

Bonded Child Labour in South Asia: Building the Evidence Base for DFID Programming and Policy Engagement (ITT Reference No: PRF 4)

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About this Report

Acknowledgements and Disclaimer

This material has been funded by UK Aid from the UK government; however the views expressed do not necessarily reflect the UK government's official policies.

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Executive Summary

This report was commissioned by the Department for International Development and funded by UK Aid to provide evidence for DFID to design a business case for a new Asia regional programme on child labour. The Asia Regional Team (ART) had identified bonded child labour as a particular problem in South Asian countries, which this report confirms. Research for the report was guided by three central questions:

- 1. What are the current trends and status of bonded child labour in South Asia?
- 2. What are the main drivers of bonded child labour in different country contexts?
- 3. What types of interventions have been most effective in reducing bonded child labour?

The research drew on evidence from several South Asian countries including Afghanistan, Bangladesh, Bhutan, India, Myanmar, Nepal, Pakistan and Sri Lanka.

Key Conclusions

- 1. The prevalence of bonded child labour in South Asia is unknown, reflecting a research gap in the context of the sensitivity and in some cases illegality of this form of employment relation. Evidence on children working shows a downward trend overall in Sri Lanka and broadly speaking across India. We do not equate 'children working' with *child labour*, nor with *bonded child labour*, however. The data for other countries in South Asia has gaps, and in all countries this issue could bear further re-examination with a view to gauging change over time, notably in Bangladesh and Nepal where multiple cross-sectional datasets are available.
- 2. This report offers a definition of bonded child labour focused on the child's entrapment. This definition places most bonded child labour within the boundary of child labour estimates. Those children under age 18 who are in a forced labour situation are also inherently entrapped, and by virtue of their age they cannot give valid consent, so child forced labourers also constitute bonded child labour. Our definition takes into account ambiguous factors, such as the situation of early married children, who are not in an employment relation per se, but can still be deemed under bondage, undertaking child labour in the form of work for the family. In this sense, the definition of bonded child labour put forward in this report differs from ones recommended by country governments in the region. The use of different definitions of child labour itself by diverse international actors (UNICEF, ILO, Anti-Slavery International, Human Rights Watch) indicates both the importance and the research gaps around this phenomenon. The report is focused mainly on bonded child labour itself.
- 3. The prevalence of recorded child labour is highest in Nepal at 37% of children age 5-14 years. The Afghanistan prevalence is also high at 29% of children age 5-14. In Afghanistan this figure is gender-differentiated, with a lower prevalence among girls of 24%. In Pakistan, a variety of regional studies show different rates, and no single national figure can be obtained. Pakistani data from 2014 on children aged 10-14 indicates a 10% rate of child labour among those aged 10-14. The rate of child labour in India is very differentiated, both over space and by social group, with a national estimate of 12% of children age 5-14 in 2005/6. Recent national child labour estimates have not been published for India from 2011/12 and later, although solid survey data exists on child workers, and this area offers good opportunities for further research.

Bangladesh has a good national survey dated 2013, showing a 4% child labour rate among children age 5-14. Myanmar's rate is much higher at 9%. The rate of child labour for children aged 5-14 in Bhutan is 3%. The rate in Sri Lanka is 3%, excepting the far north Jaffna region which is omitted from official figures.

- 4. There are opportunities to extend knowledge by re-using the existing secondary data. For example early child marriage may be evident in survey data, but has not been included in bonded child labour estimates. Early child marriage when children are below the age of consent (typically 18 years) leads to engagement in domestic work without pay for long hours, but the surveys where wives are interviewed typically use only ages 15 to 49 (Demographic and Health Surveys; National Family and Health Survey), thus omitting child wives. The ILO has its own data on Bangladesh, known as SIMPOC data, which has married women of a broader range of ages. Indian NSS data also allow for child marriage. These could be re-analysed taking into account the age of marriage. Another research gap would be to use such data to examine the inertia of the occupations of parents and children; a new research topic is when and where children embark on an occupation new to their family. If access were granted, then a wider statistical modelling exercise could bring together the occupational details for India and Bangladesh alongside those from Sri Lanka which are not currently public, and the available UNICEF microdata from other countries, to gauge the whole South Asian situation.
- 5. Effectively the ILO in 2017 did a prevalence measurement exercise for child labour and hazardous child labour on a world scale, imputing evidence to countries for which they had no data. For South Asia they imputed data for all countries except Bangladesh. The ILO procedure was consistent with their agreed 2008 approach to child labour which allows no paid work among children under the age of 12, allows only non-hazardous work lasting less than 14 hours per week among age 12-14 (this is considered a level not disturbing school attendance), and allows non-hazardous work among those adolescents age 15-17.
- 6. Looking at the prevalence and causes of bonded child labour country by country, differences of political economy were notable, such as civil war, refugee camps providing cheap mobile labour, and highly differentiated legal systems. The country evidence also brings to light many case studies showing which sectors have bonded labour.
- 7. A survey of the causes of child labour showed a mixture of economic, social and cultural causes in all cases. The economic causes include the economic demand for child labour as cheap labour in enterprises where labour is informally engaged. These are not necessarily informal enterprises overall; they often offer their outputs as supply on formal subcontracts. Further, aneconomic basis for child labour arises when inequality and poverty together lead parents to feel desperate to gain employment for one or more children. This syndrome of poverty and desperation labour supply is also associated with the child failing school, failing to attend, or being withdrawn from school. These children often do considerable household work. The poverty syndrome can be seen as implying that higher average incomes will trickle down to a reduced level of child labour. However, raising economic growth will not work as a solution when and where social exclusion and cultural marginalisation means that employers can bond child labourers with impunity. Recent growth in child labour in Nepal could

for example have arisen in the context of the Nepal civil war, and previous waves of refugees who arrived in Nepal from Bhutan. Similarly, at present, a huge wave of refugee families coming into Bangladesh from Myanmar place children at risk of future bonded labour.

- 8. Social and cultural causes are not only structural determinants, but also contextual conditions for debates about bonded child labour. Thus a self-reflexive mode of analysis is useful, and reflexivity via dialogue among the stakeholders is a principle of research that improves the ethics of discussing bonded child labour. Given sensitivities around the definition of ethnicities, and the role of gender norms within and between ethnic groups, it is important that future research take up bonded child labour not merely as an economic or poverty-related phenomenon, but also as a cultural phenomenon with a complex history subject to many different currents of opinion in the present day.
- 9. Interventions fall into two main categories, legal and socio-economic: the two can coincide in function. Legal interventions include the international conventions and the national laws that work in tandem. The law is used to create a criminalization of the employer's act of bonding a worker to them (in India) or a landlord bonding children to themselves (e.g. in Afghanistan). Other countries are now moving toward having laws against the abuse of children (perhaps Nepal) and some countries have laws which help to rescue and rehabilitate bonded child labourers (India).
- 10. On the socio-economic side, there are numerous initiatives and programmes created by government, NGOs and the private sector. These include cash transfers, social protection programmes and social labelling, to name a few.¹ Whilst governmental interventions are increasing in frequency, the means and impact are inconsistent and not always effective This is due to the lack of an accurate definition and other problems arising from 'bondedness' itself, which are not accounted for and often placed within a more general child labour approach itself. A bottom-up approach has been more promising, with the meaningful involvement of local communities, as well as empowerment of women through self-management and educational initiatives, having more impact. Nonetheless, there are very few impact assessments available to analyse interventions. Social labelling in particular involves all three groups of stakeholders positively contributing to the issue of child labour. The success of social labelling rests upon a large firm, or firms, agreeing to a normative convention of good treatment of labour, followed by the award of a kitemark. One example is the Rugmark logo used for carpets made without forced labour. This has potential, but requires much more coordination for greater impact.
- 11. One noticeable point on interventions is that most focus on *child labour* more generally and not *bonded child labour* specifically. Future interventions must bear this specific focus in mind, given the unique nature of bondedness. Given that most interventions seem to have only a short term effect, interventions with longer term impact must be designed. One such long term plan could involve self-management and income generation strategy to prevent families and children falling back into bondage. Work by Save the Children has shown successful results for this type of intervention.

