international standards may appear remote, it is possible for CBOs and local NGOs to engage with such agencies through collaborations with like-minded international NGOs and unions or through engagement with field offices of international agencies. In addition to supporting compliance, such engagements have other benefits too, such as scaling up successful CLFZ initiatives, and influencing broader policy reforms that are supportive of CLFZ efforts.

Specific collaborations can include:

- a) Collaborating with international like-minded agencies such as international NGOs, or coalitions of NGOs and Unions such as Stop Child Labour to influence policies of multinational companies and foreign governments. Indeed, a specific resource to readers of this document is Stop Child Labour Coalition.
- b) Collaborating with inter-governmental agencies such as UNICEF, ILO (International Labour Organization) and ILO-led Child Labour Platform, IOE

See: https://www.ser.nl/~/media/files/ internet/talen/engels/2016/agreementsustainable-garment-textile.ashx

² See: http://www.fairlabor.org/sites/ default/files/cotton_project_flyer_eng. pdf

Linking to, and collaborating with Stop Child Labour

Stop Child Labour applies or aims to apply the CLFZ approach in collaboration with local organizations in the textile/garment, leather and natural stone sectors in India.

In the **textile industry**, Stop Child Labour is partnering with the Dutch national multistakeholder Agreement on Sustainable Garment and Textile to tackle child labour in the full supply chain of companies operating on the Dutch garment and textile market. Member companies (now 55) are obliged to do due diligence on child labour and 8 other issues. As part of this agreement Stop Child Labour actively participates in a multi- stakeholder project with (Dutch) garment companies to improve their due diligence and remediation of child labour.

In the **natural stone industry**, Stop Child Labour works with companies in stone quarry areas in India as well as with trade associations in the Netherlands (aiming to attain sectoral agreement like the one in the textile sector) and with an European multi-stakeholder initiative (TFT-RSP) to improve policies and practices in the sector.

In the **leather footwear industry** *Stop Child Labour* works on child labour issues with the Fair Labor Association and four footwear companies sourcing from Agra. This engagement may lead to developing a CLFZ in Agra.

Working with Stop Child Labour members and partners is useful to exert pressure on international companies with operations in India to comply with national (Indian) and international standards. This can be done directly by the Stop Child Labour Coalition members through interactions with staff employed in the headquarters of companies located in Europe, particularly in the Netherlands. shared with Stop Child Labour can influence policy making in Europe, which can have a positive impact on other private sector industries. E.g. a Child Labour Due Diligence Law that was adopted by the House of Representatives in the Netherlands in February 2017.

(International Organization of Employer's), ITUC (International Trade Unions Confederation), UN Treaty Bodies³ like the Committee on the Rights of the Child (CRC) and the OECD (Organisation for Economic Co-operation and Development) can help strengthen CLFZ efforts at the ground level and mobilize support in national and international forums to promote the use of effective measures to combat child labour. Collaborations like these can help such agencies implement their own programs and facilitate synergies towards achieving shared objectives in the field of child rights, and youth employment.

Further, these agencies have generated a vast body of literature and expertise over the years to guide interventions at the field level. Additionally, these agencies often have reporting and complaints mechanisms set up to redress child right violations occurring at the national level ⁴

Example of this include: A) the complaints procedure established under the OECD Guidelines on Multinational Enterprises known as the National Contact Points (NCPs). This complaints mechanisms can be activated when domestic remedies have been exhausted or are not yielding sufficient results. B) Shadow reporting to the CRC Committee processes. This can be used to highlighting violations to child rights. 6

c) Engagements with certifying agencies. Social labelling and international certification programs can play a relevant role in ensuring core labour standards and decent work conditions are met. However to address child labour effectively it is important not to focus on a specific sector or supply chain only, as the majority of the labelling and certification standards do, but to take a broader, holistic and community based approach. It is recommended to combine the approaches and to strengthen the synergy and complementarity.

Building and Woodworkers International (BWI), for example, does promote engagements with CSR initiatives such as the Ethical Trading Initiative, Xertifix, Fair Stone, etc. in the natural stone industry. These initiatives have set social standards for compliance, which include child and bonded labour. Certification by these initiatives indicates endorsement of and (working towards) compliance with social standards by all companies in the supply chain in the countries of origin. CBOs, NGOs and Trade Unions can also work with these initiatives in efforts to strengthen the implementation of standards in domestic operations and supply chains. Strengthening implementation may include joint trainings, monitoring of work conditions, as well as other interventions at various stages in the supply chain.

d) Participation in multi-stakeholder initiatives: Companies should be encouraged to participate in genuine broader multi-stakeholder initiatives like the Fair Wear Foundation, the Fair Labor Association, Fair Trade and UTZ Certified. These can serve to advocate for better regulation and enforcement of existing national and international standards, as well as to receive expert stakeholder inputs to improve due diligence approaches and share accumulated information/ experiences.

- ³ See: http://www.ohchr.org/EN/HRBodies/ Pages/TreatyBodies.aspx
- OECD Multinational Enterprises Complaint Procedures, See OECD Watch, (2006), Guide to OECD Guidelines for Multinational Enterprises' Complaint Procedure, Lessons from past NGO complaints, http://www.oecd.org/ corporate/mne/1922428.pdf.
- 5 http://www.oecd.org/investment/mne/ ncps.htm
- ⁶ The CRC Committee regularly reviews progress made by member states in achieving CRC goals by reviewing reports submitted by state agencies. Civil society organizations can participate in this process by preparing shadow reports for submission to the Committee, which highlight child rights violations. This is a process that the Indian government engages with. The last state report was submitted in in 2013. See http://www.refworld.org/publisher,CRC,IND,,,0.html

4.2. UTILIZING LEGAL AND POLICY FRAMEWORKS APPLICABLE TO FOREIGN COMPANIES IN THEIR COUNTRIES OF ORIGIN

It is important to understand legal or policy frameworks — domestic, regional and international — applicable to foreign companies sourcing or producing in India and in their countries of origin. These include expectations regarding responsible sourcing by member countries of the OECD under the OECD Guidelines for Multinational Companies ⁷, the UN Guiding Principles for Business and Human Rights ⁸ as well as public reporting obligations and public procurement policies of individual governments and government agencies. Understanding these frameworks serve to increase the advocacy opportunities with foreign companies. For more information, see the attached chapter on Further reading.