¹ Social labelling is intended to inform consumers on the social conditions of manufacturing and production of goods, so as to provide assurance that the goods were produced within a fair and equitable environment. They are often voluntary in nature.

1. Definitions

The definition of bonded child labour is crucial to its discussion, but also for the strategic planning, design and implementation of interventions. These interventions range from law and policy to other forms of stakeholder action. A clear and accurate definition of bonded child labour will allow for stakeholders to identify its material elements and contexts, particularly given its existence within more general forms of exploitation. By doing so would prevent the inaccurate assessment of situations that should be classed as bonded child labour, but are not, and vice versa. In addition, the large gap in data can be partly attributed to the lack of an accurate definition and therefore it is necessary for data collection. The contexts at several nested levels determine its causes and trends. Interventions can then be targeted at the contextual factors so as to have a preventative, long term impact, as opposed to one that tries merely to mitigate the effect in the short term.

Definition: From our research and analysis, we view bonded child labour as including those who are under the legal working age of their country of residence, who are also unable to voluntarily depart from their employment relationship due to debt or other forms of bondage and/or social obligations, such as being married. While entry into the situation may have been voluntary, the exit is constrained, so entrapment is a key element of bondage and subsequently a deprivation of their rights.

This definition is purposefully broader than other existing definitions to fully take into consideration the wider causes and implications 'bondedness' has, beyond a merely economic debt. Many bonded child labourers also experience forced labour and therefore bondage can involve elements of force, including forced overtime, unpaid overtime, unpaid work and even punishment (and threats of) against the family and the child. However, one must consider this with caution, as being forced or abused in general is not synonymous with being 'bonded'. If a child aged between birth to 17 does not receive their own wages and has lost control of their earnings through claims around any debt or serf-like obligation, they also fall within the concept of bonded child labour.

When it comes to bonded child labour, one must take a holistically causal approach. Causes of constraint include social conditions. For example, local social norms around household roles, household structures, ethnic and religiously based strictures on what children can and cannot do, as well as poverty, all constrain these children to remain in their work relationships in profoundly binding ways. In this sense, our definition is meant to include entrapment that is holistically caused at levels above the individual. Bonded child labour cannot therefore be looked at in a targeted way and must be dealt with holistically, taking into account factors such as social, political and cultural norms. This includes dealing with macro-policies and geographies, since the nature of bonded child labour differs not simply from country to country, but also between regions and localities. For example, a distinct differentiation exists between urban and rural contexts.

Bondage has changed over the years and has been shaped by local issues as society has changed. The definition of bonded child labour can then, in many ways, be argued to be a vital social question that continues to evolve. There are apparent overlaps between *bonded child labour* and *child labour* more generally. There are also clear distinctions that must be emphasised for the purpose of effective interventions. These two forms of labour have different characteristics and roots, for each nation and each sub-national region in South Asia, so an approach directed specifically to *bonded child labour* is required. Future research can help fill

gaps by noting not only the cultural formations of the place where the bonded child is working but also those of their place of origin and where their family members live (e.g. the child's father if he has migrated to a city).

Some claim there is significant confusion between terms such as bonded labour and debt bondage (Zaida, 2001). There is virtually no empirical data to work with, when trying to spell out the specific nature of bonded child labour and its interconnections with child labour as a whole.

Another important distinction is between forced labour and bonded labour. For adults over age 18, bonded labour is a subset of forced labour, because bondage creates entrapment which is a form of coercion (Olsen and Morgan, 2015). Among children, however, this relationship is more of a one-to-one mapping, where all forced child labour is bonded child labour for the following reasons. First, consider what forced labour consists of. The worker lacks voice with their direct and indirect employers; they lack consent over work details; they may do unwanted overtime, or be literally locked in, and face barriers to exiting from the work relationship. Second, if they are in forced labour, and underage, then they cannot have consented to this form of work relationship validly. It is not only that their consent is not valid in common law or natural law, but also that their voice as a child is over-ruled (by dominant social norms) by the parents' or quasi-parental carer's voice. Therefore among under-18s, all forced labour is bonded child labour under our definition of bonded child labour.

A research gap exists about the entrapment of child labour, as there is more research on debt bondage and less on the barriers to exit and the modes of coercion that the children face when working in these relational forms. The power relationship with the employer may be complex, for example, where there are triadic not dyadic relationships (3 agents not 2). A gangmaster or manager is the direct employer, but some terms and conditions may originate in the hiring or subcontracting firm that hires the gangmaster. Another triad is the moneylender, hirer, and worker. Here the loan may be offered subject to completion of work for the moneylender (eg quarrying work and mining), but the actual direct manager who hires the child (the hirer) is not the lender. In informal sectors of the labour market, these complexities mean it is hard for questionnaire surveys to cover all aspects of entrapment. Instead case-studies are needed (see examples in this report). Bhukuth (2005) gives clear illustrations from the brick kiln industry showing the complexity of the advance system there. In his cases in India, the parent takes the loan and the child works alongside the family members, creating another triadic complexity where the child is not able to exit the loan nor leave the workplace, yet the parent who instructs the child is not the manager of the work.

The definition of *bonded child labour* by including entrapment changes the discourse around bondage to make it less oriented to money debts, ie loans, but it still focuses very much on the use of money and the inability of a child worker to spend the money they have earned (thus, the concept of paying back a debt, originally given in kind, applies). If the bonded child labourer were free, they would have four capacities (or powers): the power to spend the money they earn, to leave the job role, to choose the hours of work, and to exit the premises at will during work breaks and when not working. In reality many children lack these four capacities. They also do not receive their wages in cash for the following common reasons: they may 'owe' money for food; for rent of the housing; for transport; or other living costs such as cigarettes, health care, or building a temporary hut. A child working without receiving wages is an entrapped forced labourer, and thus is bonded child labour.

In summary, among children who are under 18 years of age, who cannot validly consent to their entrapment, who have lost control of part or all of their wages, the entrapment situation normally follows the arrangement of the complex employment relationship.

The use of threats and punishments is an aspect of adult-child relationships which we discuss later in the report, as it has to be seen in full cultural context and may be well suited to anthropological and ethnographic methods of research. However on the whole, a concern with 'bondage' may arise from a concern with coercion, threats and punishments, not just with loans and advance systems. Our research found strong overlaps of forced labour with bonded labour, in this precise sense, among child labourers.

Early marriage also comes within the remit of bonded child labour for two reasons. One is that the child is trapped into the marriage by an adult decision maker. The second reason is that the power to exit, and the other three powers (to spend money, to leave the premises at will, and to work the hours one chooses) are also missing in typical South Asian early child marriages where one or both partners is under age 18. Demographic data can reveal more about the prevalence of early child marriage. Via the demographic transition one may expect marriages to occur later, as part of intentional birth spacing, but in some regions, the transition is delayed and the gender role stereotypes are so strong that early child marriage is tantamount to providing child girl child labour to the husband's family for a period of years (Dreze and Gazdar, 1996). Non-employed mothers in turn are a source of inertia in girls' low educational outcomes and early entry into paid work in India (Kambhampati, 2009). A concern with early child marriage is one element within the latter.

In this sense we have expanded the bonded child labour definition somewhat, compared with the measurement systems of the ILO and UNICEF (discussion is in section 2.2).

This report has sought to encompass different types of trends, causes and exploitation, according to the definition outlined above, reflecting how the authors see bondage in South Asia.

2. Trends

2.1.Recent Trends in Prevalence in South Asia

Between 2012-2016, child labour showed a downward global trend (ILO, 2017). Recorded child labour is unevenly spread across South Asia, with much higher levels in Afghanistan and Nepal than elsewhere (Table 1).

For ages 5-17 in Asia and the Pacific, child labour fell from 4.1% of the age group in 2012 to 3.4% of the age group in 2016 (ILO, 2017a: Table 1). The downward trend overall, pinpointed by the International Labour Office (2017a), is measured in three related concepts: first children in employment; next child labour, using a 14 hour-a-week cut-off for those children aged 5-14 in school (ILO, 2017a: 56); and thirdly, hazardous work by children. The prevalence of child work and child labour has declined steadily over the period of 1980 to the present (ILO, 2017b: 98, Table A5). This trend can be summarised as follows:

<u>Children Working:</u> Children in any employment in Asia and the Pacific, aged 5 to 14, were 19% of children in 2000, 19% in 2004, 15% in 2008, 10% in 2012, and 7% in 2016.

<u>Child labour</u> per se in Asia and the Pacific (referring to the more specific ILO definition of 2017b) fell from: 12.5% in 2008 to 8.3% in 2012 and to 6.4% in 2016 (ILO, 2017b: 98).

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Declines in children working in India were also described by Kambhampati (2006) and by Olsen and Watson (2011). No evidence is available directly on change over time in the numerical prevalence of bondage of children, however, either for India or for the other countries of South Asia. Debt bondage and entrapment have been considered delicate matters, difficult to measure and record as they relate to sensitive inter-family relationships. Further pressure to keep secrecy arises in those countries which banned bonded labour (India) and in Afghanistan which banned compulsory labour (see section 5.2.3).

Yet there are doubts about the scale of decline, not only due to definitional inconsistencies, but sources of a growing demand for cheap child labour in some sectors. Kambhampati and Rajan (2006) concluded that economic growth was associated with more, not less, child labour (using data from India 1990-1993). In Nepal in 1999, amongst children aged 5 to 16, 16% were working and not going to school (Edmonds, 2003: 13), whilst in 2014, 38% of Nepal children were child labourers. The decline over time of child labour in Sri Lanka has been dramatic, from 10% to 3% by 2008 (see section 2.3).

The trends in the root causes of bonded child labour are many and they intersect with each other, referring to the whole trajectory of social, political and cultural development as well as economic growth, jobless growth in some parts of South Asia, and financial wealth growth through financialisation. Examples are described in sections 4.8.2 and 5.8 below. We can mention four key trends which illustrate cross-cutting issues:

a) The push factors for child labour include war and refugee migration; informalised employment in a variety of industries (both export industries which use four-tier subcontracting, and home industries like construction and domestic services, which have boomed in several countries in the 2000-2015 period); and cross-border trafficking which is linked to the sex trade and the use of cheap footloose informal labour. However the rate of growth of these three push factors is hard to measure.

- b) Secondly the social trend of holding an ethnic group in a marginalised position can shrink or grow, depending on many subtle interlinked factors; yet this trend is one which can drive bonded child labour. Examples include the use of refugee children in brick kilns, often fresh migrants from far away (Nepal, Pakistan); the integration of children into family-based cottage industries, serving long supply chains whose intermediating purchasers are of a different ethnic group, and consider that they are not obliged to follow labour law in engaging the homeworkers; and the use of servants as domestic workers.
- c) Thirdly the economic trends in poverty include both growth factors and reducing factors. On the one hand rapid growth in India and some parts of other countries would be expected to reduce the supply of child labour overall. On the other hand the poverty of low-income areas of each country can still grow during a time of rapidly increasing inequality. Thus poverty is still a key driver.
- d) When financialisation occurs, ie a growth in both banking and the asset values of all urban property and many large companies, there are again offsetting effects on child labour. Where poor families benefit from higher asset prices, eg. urban plot owners, less child labour will be supplied but where families are economically excluded (slums, tenants, and rural families) the asset price rises increase inequality and the social distance between rich and poor. This social distance can, in turn, drive the demand for child labour.

The trends in the outcome, bonded child labour, and then rooted in trends in the various causal chains that underlie each pairing of a child in bondage with an employer.

Some definitional inconsistencies exist, which make measurement over time and across countries challenging. These are most evident when we merge all the South Asian UNICEF MICS datasets together (Tables 2 and 3). One can compare the questionnaires which are openaccess (URL <u>http://mics.unicef.org/surveys</u>, accessed Dec. 2017). The wording varies considerably (more detail can be given, beyond what we have space for here). Some countries, notably Myanmar and India, avoided having the UNICEF Multiple Indicator Cluster Survey cover child labour. In India's case, this is because they use other surveys rather than having a MICS, in line with India's overall higher average income level than neighbouring countries. In Myanmar's case, it may be that government negotiations affected the questionnaire coverage (also notable in three other cases Pakistan, Bhutan and Afghanistan MICS); yet these negotiations are confidential. However in both the India and Myanmar cases, the government did allow other surveys to be created for child labour measurement purposes (see Table 1).

ILO, along with UNICEF, facilitates the negotiations around the planning of investments in survey development. Within a survey, the notion of 'modules' is used by UNICEF and DHS to encourage harmonised data collection. Modules are internationally shared, translated questionnaire segments. This harmonisation enables trend spotting both on the causality side and on measuring the outcomes (poverty, social identity, child labour, child schooling, indebtedness). In India's case we do have evidence on all five fronts. In such cases, UNICEF do not implement a MICS. However without oversight that links up the MICS questionnaire wordings and the ILO definitions along with India's own priorities, the data become non-harmonised at the cross-national level and over time. It is worth encouraging partnerships and open data development workshops where the harmonisation priorities can be discussed at an

international level and within nations. Debt was left out of most MICS surveys but can be incorporated back in, in future, because debt is now considered less sensitive than in the past, at least in urban areas, and is crucial in the causality of bonded labour.

2.2.Methods Used by Key International Organizations

In 2017, the International Labour Office (ILO) used its own definitions to measure child labour (ILO, 2017a, 2017b). Their new methodology includes imputing data for those regions with missing data to provide a child labour update (and updates for all forced and hazardous labour of children and adults) for 2016. Here, the ILO reports upon all countries in the aggregate, in spite of having survey data for only 54 countries. The methods were changed relative to the ILO (2012a, 2012b). Using survey data is similar in that specific, concrete cases always form the basis of ILO headcounts. However, through imputation (that is, creating an estimate where data are missing) there is now some estimation involved, by agreement, among the ILO member nations.

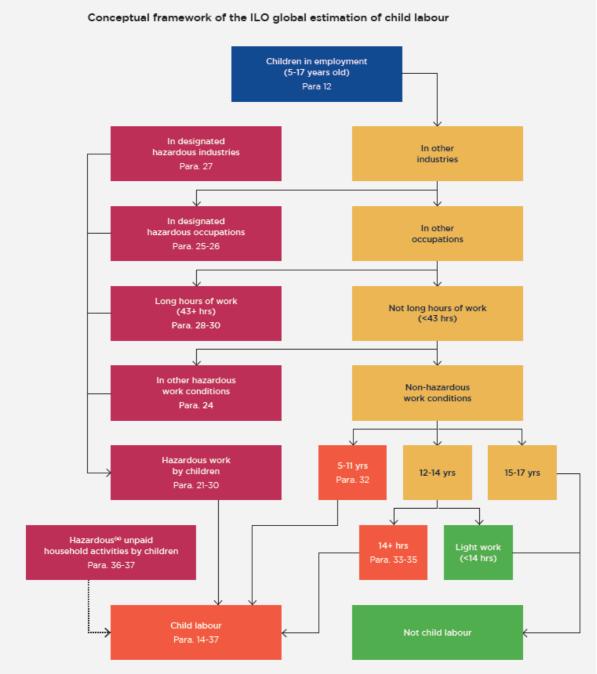
The methods used by the United Nations (UNICEF, various) are slightly different. Wehther to treat 20 hours a week or 14 hours a week of work as a threshold among the age 12-14 children is a discussion point betwteen the ILO and UNICEF. Other organisations have views about defining bonded child labour, too, notably the US Department of Labour, Anti-Slavery International and Human Rights Watch. However our review will focus on the ILO.