For example, 90% of the cobble industry production in Rajasthan is exported to European clients. The European Union has adopted a directive requiring non-financial disclosures by large companies including information related to business impacts on labour, environment, human rights, etc. Various EU member countries also have public procurement policies in which social standards of production can be included. This is important for companies supplying e.g. granite or sandstone for streets and buildings. Knowing these factors can help interested parties to encourage companies to include information on child rights specifically as part of the reporting processes, thus leading to enhanced transparency in operations and greater supply chain accountability. It also means that companies have to be aware of possible complaints by e.g. NGOs or unions through the National Contact Points (NCPs) of the OECD member countries.

4.3. REPORTING/HIGHLIGHTING THE IMPACT OF CHILD LABOUR ON CHILD RIGHTS

Preparing and disseminating reports highlighting the impacts on child rights of an industry, company or product can have a considerable impact on brand reputations. These reports can be used as a basis to put pressure on foreign companies to initiate programmes to combat child labour, as well as promoting government action. Important is to have sufficient and concrete evidence and to provide companies the opportunity and sufficient time to provide feedback before publication. Otherwise it may adversely impact consensus building and collective action later on. If companies do respond to such concrete evidence after repeated requests, it can of course still be decided to publish such information.

For example, the Stop Child Labour coalition member, India Committee of the Netherlands (ICN) has carried out a number of studies on child labour and wages in the cottonseed and vegetable seed sectors in India. These studies, along with engagements with major companies such as Syngenta, Monsanto, Bayer, Unilever/

⁷ http://mneguidelines.oecd.org/ auidelines/

⁸ https://business-humanrights.org/en/ un-guiding-principles

⁹ ICJ, UNICEF, Obligations and actions on children's rights and business. Supra



Hindustan Lever, led to the formulation of 'Child Protection Policies ¹⁰ (CPP) to tackle child labour in sourcing areas. Under CPPs companies have provided incentives to farmers who have stopped using child labour, as well as invested in the development of school infrastructure in villages. It also motivated some companies, such as Syngenta to implement ILO norms on decent work, and to join the Fair Labor Association.

Studies such as the ones mentioned above can also be used to file public interest litigation in appellate courts. These litigious processes serve to order state agencies to take action in ensuring compliance with labour standards and take remedial/punitive steps if they encounter non-compliance.

For example, ICN's report on trafficking of children to cottonseed fields in Gujarat was used as a basis to file a public interest litigation in the High Court of Rajasthan. Although the case is pending, the court has thus far directed the government of Rajasthan to file their response on its failure to prevent the gross violation of children's rights noted in the litigation.

Reports highlighting the impact of child labour on children and their rights are also important to inform and engage companies. It may be that they are unaware of the direct or unintended impact of their or their suppliers operations. Raising awareness can serve to encourage greater responsibility towards the prevention of child labour. An example of this can be found in the 'agriculture' sector. This sector is listed as a hazardous industry in the Child Labour Act. Additionally MV Foundation's work in the field revealed the adverse health consequences on children resulting from handling fertilizers and insecticides. These hazards were brought to the attention of national and international companies in order to pressure them into stopping the use of child labour and encouraging them to comply with strict international standards instead of the less restrictive domestic legislation.

¹⁰ See East West Seeds, (2015) Response to the report "Soiled Seeds: Child Labor and Underpayment of Women in Vegetable Seed Production in India", http://www. indianet.nl/pdf/SoiledSeeds-ResponseEast-West-Nov15.pdf

¹¹ See http://www.indianet.nl/150817e. html

05 FINALLY

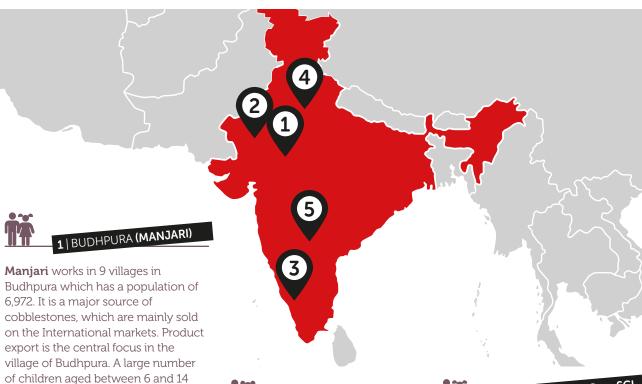
This guide demonstrates that there are many opportunities, within the Indian context, to engage private entities in efforts to eradicate child labour through the establishment of CLFZs or through other actions tackling child labour and labour violations in supply chains. This document should be used as a resource, but additionally organizations that have already successfully engaged private companies can be contacted:

SCL ORGANISATIONS IN INDIA

ORGANISATION	ADDRESS	CONTACT PERSON	EMAIL
BWI	BWI SOUTH ASIA OFFICE A-364, FIRST FLOOR DEFENCE COLONY NEW DELHI - 110024 TEL: +91 11 41550670/80	RAJEEV SHARMA/ PRERNA PRASAD	RAJEEV.SHARMA@ BWINT.ORG/PRERNA. PRASAD@BWINT.ORG
ICCO	C-19/A, FIRST FLOOR GREEN PARK EXTENSION NEW DELHI 110045	JOSEPH THOMAS	J.THOMAS@ICCO.NL
MANJARI	BUDHPURA, BUNDI, RAJASTHAN	VARUN SHARMA	BUNDI.MANJARI@GMAIL. COM/VARUN@ARAVALI. ORG.IN
M V FOUNDATION	M. VENKATARANGAIYA FOUNDATION, 201, NARAYAN APARTMENTS, WEST MARREDPALLY, SECUNDERABAD 500026	VENKAT REDDY	VENKATMVF @GMAIL.COM
SAVE	5,SHWARYA NAGAR,DHARAPURAM ROAD,K.N.P.COLO- NY,NEAR POOMER HOSORIES, TIRUPPUR, TAMIL NADU 641608	A VIYAKULA MARY	VIYAKULAMAIL@ GMAIL.COM



STOP CHILD LABOUR PARTNERS AND ACTIVITIES IN INDIA



were out of school and working in the guarrying area. Many of them were involved in cobblestone making, whether on a part-time or full-time basis. Maniari has withdrawn 593 girls and boys from child labour and 361 girls and boys prevented from child labour.