Two key assumptions made by the ILO are that the samples within countries are representative of the countries' child labour; and that 'the countries covered in the study form a random sample of the countries in the world', the latter being the less credible assumption (ILO, 2017b). The latest ILO data include just one country from South Asia, Bangladesh, as described in Table 3 (Variables Available) in this report. There are reasons why only one country dataset was used by ILO; these include the costly nature of the survey effort, the relative willingness of government of Bangladesh to implement this, and feasibility of representative random sampling in large regions of countries like Pakistan and Afghanistan where transport services are limited and some areas are unsafe for outsiders. The relative standard error of the ILO estimates for 2016 is 1.6% under these assumptions (*ibid.*).

Another measurement issue plagues the child labour prevalence estimates. If we include children who go to school and also work, both the 1999 and the recent estimates are much higher (the difference is particularly visible in Edmonds, 2003). The quantum for a prevalence estimate then depends on how many hours of work (for an outside party) are considered to count as hazardous (non-light) labour. In the ILO methodology (and in laws for each country) the amount of work that, in itself constitutes hazardous non-light work also varies by age range. ILO (2017b: 56) summarises the current ILO definition of child labour as an algorithm (a series of steps for each age group).

Box A shows the flow chart of how ILO defines bonded labour. The flow-chart ensures that the many age-differentiated facets of the ILO definition are seen in proper context. The flow-chart system (also called a routine for discerning child labour) results in a yes/no result. More sophisticated studies in future could consider the outcome in 2-3 alternative measurement modes: number of hours per week of child labour (beyond acceptable child work); intensity of risk of child labour (a probabilistic risk model); the hazard of being child labour (a yes/no probabilistic result).

Box A. ILO, 2017b: 56



Note: 18th International Conference of Labour Statisticians. Resolution concerning statistics of child labour. ILO, Geneva, 2008.

Note found in the original.

Key features of an operationalised definition of child labour include which work counts as 'work'; which age counts as the end of compulsory schooling (typically 15); and how many hours counts as hazardous work for school-goers (ILO, 2017b: 56). The reason there is a complexity about attending school is that the 3 age-groups are treated differently. A summary of the ILO method, shown in Box A, is:

- Below age 12 the child should not be working at all, as it clashes with schooling;
- At age 12-14 the child's hours of work would clash with schooling if they exceed the hours threshold, and thus would be considered as hazardous work;
- And children aged 15-17 are able to work up to 43 hours a week without their work being considered hazardous; thus there is a discontinuity in the measured amount of child labour between age 14 and age 15.

An additional element of bonded child labour, outside of both the ILO and UNICEF definitions of child labour, and unmeasured in Table 1, is those children married before the age of majority.

2.3.Localised Trends

In Pakistan, 2013 UNICEF MICS surveys covered the Balochistan and Sindh regions. A higher share of children were working in these provinces than elsewhere in Pakistan. Those involved in child labour were more than 21 per cent of those aged 10 to 17 (Labour Bridge Forced Labour Pakistan County Briefing, 2016). In Gilgit-Balchistan, 53% of boys and 46% of girls attended primary school, whilst child labour consisted of 45% of children aged 5-17 years (microdata is not available on this region). Of these, children in economic activity included 21% of those aged 5-17, while those doing household tasks above an hours-per-week threshold were 3.3% of this age group. The remainder of these working children were in informal sector work. Thus, overall, in Pakistan there are higher levels of recorded child labour than in neighbouring countries, but the measurement is not for the whole country. Therefore, one concern about the prevalence measure is that it will be biased.

Table 1 summarises the age of the majority and the UNICEF estimate of the % child labour for each South Asian country.

Country	Age of	Child	Female	Source
	Majority*	Labour as a	Child	
		% of		
		Children	% of the	
		Age 5-14	Females in	
			Age Group 5-	
			14	
Afghanistan	18	29%	24%	Living Conditions Survey 2013-2014*
Bangladesh	18	4%	4%	Child Labour Survey 2013*
Bhutan	18	3%	3%	MICS 2010 (authors' own calculations)
India	18	12%	12%	NFHS 2005-2006 (cited by UNICEF*)
Myanmar	18	9%	9%	LF-CL-SWTS 2015 (cited by UNICEF*)
Nepal	18	37%	38%	MICS 2014 cited by UNICEF*
	18	10% age		(Not in UNICEF database. Source=ILO Labour
		10-14		Bridge Forced Labour Pakistan County
				Briefing, 2014,
		16% age		http://www.ilo.org/islamabad/whatwedo/public
Pakistan		1070 age		ations/WCMS_317602/langen/index.htm,
-	10		20/	accessed 2017)
Sri Lanka	18	3%	3%	Child Activity Survey 2008-2009*

Table 1: Child Labour From Age 5-14, and the Age of Majority in South Asia

Source for age of majority: <u>http://www.youthpolicy.org/factsheets/</u>. Legal majority is the age at which key decisions can be made by the child, and not their parent. Note: The age of eligibility to work in labour law is a complex topic not easily summarised across all countries because of the concepts of light work and hazardous work, which are age-differentiated in most countries' laws.

Source for rows marked (*) on child labour age 5-14: URL <u>https://data.unicef.org/topic/child-protection/child-labour/</u>, accessed Dec. 2017. In the case of the first 2 rows and the last row, the source listed is that which UNICEF cited.

In Sri Lanka, the official rate of child labour has fallen rapidly to 3% from 10% (UNICEF, 2017, citing Child Activity Survey 2008-2009; and US Department of Labour, 2016, citing UCW 2014 based upon the Child Activity Survey 2008-2009).

Other countries do not offer an estimate of the rate of decline of child work, except in India where there are evident signs of a decline in children working age 5-15 (Kambhampati and Rajan, 2007, and Olsen and Watson, 2011).

The percent of children age 5-14 who are child labour is thus highest in Afghanistan and Nepal, and lower in Sri Lanka and Bangladesh, according to this source. Trends are hard to calculate. Girls are usually just as likely as boys to be in child labour, excepting in Afghanistan where the MICS data shows boys more likely, and girls less likely (see Table 1).

The *bonded child labourers* would include a subset of these child workers plus an additional complement of early child marriage (examples of which are described in Warria, 2017). There is no summary data on either the bonded child labour numbers or the prevalence of child marriage in Sri Lanka or the other countries, although the latter could be gleaned from household surveys or the Census, if time were allocated to this research question.

A major trend in bonded child labour is a reduction in generational bondage and an increase in debt bondage created during the child's own lifetime (Kara, 2014). In multigenerational bondage, the child is part of a cross-family system in which debt to a wealthy employer is

passed on from one generation to another. In more recent times, debts are created freshly based on offers from intermediaries who offer a loan to parents in exchange for the child's labour (Reddy and Olsen, 2010; Kara, 2014). It is common, argues Kara, for the number of loans per child across South Asia to be from 2 to 4, and for interest rates of over 50% per year to be charged (ibid), based on 504 documented cases across four countries India, Nepal, Bangladesh, and Pakistan.

It is possible to analyse most of South Asia at national level and within regions using the original survey data. One has to re-work the data from public online sites. A key source of data in cross section is the UNICEF, Multiple Indicator Cluster Survey (MICS) <u>http://www.unicef.org/statistics/index_24302.html</u>. These household surveys monitor the situation of children and women and thus contain information on the incidence of child labour. No information on bondage by debt is included. Some countries also omit to cover children age 5-17 working (notably in recent years Myanmar MICS data). Trends over time in the prevalence of child labour cannot easily be gained from MICS due to non-comparability of the survey geographic scope and the definitions used over time.