BWI through the local union, RPKNMS establishes CLFZs in Palri Mangaliya, and Purohitsar village. Both CLFZs are operating in an informal setting where a group of families are settled and work illegally in the mines. Those families are very vulnerable and RPKNMS is trying to organize them by using an entree with education through the government primary schools in or close to the CLFZs. RPKNMS has withdrawn 111 girls and boys from child labour and 125 girls and boys prevented from child labour.

SAVE works in two wards in Tirupur in the garment sector. Tirupur is one of the largest garment export centres. The two wards in which SAVE works have 18,507 inhabitants, of whom 5,014 are children under 18 years of age. A large percentage of these are migrant workers. SAVE has withdrawn 768 girls and boys from child labour and 2,023 girls and boys prevented from child labour.

TIRUPUR (SAVE)



SCL coalition partner ICCo established a Stop Child Labour Platform that focusses on capacity building of the project partners as well as lobby and advocacy on child labour and education issues by promoting the area based approach and CLFZ on a local, regional and National level.



MV Foundation is the big inspiration source for Stop Child Labour since 2003. MVF has over 2 decades withdrawn more than 1,000,000 children from work and integrated back in school; more than 1,500 villages are child labour free in India with the support of MVF. MVF is acting as a resource agency for Stop Child Labour in India as well as in different African and South American countries.

Budhpura Cobble Traders Union: From advocating existence of child labour to becoming a protector of child rights

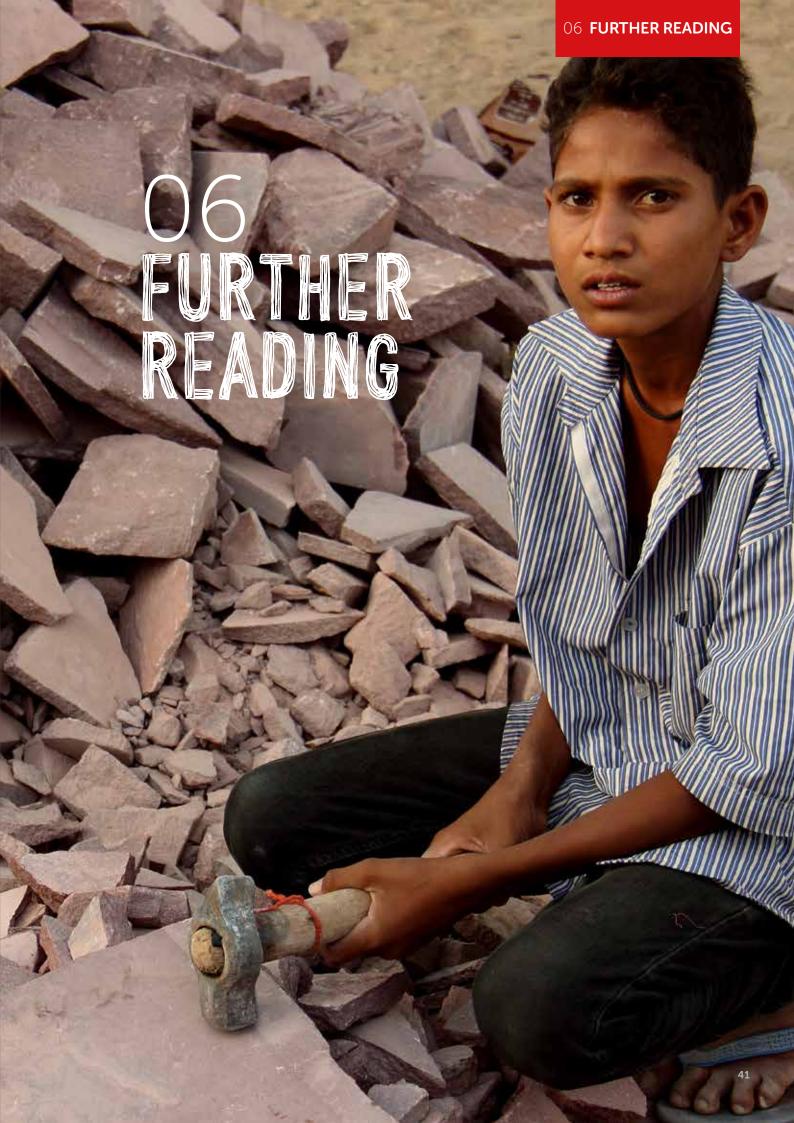
Manjari has forged a strong relationship with the cobble traders union, but it wasn't always that way. In the early days there was general mistrust from the cobble traders union about the true motives of Maniari. The cobble traders union was convinced that Manjari was trying to shut their business down and were reluctant to engage in a meaningful dialogue. During those early negotiations the cobble traders union would deny the existence of child labour or claim that child labour was the only way to provide enough household income. Trust was gradually built on both sides though and eventually it was possible for Manjari and the project team to engage in open and frank dialogue with the cobble traders union. This gave Manjari the opportunity to talk about the long term implications of child labour.

The first common myth to dispel was that poverty is the main reason why children end up working. There are many other factors at play. If children could be put through education there were huge long term benefits for the child, the family and the community. It was explained that employing children provided a

small short term financial benefit but in the long term there was a huge cost as children would never have the opportunity to realise their full potential. It is worth mentioning that the cobble traders are from the Budhpura community. Finally they began to see the bigger picture, that child labour was bad, not only for the children involved, but for the community as a whole, their own community.

Bringing the cobble traders union on board was a major development for the Child Labour Free Zones Project. The Manjari project team and the cobble traders union members sat down to work out a strategy. The principle, that not a single child will be employed by any of the members, formed the bedrock of this strategy: No child will be employed in the cobble yards.

A board stating, "Child Labour is prohibited in these premises and employing children is a punishable offence" is to be placed outside the main gate of the yard. The cobble traders union and Manjari are now working together to motivate children to attend school.



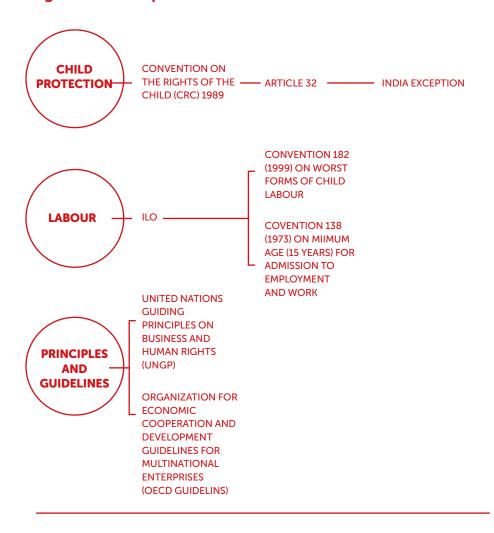
UNDERSTANDING THE LAW

In this section a brief overview of the key international law that governs child labour, as well as relevant national laws in India, and the way that companies must engage with the legal process are detailed.

INTERNATIONAL LAW ON CHILD LABOUR

There are a number of international legal documents that legislate child protection and labour. These include: Child protection documents, Labour Documents, and relevant principles and guidelines. The name of the most relevant are detailed in the diagram below.

Legislate Child protection and labour



Duties of States and companies under the 'United Nations Guiding Principles on Business and Human Rights' (UNGP).

- It is the State's duty to **protect** human rights against abuse by third parties, including business, through appropriate policies, legislation, regulations and adjudication
- Companies bear the responsibility to **respect** human rights, meaning to act with due diligence to avoid infringing the rights of others and to address negative impacts with which they are involved
- The State must provide for **greater access to effective remedy**, both judicial and non judicial, for victims of business related human rights abuse

Article 32 of the CRC

- 1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.
- 2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:
- (a) Provide for a minimum age or minimum ages for admission to employment;
- (b) Provide for appropriate regulation of the hours and conditions of employment;
- (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

International Standards On Child Rights

ILO MINIMUM AGE CONVENTION, 1973 (NO. 138)

- Sets minimum ages for various types of work:
- Ratified and implemented by 168 countries in the world;
- Exemptions for developing countries exist, but few have applied.

ILO WORST FORMS OF CHILD LABOUR CONVENTION, 1999, (NO. 182)

- Defines certain types of child labour as the "worst forms," which should be abolished as a matter of priority;
- Most ratified ILO Convention with implementation by 179 countries;
- Adhering countries should develop "hazardous work lists" that identify activities that should not be carried out by anyone under 18.

ILO TRIPARTITE DECLARATION OF PRINCIPLES ON MULTINATIONAL ENTERPRISES (1977, AMENDED 2000 AND 2006)

- Guidance for multinational companies, governments and employers' and workers' organisations;
- First ILO instrument to directly address companies;
- Contains provisions on minimum age and worst forms of child labour.

See http://www.ilo.org/empent/ Publications/WCMS_094386/lang--en/ index.htm

ILO DECLARATION ON FUNDAMENTAL PRINCIPLES AND RIGHTS AT WORK (1998)

- Commits countries to respect and promote fundamental principles and rights, whether or not they have ratified the relevant ILO Conventions;
- Includes principles concerning the fundamental rights in Conventions 138 and 182 regarding child labour;
- Is referenced in the UNGPs;
- Many companies have committed to its implementation.

UN CONVENTION ON THE RIGHTS OF THE CHILD

- United Nations treaty;
- Most ratified UN treaty with 194 countries;
- Covers a broader set of children's rights, including child labour.

UNITED NATIONS GUIDING PRINCIPLES ON BUSINESS AND HUMAN RIGHTS

The UN Guiding Principles provide assistance to states and businesses to fulfil their obligations towards respecting and protecting human rights and fundamental freedoms and comply with existing laws. They act as global standards for addressing the risk of human rights violation related to business activity. In circumstances when these laws are breached or guidance is not adhered to, suitable remedies have also been recommended. The primary focus is on the protection of human rights by both the state and the business enterprises, and the principles broadly outline the manner in which the framework can be implemented.

See: http://www.ohchr.org/Documents/Publications/ GuidingPrinciplesBusinessHR_EN.pdf

OECD GUIDELINES: MULTINATIONAL ENTERPRISES

These guidelines for multinational enterprises elaborate on principels and standards for corporations. They cover areas such as employment, human rights environment, information disclosure, combating bribery, consumer interests, science and technology, competition and taxation. They contain defined standards for socially and environmentally responsible corporate behaviour, and also provide procedures for resolving disputes between corporations and communities or individuals adversely impacted by business activities.