Data from the UNICEF MICS surveys provide estimates of the number of children in bonded labour for Afghanistan, Bhutan, Nepal, and parts of Pakistan. For Sri Lanka, there are aggregate reports from its child labour survey (2013), and for Bangladesh, there is a national child labour force survey. India provides neither MICS nor ILO SIMPOC data, but its own National Sample Survey of Employment does estimate child work and child labour. MICS data do exist for Myanmar and Bhutan, but have some limitations. In the Myanmar case they do not reveal the extent of child labour. There are no quantitative cross-national estimates of the number of children in bonded labour in the forced-labour literature.

The ILO (2017b) do count forced labour, whether adult or child. The ILO does not, however, measure bonded child labour (2017a). The ILO also does not release country-level results. In the Bangladesh case, the data on child labour arises from a special child-labour survey using the ILO SIMPOC methodology, and it has no current MICS survey. The ILO SIMPOC data for Bangladesh suggests a low rate of child labour of 4% of children, and provides no data on bonded child labour.

In the case of India, estimates must be developed from the National Sample Survey of Employment and Unemployment (NSS) data, or from the Census. Again, for India, no quantitative estimates are available on bonded labour itself. India has had a downward trend in child labour. In 1994, 5% of girls and 7% of boys were in work (Kambhampati and Rajan, 2007: 1313). Child labour fell from 11% in 1993 to 5% of all children in 2004/5, using NSS data (Mukherjee, 2012). India had 4.3 million child labourers aged 5 to 14 (4% of that group) according to the 2011 Census. On the other hand, the estimates from the census are put into doubt by the ILO data (2009), which show 12 million Indian child labourers.

If one attempts to trace change over time by comparing MICS studies from different dates, one may find it possible only in some countries. Table 2 illustrates this by listing the recent and past MICS coverage available online. These data do not enable bondedness to be measured. It is also not feasible to measure the prevalence of child marriage due to construing as adults only those within the age range of the survey sampling frame. However, from the various Rounds of the Demographic and Health Surveys (DHS), where adult women age 15-49 are randomly sampled, and each gives the year of their marriage, it is possible to estimate the slow rise in average age at marriage. This demographic statistic is a rough indicator of modernisation and

can also be compared over small regions within each DHS country. India, Bangladesh, and all the other countries listed here have conducted DHS surveys excepting Bhutan. The Myanmar DHS 2015/6 is valuable.

Country	Data of most	Other	Notes
	recent MICS	MICS	
	survey		
	2010-11	1997,	
		2000,	
Afghanistan		2003	
	2012-13	1993,	Bangladesh MICS 2006 did not measure children
		1995,	working; but Bangladesh has ILO SIMPOC data.
Bangladesh		2006	
Bhutan	2010		
India	2000	1995-6	The data are not available online.
	2009	1995,	The data in Myanmar are not available for 2009
		2000	or 1995. For 2000, it does not contain any child
			work or child labour variables, and children 5-17
Myanmar			were not covered.
	2014	1997;	
		& Far	
		western	
		part 2010	
Nepal			
Pakistan-	2010		Sindh did not show child work.
Balochistan			
Pakistan - Other	2011, 2014,		Punjab is recently released.
regions	2017 etc.		

Table 2: Microdata Available from the Multiple Indicator Cluster Survey (MICS) of UNICEF Over Time

Source: http://mics.unicef.org/surveys, accessed Dec. 2017.

Further trends in India going back into the 1980s and 1990s could be constructed from data in the Rural Labour Enquiry (Thorat, 2001). In order to update the trends one must construct harmonised comparisons over time. Some effort would be worthwhile to achieve this in the Indian case. The NSS sample surveys give cross-sectional data over time. In Table 3, we show how the Indian data sets can be compared with the UNICEF MICS data and the only recent Bangladesh micro-data, which is the ILO SIMPOC study.

Table 3: Child Labour in South Asia: Micro Survey Data for Cross-Sectional And Comparative Analysis

VARIABLE	BHUTAN	NEPAL (MIDDLE- AND FAR- WESTERN REGIONS)	AFGHANI- STAN	PAKIS- TAN (PUNJAB)	PAKISTAN (BALOCHIS- TAN)	PAK (OTHER)	INDIA	BANGLADESH
Latest Year	2010	2010	2011	2014	2010	Vari-ous	2012	2013
Child Working	\checkmark	\checkmark	\checkmark	\checkmark	\checkmark	V		V
Child Labour	\checkmark	\checkmark	\checkmark	\checkmark	\checkmark	\checkmark	\checkmark	\checkmark
Child In School	\checkmark	\checkmark	\checkmark	\checkmark	\checkmark	\checkmark		\checkmark
Hours Spent				Not				
Working	\checkmark			available	\checkmark	\checkmark	\checkmark	
Background Variables Occupation						\checkmark	\checkmark	র অ

Notes: the background variables include age, sex, rural/urban, age and education of mother and father, if coresident, and for many countries the household size, whether female head of household, sex of siblings, birth order, religion, and region. Language was only available for some countries. The most recent year available was covered here. For India, data is also to hand for 20011/12 and 2004/5. Other MICS data sets are also available for previous years for most countries.

Sources: UNICEF MICS for the first six columns; National Sample Survey of Employment and Unemployment for India (NSS) Round 68; Bangladesh ILO SIMPOC 2013.

In Aggarwal (2004), some Indian states showed 97% of the rural child labourers in 2001 were in the Hindu religious group, but among them, half were in the Scheduled Tribes (which traditionally are not considered Hindu, but were collapsed into the Hindu group). 32% were in the Scheduled Castes, i.e. the Dalit part of the Hindu group. However in the urban areas, according to this study a lower proportion were in the ST and SC groups, and more came from the other Hindu castes. The 'Other' caste groups, both 'backward' and the higher groups, did have non-zero child labour, with much more above Other Backward Castes (OBC) then in the rest of the Hindu group. However, none of these estimates broke down child labour into bonded and unbonded. The degree of bondage among child labour has been deemed high in one urban survey (Phillips, *et al.*, 2011) Time trends are simply not available for bonded child labour.

3. Causes of Bonded Child Labour

The causes of child labour work both separately and together to keep bonded children entrapped in their employee relationship over time. Most evidence about these causes arise from cross-sectional child labour research, and much less is known about the debt bondage, taking of debts from employers vs other sources, and bondage by early child marriage or other forms of relationships such as traditional serfdom. Yet these latter forms are important for bonded child labour because the social obligations and cultural customs of minority groups, combined with their hierarchical relationships with other groups, underpin the capacity to entrap and victimise or exploit the bonded children.

We will first look at the **lack of education** among bonded child labour, thereafter **financialisation**, then the **socio-cultural factors**, and in the fourth section we will summarise other**economic factors** underlying bonded child labour. Finally, we will turn to parental illness, divorce, desertion, migration itself, and sector-specific employment demand. Causes in this latter group of specific, proximate mechanisms each seem insufficient in themselves to generate bonded child labour. Instead these may be underlying factors which intersect to create a high risk of child labour, and interact with the deeper causes of bondage. By contrast, the first four causes are central to the patterns that undergird the continuing slavery of children via debt bondage.

3.1.Lifecycle Approach to Child Labour

According to a normalised expectation about patterns of child development, which in each country has cultural variations, education is important in about age groups 6 to 15 or up to 17 years. Dropping out of school creates a lower lifetime earnings, due to lower wages paid for unskilled work, and can then be a risk factor for going into bonded labour. Bonded children when interviewed *ex post* have a pattern where they drop out of, or fail, school, go to work, and at some point become entrapped (De Groot, 2010). Within the life cycle of moving into schooling, then marriage and/or work, there are situations where a child at risk may move into child labour. These can be seen as situated risks based on the contextual scene of that child, that family, that community or region and so on. The causality of child labour is thus complex.

For example, parents commonly feel a burden to provide a dowry to their girls' marital family, in much of South Asia. Marriage is therefore often cited as the main reason for a child being put into bonded labour (authors' Indian field experience in Gujarat, Tandoor in northwest Andhra Pradesh, and Uttar Pradesh). We would see this reason as a *proximate* reason, working either directly or indirectly. The direct route is if the child is married off young, before finishing school. In North Central India and some parts of Pakistan, early marriage and arranged marriages are common. The indirect route is when a poor household takes a loan in exchange for one child's work, and plans to use it to pay for the dowry of an older girl child. Then there may be an entry into child labour, indirectly caused by a marriage.

Venkateswarlu (2007a, 2007b) and Olsen and Morgan (2015) illustrate the indirect route for girls working in cotton seed production in northern Telangana [then Andhra Pradesh], India. Both boys and girls with more female than male siblings are more likely to be used as bonded child labour, compared with those who have more male siblings (DaCorta and Venkateswarlu 1999). If the child works many hours, their risk of ending their school career is higher in Nepal, India, and Pakistan (empirical data from MICS and NSS; Breman, 2007). The regional differences in India are substantial, not only due to economic wealth differences, but also cultural differences. Pockets of modernity in South India are rooted in part in historical differences in patriarchal systems. In south India, matriarchy and mixed systems of shared power are more common in Kerala and Tamil Nadu historically, and less common further north. Furthermore, modern conceptualisations of a child being as in need of schooling up to age 15 or 16 have been entrenched via the Government of India's programmes to promote fulltime child education, but have had most success in urban areas and where incomes are higher. Thus the lifecycle of children is different according to rural and regional location, wealth and income earning opportunities, and socio-cultural group of origin.

Among the South Asian countries considered here, India stands out as not having a strict legal minimum age of child working (until a law in 2016 not yet enforced created a limited general ban). One reason for this is that India's cultures are so diverse, and its federal government system supports a plurality of civil arrangements. The family law tends to be litigated in separate civil courts for each major religious group. Amid this plurality, early child marriage is more common among certain castes and groups. The whole area of family law is seen by some elites as a realm not well suited to public intervention. Girls marry much younger than boys, typically to an older man, so the issue revolves in great part around the treatment of girls. The government has been tolerant of early marriage of children whether it takes place in Muslim, Hindu or other religious contexts. In Nepal, early child marriage is sometimes associated with child sex trafficking (Warria, 2017), but it also occurs in traditional within-lineage marital patterns (Gautam and Thapa-Magar, 1994). In Bangladesh by contrast the legal age of working is 14, and in Afghanistan, a current law bans child work under age 18.

In India, where new laws have emerged in recent years, light work is considered acceptable for young people. This concept draws support from human capital arguments that learning a trade or joining in a family business is a key part of growing up. As hours of work rise, UNICEF argues that school success is threatened. The reality is often even worse: schools in rural areas are not well attended, achievement is low even among those children registered in school, and the school curriculum is not tailored well to workers getting jobs in local industries. For some time enforcement by sending working children home to their parents was attempted in India, but it was found that they often returned to the work sites afterward (Wardle, 2013).

Poverty and crisis contribute to the risk of child labour, including bonded child labour. Basu and Chau (2003) explore child schooling as a luxury which some poor households cannot afford. The key point in economic analyses of the risk of leaving school early is the opportunity cost of staying in school. As the child grows up their earning power per day rises, making it more likely they will be put into paid work. Farming and unpaid equivalents are also subject to opportunity cost calculations, because poor households are desperate to generate income or reduce expenditures (Basu and Van, 1998). Whilst the employers' and government's stance on child labour can reduce the risk of children working at a young age, there is also a risk that secret child labour workshops and outworking that arise from putting a fine on employers are a secondary equilibrium scenario in which there is much child labour, but none of it is registered or recorded (*ibid*.)

3.2.Financialised Bondage of Children

Permanent labourers in rural areas of South Asia were typically of a caste or social group considered to be appropriate for labour service by virtue of the caste hierarchy. One example is that shepherds in central India are of shepherd caste and would guard and herd the livestock of richer families from the 'Hindu Castes'. Paid annually, shepherding is – along with clotheswashing, pottery, agricultural labour and leatherworking – traditionally part of the *jajmani* system of rightful duty of workers to serve the elites and the farmers (Breman, 2007). The shepherd boy or girl will not attend school, will work long periods each day in all seasons, and may receive gifts on annual holiday occasions indirectly from the employers via the parents. Since the children in *jajmani* (traditional work obligation) situations are not handling the money earnt through their labour, the ILO has typically considered them to be bonded child labour.

In recent years, an increased financialisation of such relationships has emerged in India. It is contested whether this replaces, or enhances, the permanent labour role itself. Thus, if one child becomes sick, their sibling may replace them in the work. The family may also approach the employer for loans, thus increasing the bondedness of the whole family. This system is far from dead (Picherit, 2009). The bonded child's subject position within the triad of employer-parent-child has its origins in children's filial duty and the general duty to repay debts as a social norm, with the employer or the landlord playing a fictive parental role at times. The growth of microfinance has increased credit in rural areas of both India and Bangladesh (Morgan and Olsen, 2015). However credit has not reached all households because of remoteness, poverty and the seasonality of funds among poor rural households (*ibid.*). Formal bank office outreach programmes have extended branches into many areas in India, with both public and private banks increasingly available in the last 2 decades. Total debt rose and the debt per household rose over time through a process known as financialisation.

In this context, some new industrial units employ children routinely, and reports vary in whether the children are bonded, for example in brick and gem industries in Karnataka. On the other hand, in many brick kilns the child labour is part of a family unit which moves in to barracks on site, and unfreedom is common (Nepal examples are in de Groot, 2010 and Lamar, *et al.*, 2017). The use of loans is common in gathering up the families. We visited a brick kiln site in Nepal where a labour dispute in 2016 had led to all workers being forced to leave the site, and new workers from a distant rural area were hired for the next season. Yet at the same kilns, a wide range of local labourers were also used to fill in gaps in the complex seasonal work schedule, such as a 2 am to 6 am stint which the worker can combine with going to school locally (Kathmandu field visit; and Groot, 2010).

The punishment of debtors was a landlord's privilege in past eras, and yet the legal system in both India had banned usury and bondage from 1918 onward (Olsen and Ramanamurthy, 2000; Chakravarty, 1985; Patnaik and Dingwaney, 1985). It is common in both India and Sri Lanka for the lender to have impunity in coercing the worker because of the justice attached to prompt repayment of loans. In Sri Lanka, many rural residents value the prudence involved in careful money handling, including both saving and repaying loans promptly (Olsen, 2006). When there is a social norm of not defaulting, combined with laws against default on formal loans, the shame of not repaying one loan can lead to a person taking on fresh loans in exchange for human bondage as a solution.

Banks in India have long been permitted to allow default on bank loans (usually taken by betteroff farmers and traders) in times of a crisis, e.g. droughts. With micro-climatic change, and in particular the growth of treeless villages with low rainfall, more rural borrowers have felt justified in asking for permission to default. The resulting excess default can threaten the survival of commercial banks, so as government gradually made rural banks more commercial, and encouraged private rural banking on a large scale, the pressure to repay loans in agriculture became more intense. Borrowing on the informal market with unwritten bondage has been a way to relieve pressure; and some such borrowing involves bondage.

The crossgenerational passing on of labour bondage however rests not in law, but in traditions of specific cultural groups. Historically for India these traditions are described by Prakash (1990), and the gradual changes up to about 1989 in South India by Ramachandran (1990). The class basis of bank lending became an issue as class inequality intensified (Athreya, Djurfeldt and Lindberg, 1990; Brass, 2008). The punishment of debt defaulters has been conditioned on caste and class factors (Reddy, 1990). In recent times, bonded labour has

become a more flexible matter of arranging gang labourers, rather than inherited bondage (Roesch, Venkatasubramanian, and Guérin, 2009). The inclusion of children in the fate of the gangmasters' bonded labour groups is described by Picherit (for Telangana, India; 2009), as commonly in India rock quarries are staff by whole families of workers who live on-site for long periods and work under bondage (Watson, 2013 for Chittoor District, Andhra Pradesh, India).