See: http://www.oecdwatch.org/cases/oecd-guidelines/

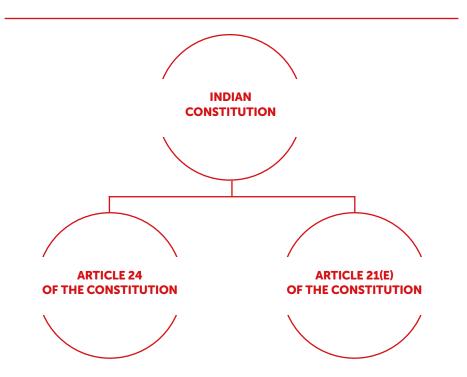
UN GLOBAL PACT

UNGC is world's largest corporate citizenship initiative with the objective to mainstream the adoption of sustainable and socially responsible policies by businesses around the world. The 10 principles of the UN Global Compact have been derived from various UN conventions such as the Universal Declaration of Human Rights, ILO's Declaration on Fundamental Principles and Rights at Work, the Rio Declaration on environment and development, and the UN Convention Against Corruption. The principle cover the areashuman rights, labour rights, environment and governance

See: www.unglobalcompact.org/

OVERVIEW OF INDIAN LAW ON CHILD LABOUR

The Constitution of India is the source of all laws in India. Rights recognized under the Constitution are given effect to through the enactment of specific legislation. The most relevant articles of the constitution and subsequent documents are detailed in the graph below.



WHICH PROHIBITS CHILDREN UNDER THE AGE OF 14 FROM BEING EMPLOYED IN HAZARDOUS INDUSTRIES. THE CHILD LABOUR (PROHIBITION AND REGULATION) ACT, 1986 (CHILD LABOUR ACT) GIVES EFFECT TO THIS CONSTITUTIONAL MANDATE BY ENLISTING OCCUPATIONS WHERE CHILD LABOUR IS EITHER PROHIBITED OR REGULATED. THIS MEANS THAT ALL FORMS OF CHILD LABOUR ARE NOT PROHIBITED.

WHICH RECOGNIZES THE RIGHT OF ALL CHILDREN TO FREE PRIMARY EDUCATION (RTE). THIS RIGHT IS GIVEN EFFECT THROUGH THE RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION, 2009 (RTE-ACT), WHICH PUTS IN PLACE MECHANISMS TO ENSURE SCHOOL ATTENDANCE AS WELL AS STANDARDS FOR QUALITY EDUCATION.

- Usha Ramanathan. 2009. Evolution of the Law on Child Labour in India in in Hugh D. Hindman ed., The World of Child Labor – An Historical and Regional Survey. Armonk, NY: ME Sharpe (http:// www.ielrc.org/content/a0905.pdf)
- ² Indian Express (2014). 5 Years On, Right to Education is Still Far Cry in AP
- ³ Covering those engaged in agriculture, homebased work and artisanship.
- ⁴ Child Labour Law Amendment, Applying the Brakes on Social Mobility, Supra N 2

These laws have not been effectively implemented. Under Child Labour Act, minimal penalties prescribed for engaging child labour in prohibited sectors have not had any significant deterring effect ¹. Implementation of the Right To Education (RTE) Act has also been slow; with none of the states reaching the prescribed 2015 targets, on universal primary school enrolment and quality of education.² It is unlikely that the objectives under the RTE Act will be achieved unless child labour at least up to the age of 14 is outlawed completely.

In 2012, the Central Government proposed to amend the Child Labour Act to bring it in line with the RTE Act and ILO Conventions 138 and 182. However, child rights groups have critiqued this proposed amendment, as it would allow for child labour to take place in family enterprises ³ thus diluting the objective of completely banning child labour up to the age of 14 years.⁴

In addition to the key documents and articles listed above there are other documents worth mentioning, as well as policies and schemes that are implemented at the state level.

Additional relevant legal provisions on addressing child labour

LABOUR LAWS

- · General labour laws governing labour rights and employment conditions
 - Factories Act, 1948, prohibits the employment of children below the age of 14 in any factories and regulates factory employment of children in the 15-18 age group
 - Contract Labour (Regulation and Abolition) Act, 1970 regulates employment of contract labour
 - Workman's Compensation Act, 1923 includes provisions on aspects of factory safety
 - Maternal Benefits Act, 1961 prescribes maternity leave and benefits
 - Unorganized Worker's Social Security Act, 2008 extends the coverage of benefits available to organized labour to home based, self employed or daily wage workers
 - Bonded Labour System (Abolition) Act, 1976 aims to abolish bonded labour with a view to prevent the economic and physical exploitation of weaker sections of the population
 - Minimum Wages Act, 1952, prescribes minimum wages in certain sectors

Sectoral labour laws, which contain provisions prohibiting/regulating child labour

- Section 45 of the Mines Act, 1952 prohibits the employment of children under the age of 15 in any mine or mining operations
- Section 12 of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service Act, 1996, does not allow for the registration of any person under the age of 18 as a building worker
- Section 24 of the Beedi and Cigar Workers (Conditions of Employment) Act,
 1996 prohibits the employment of children under the age of 14 in any industrial premises
- Section 19 of the Plantations Labour Act, 1991 restricts the number of hours that children under the age of 14/18 can work on any plantation

LAW ON JUVENILE JUSTICE

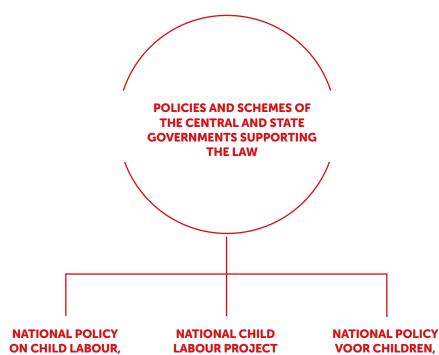
The Juvenile Justice (Care and Protection) of Children Act, 2000 that criminalizes any person procuring or employing a child in any hazardous employment or in bondage

POINTS ON LEGAL IMPLEMENTATION

- Rules and procedures for accessing remedies under different laws may vary from state to state. To illustrate, rates of minimum wages are determined by each state and may vary from one state to another.
- Central and state jurisdiction may also overlap in the implementation of laws in
 the same area. For example, in Budhpura, regulation of stone quarries falls under
 the ambit of Mines Act, 1952, which is implemented by central government
 authorities; while the regulation of the auxiliary cobble stone industry in the
 same area falls within the jurisdiction of the state government through it various
 departments and statutory authorities.

Policies implemented at the state level

In India there are many policies and schemes that are implemented at the state level. The child labour issue is no exception. Therefore it is important to also be aware of the following efforts.



WHICH PROVIDES GENERAL
DEVELOPMENT
PROGRAMMES FOR THE
BENEFIT OF FAMILIES OF
CHILDREN AND PROJECTS IN
AEREAS OF HIGH
CONCENTRATION OF CHILD

LABOUR.

1987

FOR THE REHABILITATION OF WORKING CHILDREN IN 271 CHILD LABOUR ENDEMIC DISTRICTS IN THE COUNTRY.

SCHEME, 1988

2013
WHICH PROVIDES FOR PECIFIC PROGRAMMES AN SCHEMES TOWARDS

SPECIFIC PROGRAMMES AND SCHEMES TOWARDS CHILDREN'S DEVELOPMENT, EDUCATION, PROTECTION AND PARTICIPATION.

DUTIES OF COMPANIES TO SAFEGUARD CHILD RIGHTS UNDER INDIAN LAW

What is CSR?

Although the Companies Act, 2013 does not provide a definition of 'CSR', a CSR approach should be a holistic one, integrated with the core business strategy for addressing social and environmental impacts of businesses. It should address the well-being of all stakeholders, including local community members and not only company shareholders. CSR initiatives should not be limited to philanthropic activities but cover a larger set of activities entailing strategic business benefits. CSR approaches are also regarded as an important aspect of broader corporate sustainability.

According to the 2013 'Guidelines on CSR and Sustainability for Central Public Sector Enterprises issued by the Central Government—'CSR and sustainability are so closely entwined, it can be said that corporate social responsibility and sustainability is a company's commitment to its stakeholders to conduct business in an economically, socially and environmentally sustainable manner that is transparent and ethical.'

Source: Confederation of Indian Industry and PwC India, (2014) Handbook on CSR in India.

Who is required to implement Section 135 of the Companies Act, 2013

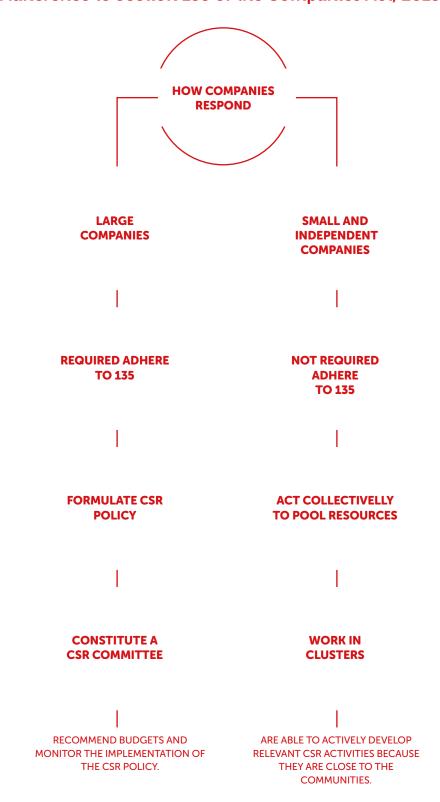


THIS PROVISION APPLIES TO COMPANIES WITH A NET PROFIT OF RUPEES FIVE CRORES (50 MILLION).
US DOLLAR 7.5 MILLION.



INDEPENDENT AND ANCILLARY
SMALL TO MEDIUM ENTERPRISES
(SME-S) EMPLOY NEARLY 40% OF
INDIA'S WORKFORCE COMPANIES
THAT DO NOT MEET PROFIT
REQUIREMENTS

Adherence to Section 135 of the Companies Act, 2013



SAMPLE SUPPLY CHAINS

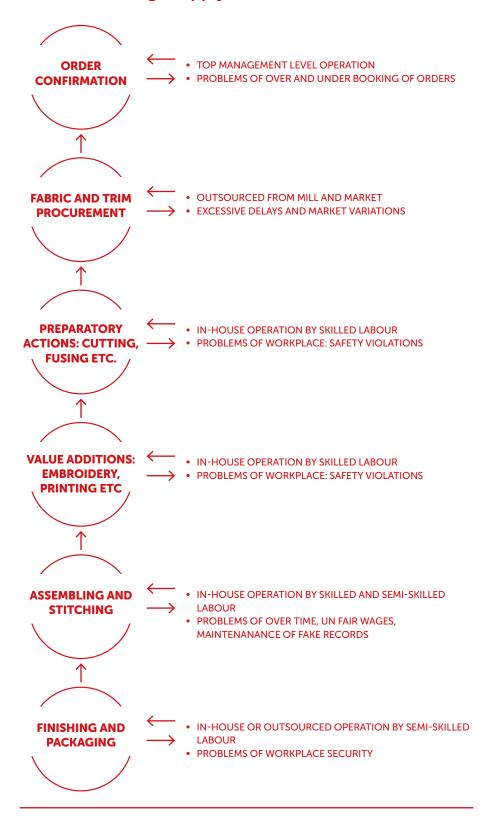
Different industries have different supply chains. Therefore depending on what industry is targeted the supply chain must be mapped in order to ensure that all parts of the supply chain are adequately targeted by efforts that aim to eliminate child labour. In an effort to illustrate the differences between supply chains, three examples are provided here. What these supply chains show is both the relationship or direction of interaction, as well as the different actors and, where relevant, decision making bodies.