3.3. Key Socio-Cultural Factors: Ethnic Stereotypes and Fictive Kinship

3.3.1 Ethnic Stereotypes

Throughout the literature on bonded child labour, an implicit theme is that the employers believe it is just (ie fair, licit, acceptable) to use child labour. The underlying notions of justice are rooted in ethnic difference. Relevant stereotypes may have caste or racial notions as ideological underpinnings, and there may be cultural groundings in iconic tales of slavery and mastery. The evidence for this is widespread, for example in anthropological descriptions of the Dalit experience in both India and Nepal (Valmiki, 1993; Patnaik and Dingwaney, eds., 1985). In Nepal, the ethnic fragmentation along lineage lines is complex (Gautam and Thapa-Magar, 1994) involving both elements of endogamous castes, and cousin marriage leading to lineage interpenetration over time. The result of marital endogamy is that ethnic identity is ascribed to discrete groups, with a focus on blood lineage and a patriarchal approach to identifying lines of descent. A broad discussion of the continuing relevance of people having differing opinions about caste and ethnic discrimination is offered by Archer (2000), where the ideas about self and other which embed a firm self-identity are seen as in flux due to people's innate human capacity for reflexivity. This human capacity for reflexivity implies we have discussions, and we develop a creative and fair response to inequality. Social norms are not fixed. Research on how kinship relates to bonded child labour can bring to bear human agency, changes in laws and norms, and well-grounded historical information about the broadly dominant cultural norms of each region.

A key result in India and Nepal, and among Hindus in both Pakistan and Bangladesh, is a socalled overall "caste structure" for most of the society. Uberoi points out that this caste structure is sometimes ascribed a 'Hindu' or even 'Indian' label (1993: 39), but this ascription process has ideological elements and can be used in the promotion of religious ideas about a group's history. The caste structures appear to be entrenched to both the participants, who face firm social norms, and to observers, who can easily find out about many deeply engrained social constructions that attach each ethnic group, or a caste or sub-caste in the case of Hindus, to a certain, limited range of appropriate occupations. This caste system has been described by Rai (2011) in Nepal as involving structures of land inequality in rural areas, too. Further details provided by Sabharwal, et al. (2014) provide relevant aspects of social discrimination that focus on the 'dalit' ethnic group. This group, whose social constitution as 'other' by certain advocates of a divisive caste ideology, has been previously named as 'harijan', 'Scheduled Castes' and other names. In India in particular, the word 'Dalit' referring to an ethnic group labels a set of castes and lineage groups, who are themselves endogamous, and which when gathered together form a political lobby or a socially depressed or discriminated group (Jaffrelot, 2003). Other such groups also exist, involving groups of castes which form alliances in India (ibid., 2003). Many occupations are considered, according to the social norms of some groups within the society, to have a degree of 'pollution' associated with them. These occupations are diverse, and may include meat (retail trade, abattoir, and butcher), leatherworking, sewage work, sweeping and cleaning. In Indian law, discrimination by 'caste'

is illegal. The "castes" or named ethnic group that are, to some people, currently considered by some people to be polluting were, in turn, in ancient times considered outside the main Hindu *varna* system.

This *varna* (caste) system is said to have originated in the supposed categorization of parts of of Hindu society into ethnic lineage groups which could (for example by a priest) be ranked according to ritual purity. One group (the 'top' *varna*) is said to be focused on the priesthood (mainly Brahmins), one is described as a set of 'castes' based on martial roles (Kshatriya), who may be more likely to work in army and policing roles; and there are other so-called occupational groups in a range of occupations considered 'beneath' these, such as pottery, clothes washing or blacksmith. These groupings are normative and they function in South Asian society as a set of occupational stereotypes. The stereotype attached normative propriety to the ethnic groupdoing certain kinds of work, and avoiding or being shunned from certain other activities.

The Dalit group was known in some earlier times as Harijan, outcastes or Scheduled Castes, and they were considered by some elites to be outside the Hindu fold. Some within the caste ethnic groups still believe in the separateness of the groups. Many Dalit people practice Hindu styles of worship such as Puja (authors' Indian field experience in Gujarat, Tandoor in northwest Andhra Pradesh, and Uttar Pradesh), and they may hold beliefs about relative pollution and purity in spite of these beliefs being banned as illegal. The beliefs about pollution have for many decades not been taught in public schools. According to widespread but diverse belief systems (see Uberoi, ed., 1993), the norms also tend to perceive or claim a linkage of the afterlife with the current *dharma* (duty). Thus there are stereotypes and normative ascription practices associated with ethnic groups. The ethnic groups and lineages are in turn placed, in some social groups, into a hierarchy; and those who are superior may be believed to have the right of controlling the labour of those who are considered inferior. One effect of such kinds of stratification ideology upon children is that they are taught they must serve their parents, and they should operate in the interests of the lineage. Arranged marriages in particular are form of service to the longterm existence and strength of the lineage in both economic and social terms (ibid., passim). Children are thus seen in much of South Asia as part of larger corporate entities not as individuals (Blanchet, 1996). During childhood and up to the point of marriage, they can be used to improve a family's circumstances if that is seen as their fate. After marriage a girl is left to her new husband's family, while a boy is still part of the corporate family for the rest of his life. These beliefs are not the only ones found in South Asia, but they forma common core of traditional family and kinship ideology.

Most south Asian countries have laws which make overt discrimination by caste illegal, India's key laws being passed in 1947. Yet many forms of discrimination took root much earlier. During the times of multiple colonializing forces in what we now call India, racial features and lineage names (plus languages) were used to entrench social difference. The elites were a mixture of British, French, Portugese, and local Muslim and Hindu ethnic groups. Discrimination occurred then, as now, based upon visible and audible keys to ethnicity, such as light/dark skin colour, shapes of faces and bodies, typical dress codes, and family names or language accents. As in many other regions, racism and superiority of class are overlaid on the supposedly clear ethnic differences. Some children escape their birth name by taking a new name based in a different ethnic group, but must then evade their home place so as not to be exposed (personal communications, Uttar Pradesh and Delhi, India). Overall, the role of ethnicity is very strong as an enabling factor for abusive labour practices and, in particular, the coercion of children by bondage and profound 24-hour control.

Nevertheless not all bonded child labour are overtly coerced, nor overtly abused. Some are hired with their parents by gangmasters of the same caste group, such as Andhra Pradesh Reddy caste (a farming caste; Reddy and Olsen, 2012). This within-caste bondage arises through class differentiation. It reflects a flexible, responsive form of intermediation, and the gangmasters have become a new topic of research (De Neve, 2014; Picherit, 2012).

3.3.2 Children's Fictive Kinship and the Employer as a Guardian

Brass (1986) indicates that in bonded child labour in India the employer often plays a quasiparental role. The bonding employer directs the child's work and controls their movement throughout 24 hours. The power of the employer may exceed normal adult-adult power, as indicated by Carsten (2000), showing that kin relationships are ideologically constructed in differentiated ways across diverse societies. An illustration in Bangladesh is that cultural norms about a child's maturity support the idea of protecting the child-worker, keeping them indoors even while they are considered mature enough to carry out an adult's job (Blanchet, 1996).

Ethnic groups have their own approach to the differences in maturity expected of young persons (Blanchet, 1996). In India for example the scheduled tribes from mica mining villages of Jharkhand (i.e. quarrying workers) now commonly migrate to outdoor unskilled work in brick kilns further north (Chattopadhyay, 2011). For example they go to West Bengal, taking children with them, and young girls are expected to marry and create a family of their own not long after reaching puberty (Chakrabarty and Grote, 2009). However among some Dalit (scheduled caste) and Christian groups in India, the girls are prepared for marriage longer by the natal family, even if the family has moved into bonded labour, and the girl worker's virginity is perceived to require protection (Da Corta and Venkateswarlu, 2001; Venkateswarlu, 2004).