Cottonseed Production - Supply Chain

MULTI NATIONAL COMPANIES INDIAN SUBSIDIARY OR JOINT VENTURE COMPANIES SEED ORGANIZERS SEED FARMERS CHILDREN WORKING IN THE COTTONSEED FARMS

Cobble Business - Supply Chain **IMPORTER EXPORTER BIG YARD OWNER SUPPLIER PETTY CONTRACTOR SMALL YARD WORKERS TRACTOR OWNER MINE OWNER**

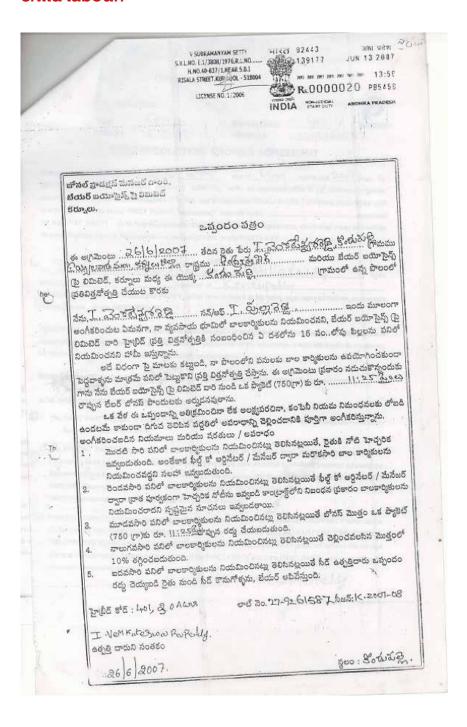
Garment Making-Supply Chain



Source: Brief Guide-Garment Manufacturing and Child Labour in Garment Sector in India, a report by Bachpan Bachao Andolan

AGREEMENT

Sample agreement between cottonseed hybrid farmer and Bayer company to prevent the engagement of child labour.



Agreement - Translation

То

The Zonal Production Manager, Bayer Bio-Sciences Pvt Limited, Kurnool.

AGREEMENT

This agreement has been executed on 26.06.2007, between I Venkateswara Reddy (Farmer) living in Kondupally Village, Uyyalawada Mandal, Kurnool District, Andhra Pradesh State and Bayer Bio-Sciences Pvt Limited Kurnool for producing Cottonseed on the farms of the said farmer.

I, I. Venkateswara Reddy, S/o Pulla Reddy hereby agree and promise to "not to engage children below the age of 15 years on the farms in which I would be producing Cottonseed for Bayer Bio-life Sciences Pvt.Ltd, at any stage in the production process".

By adhering to the above promise I will not engage children and employ adults only for the production of Cottonseed. For keeping the promise of not engaging children, Bayer Bio-life Sciences will pay me a bonus for the finished product @ Rs. 11.25 paise for every packet of 750 grams.

In case of any violation or breach of agreement on my part, I am willing to pay penalty as mentioned below and also am liable for any punishment to be awarded by the company for violating its rules and regulations.

Rules and regulations as agreed upon:

- 1. The Company's field Coordinator/Manager would issue oral warning once if found guilt of employing children. Field Coordinator/Manager would advise against child labour.
- 2. If found violating this rule for second time a written notice would be served on me by the Field Coordinator/Manager in which it would be categorically told that I should not employ children.
- 3. If found breaching the agreement third time also, the bonus would be denied.
- 4. A penalty in the form cut in the procurement price to the extent of 10% would be awarded if found violating this rule for fourth time also.

Lot No: 27-9261587,

5. If children are found fifth time also, working on my farm, Bayer will stop procuring seed from me.

Hybrid Code: 401, 2.0 ACRES season K. 2007-08

Sd/- XX XX XX Farmer's signature

26.06.2007 Place: Kondupalle

METHODS OF ENGAGEMENT WITH DIFFERENT PRIVATE SECTORS

Procuring companies such as MNC subsidiaries, foreign importing companies

SCOPE OF RESPONSIBILITY

- Comply with relevant national laws in India and domestic law of home country, as well as international standards on child labour and labour rights.
- Develop policy to prevent the use of child labour and embed it across company operations.
- Enter into written contracts with suppliers and subcontractors, with explicit provisions on not engaging child labour in any of their manufacturing or service operations and ensuring that their suppliers/subcontractors meet the same requirements in their supply chains.
- Incentivise suppliers not engaging child labour and those who are involved in efforts to create CLFZs
- Impose penalties on suppliers if child labour is reported during monitoring
- Ensure that production targets, time lines for fulfilling orders and pricing do not result in child right impacts.
- Establish credible management and grievance redressal systems, including complaints and reporting mechanisms, self monitoring systems and ensure transparency in policy and practice
- Associate with fair labour initiatives and certification agencies and comply with prescribed social standards on child labour, health and safety requirements, environmental concerns and decent work conditions.
- Supplement and support initiatives to improve education facilities, vocational training for children in the 14-18 age group and enhance livelihood opportunities of family members.

METHODS OF ENGAGEMENT

- Dialogues with company management functionaries and procuring officials at all levels (e.g. head offices, branch offices, etc.).
- Inclusion of company representatives in multi-stakeholder initiatives and community collectives
- Facilitate interactions of company representatives with community members, government functionaries and suppliers.
- Monitor compliance with national laws and international standards on child labour and labour rights.

ILLUSTRATIONS

- Syngenta a MNC engaged in hybrid cottonseed production in Kurnool, Andhra Pradesh is a member of the Fair Labour Association, which works toward implementing ILO recommended norms on decent work. Syngenta provides incentives to farmers who do not engage child labour and enters into agreements with them that no child labour shall be engaged. Farmers using child labour are penalized through reduced purchase prices or rejection of products. Syngenta organizes child protection programs to support the education of children of poor farmers and create social infrastructure like school buildings, toilets, community halls etc.
- Beltrami Group, a company based in Belgium, is a major importer in the cobble stone industry in Budhpura. The Group has worked closely with CBO Manjari, in Budhpura to apply the CLFZ approach. In this regard, it used its position of leverage with local exporters and suppliers to take measures to prevent the use of child labour. It also supports community level activities towards improving quality of education and school facilities, as well as supports initiatives for vocational training (tailoring) of young girls in the 14-18 age category and provides other financial support.

METHODS OF ENGAGEMENT WITH DIFFERENT PRIVATE SECTORS

Companies involved in processing, agglomeration and export

SCOPE OF RESPONSIBILITY

- Comply with national laws on child labour and core labour right standards
- Develop codes of conduct or regulations by employer associations on preventing the use of child labour.
- Penalize members of employer associations, if found using child labour
- Discourage home based work production and accommodate production processes within company premises
- Disclose details of production sites, subcontractors and suppliers
- Verify that suppliers/sub-contractor are not engaging child labour
- Improve wages and working conditions for adult labourers, including provision of crèches and day care centers for children of labourers.

Supplement and promote education of children, vocational training for children in higher age groups and livelihood options for family members

METHODS OF ENGAGEMENT

- Dialogues with company management/ enterprise owners
- · Advocacy with employer associations
- Involve company representatives monitoring and tracking processes and in multi-stakeholder initiatives
- Facilitate interactions with community members and government functionaries
- Monitor compliance with ILO norms on decent labour and national laws
- Include aspects of child labour eradication in collective bargaining and negotiations with trade unions

ILLUSTRATIONS

 Pursuant to collaborating with NGO SAVE in applying the CLFZ approach, the Merchants' Association associated with the textile industry in Tirupur, Tamil Nadu adopted a resolution against engaging child workers. Violation of this resolution attracts fines imposed by the Association. The Association participates in door-to-door campaigns organised by SAVE to advocate against child labour and participates in the activities of the 'Child Rights Protection Forum' (CRPF)—a community multi-stakeholder collective to track child labour and take efforts to realize RTE goals in the area. The association also conducts its own regular inspection of production processes to ensure that no child labour is being used and maintains files to monitor all families in the area. It provides financial assistance, in terms of providing books and other learning materials, in cases where parents face difficulties in sending their children to school. The association engages with school staff and teachers to resolve problems that children face in schools. It has also adopted the local government school Pandiya Nagar School to make it into a 'smart school' providing quality education.

- In Tirupur, Tamil Nadu, the labour union Hind Mazdoor Sabha, has been applying the CLFZ approach along with CBO SAVE. The Union has been successful pressurising local companies to desist from engaging child labour. SAVE, has entered into memorandum of understanding with big local companies to not use child labour and follow fair labour practices. SAVE also works closely with factory owners towards establishing and implementing fair recruitment and labour practices, as well as to track progress in achieving decent work conditions.
- In Budhpura, Rajasthan—the Cobble Union, an association of yard owners, worked out a strategy to prevent child labour in collaboration with Manjari, a CBO applying the CLFZ approach. The strategy included adopting a code of conduct to not allow child labour in cobble yards, as well as putting up signs of 'no child labour involved' in yards and on letterheads of individual companies. Violations of the code of conduct lead to the imposition of fines by, and removal of members from, the association. Members of the Cobble Union and Manjari have also established a joint committee to regularly monitor child labour in cobble yards.

METHODS OF ENGAGEMENT WITH IFFERENT PRIVATE SECTORS

Sub-contractors/ local suppliers/ procurers in the informal sector

SCOPE OF RESPONSIBILITY

- Stop using child labour in production processes
- Stop sourcing materials/products developed using child labour
- Monitor production processes to track child labour and report violations in engaging child labour.
- Promote among the community and adhere to the norm that 'no child should work'.
- Encourage adult workers to take over the work of child labourers
- Support enrolments drives and monitor school attendance
- Facilitate access of children withdrawn from labour to bridge schools and other processes that aid transition of child labourers to formal school systems.

METHODS OF ENGAGEMENT

- Include sub-contractors and local suppliers in community collectives forged to realize CLFZ goals and multistakeholder initiatives
- Involve sub-contractors in tracking and monitoring of child labour
- Assist sub-contractors in negotiating fair contracts with higher level suppliers / agglomerators.

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LIST OF ABBREVIATIONS

MV FOUNDATION

NGO

ABA	Area-Based Approach (to	OECD	Organization for Economic
	Eliminating Child Labour)		Cooperation and Development
BUSINESS ENTERPRISES	In this report the term to denote	OECD GUIDELINES	OECD Guidelines for
	all enterprises – small, medium		Multinational Enterprises
	and big; nationally or	PRIVATE SECTOR	In this report this term is used to
	internationally operating	STAKEHOLDERS	allude to all persons, groups or
BWI	Building and Wood Workers		organizations that have an
	International		interest or concern in an
СВО	Community Based Organization		organization. Stakeholders can
CHILD LABOUR ACT	Child Labour (Prohibition and		affect or be affected by the
	Regulation) Act, 1986		organization's actions, objective
CLFZ	Child Labour Free Zone		and policies. [Some examples of
СРР	Child Protection Policies		key stakeholders are creditors,
CRC	Convention on the Rights of the		directors, employees,
	Child, 1989		government (and its agencies),
CRPF	Child Rights Protection Forum		owners (shareholders), suppliers
CSR	Corporate Social Responsibility		unions, and the community fron
ICN	India Committee of the		which the business draws its
	Netherlands		resources.]
IEC	Information Education and	RTE	Right to Education
	Communication	RTE ACT	Right of Children to Free and
ILO	International Labour		Compulsory Education, 2009
	Organization	SAVE	Social Awareness and Voluntary
ILO-IPEC	ILOs International Programme		Education
	for the Elimination of Child	SCL	Stop Child Labour
	Labour	SME	Small and Medium Enterprises
IOE	International Organization of	TFT - RSP	Tropical Forest Trust –
	Employers		Responsible Stone Programme
IOE-ILO GUIDANCE TOOL	. IOE-ILO Child Labour Guidance	UNGP	UN Guiding Principles on
	Tool for Business (2015)-		Business and Human Rights
ITUC	International Trade Union	UNICEF	United Nations Children's Fund
	Confederation		
MNC	Multinational Company		

Mamipudi Venkatarangaiya

Non-Governmental Organization

Foundation