One exploratory study of bonded labour of a multi-caste group of construction workers in India showed that even if not living in their home village, the girls were still being prepared for marriage, kept tightly under control, and treated differently from boys (Picherit, 2009). The secret lives of bonded children in domestic work may involve sexual exploitation by the employer, along with the fictive kin relation of the 'uncle' that creates a situation where the child must do personal services for the elders of the house such as massage. Multiple voices are possible about the situation of the bonded children, thus for instance rewards and treats are given to some child workers in seed industry (India, Venkateswarlu, 2007a and others).

The child is vulnerable, and tends to be silenced more, when younger, yet as they grow they may decide to run away. By departing from the intermediary's protection, a child disrupts the trust relationship of the lender-borrower, and runaways then cannot easily return to their natal village. Since violence is used to enforce loan repayment, when a child runs away there is a guilt element and they find it difficult to get information about the parental village situation, and whether the parents have recovered from losing the child (personal communication, Andhra Pradesh, see Reddy and Olsen (2012), Reddy (1990), and Upadhyay, 2006; Rao, 1994; Vegard, 2002).

3.4.Poverty and Social Exclusion

The primary cause of child labor is poverty. Barring rare cases of parents who are compulsively abusive, parents do not like to send their children to work if they

can afford not to. This provides a causal context for the rest of the mechanisms.' (Basu, Das and Dutta, 2010: 9)

Using data from 2 states of India, Himachal Pradesh and Uttaranchal, Basu, Das and Dutta (2010) showed that farming households used child labour in increasing amounts under only limited circumstances with rising wealth, as they did more labour-intensive activities. Soon, however, the wealth effect caused them to put their school-age children into school. Basu's work on the economics of child labour offers a wide ranging analysis (1999, 2005).

3.5.Illness

When case studies of bonded adult labour are spelt out verbatim, illness arises as a key cause (Mishra, 1997: 164, 300, *et passim*). The suddenness of illness for a low-income family means that rapid access to a new debt can solve a large problem quickly. The burden of ongoing work is accompanied by the security of knowing that the family member, who is now bonded to the employer, has steady employment. Further problems arise for children of parents who die from disease. For example:

'[W]e are 7 members in the family but I am the sole earning person. (...) The debt amount has increased due to illness and joblessness. Until I repay the debt, I am not allowed to leave this place.' (Mishra case study of mining in India; Raju, 28 year old male, 1997: 416)

Thus, instead of thinking only of measuring the actual prevalence of bonded child labour, it can be useful to think of which factors raise the risk of bondage among child workers. This risk is enhanced both holistically (through ethnic inequality, for example) and transactionally when a key event such as a death occurs. Evidence in India shows that children who have run away from their parents are the same ones who have previously suffered the death or loss of a parent (Whitehead and Vegard, 2007, citing Karnataka cases). We turn now to divorce and separation which also raise the bonded child labour risk.

3.6. Divorce, Desertion, Migration

A rising wave of divorce and desertions has caused a higher rate of female-headed households than ever before across South Asia. Both local and national evidence shows rising, yet small, divorce rates (Dommaraju, 2016; Jennings, 2016 and 2017). Cultural change is slow, but sure, in dominant as well as marginalised ethnic groups in every country (James and James, 2004). For children, this cultural change implies a clash of the modern, mixed and diverse culture of cities and formal-sector workplaces against the more traditional and diverse cultures of rural areas, informal social networks, and the private spheres of both home and work (*ibid.*).

According to James and James' analysis, the way children evolve from being protected to being earners is graduated, not only according to the child's capacities, but to the needs and beliefs of the surrounding adults. Many bonded labourers have further cultural dislocation based on living in barrack-style housing (Venkateswarlu, 2007a; DaCorta and Venkateswarlu, 2009) and being distant from their own parents. In the space created by dislocation, there are risks for children of being used by other adults, and there are also capacities for children who grow up rapidly into quasi-adult capacities (Blanchet, 1996).

Migration within countries also tends to increase the risk of children working (Guérin and Venkatasubramanina, 2009). The migrant has less social networks in the destination region. Both rural to rural migration and rural to urban migration have increased, partly in response to growth rates in industrial clusters in India, and secondarily due to drought and farm cost increases in India due to liberalisation of electricity and fertiliser – key inputs to farming – there since 1995. Singh (2003) has noted that the rural-to-rural circulation in India involves the retaining of family ties to distant natal villages. However, he pointed out that the wages paid in Punjab for workers using out-of-date technology in farming are so low that the workers cannot send children to school, and instead have tended to put the children to work.

3.7. Sector-Specific Employment Demand

Some sectors have particular tasks which are perceived as child-appropriate by employers. Here the demand for child labour is also underpinned by the stereotypes of children having nimble fingers and being compliant with instructions. An example from Nepal illustrates the overlap of causes in the brick kiln scene:

Families are usually recruited through a contractor in their village, who provides a cash advance for the season, often forcing the family into debt bondage (de Groot, 2010). Generally, work in the brick kilns is based on a piece rate payment (...), and as such, help is enlisted from all family members, including children (de Groot, 2010). About half of the child workers are under 14 years of age, and come from lower castes (General Federation of Nepalese Trade Unions, 2007...). About 60% of workers are migrant (General Federation of Nepalese Trade Unions, 2007), and 39% of children are in bonded labor (WE, 2013). The primary reason documented for working in the kilns was employment opportunity; however, once employment was initiated, most perceived they were verbally or financially bonded for the season (General Federation of Nepalese Trade Unions, 2007).

In the Indian case, Srivastava's overview listed the following sectors as heavy users of bonded labour: agriculture, manufacturing, brick kilns, stone working, mining, power looms, silk reeling, carpets, cotton handlooms, thread working (handicrafts), and foodshops (2005).

3.8.Trafficking

Sector growth in trafficking has been noted both for sex workers and many other kinds of industrial workers (Rafferty, 2016). It is widely agreed that international trafficking is predominantly leading toward young women working in the sex industry, yet no accurate figures on this can be found. Furthermore, in both India and Nepal, reports are that internal trafficking occurs from rural to urban areas. Both forms of trafficking can lead to bonded child labour not only in sex work but in many other industries. The trafficking literature argues for all child labourers brought as migrants for work to be considered forced labourers because consent is not valid whilst the child is a minor. As the ILO (2009) explains,

The Palermo Protocol on trafficking has important implications for interpreting the concept of consent in a work or service relationship. It contains a qualifying provision to the effect that the consent of a victim of trafficking to the intended exploitation is irrelevant if means of coercion such as the threat or use of force, abduction, fraud, deception, abuse of power or of a position of vulnerability, are used, each of which definitely excludes voluntary offer or consent. As the means of coercion are not in any case relevant in the case of children, the question of consent does not arise. (ILO, 2009: 7).

Whether they are bonded depends on the conditions they live in, within the employment relationship: Once they become entrapped, they are bonded labour (Olsen and Morgan, 2015). Where the child lives in accommodation provided by the trafficker, they are likely to rapidly become bonded through debts based upon the notional cost of the accommodation and food.

The total cost of coercion estimated by the ILO for Asia and the Pacific, a region numerically dominated by India, was US \$ 9 040 437 398, or 9 billion. This estimate included expert reckonings of both payment of fees to recruiters and the underpayment of wages (ILO, 2009: 32). These figures exclude the victims of forced sexual exploitation for the obvious reason that the incalculable harm suffered by such people cannot easily be measured.

The use of children as trafficked, forced labour overlaps with bonded child labour, but it is not exactly the same thing. We consider that the policies to challenge bonded child labour would be inadequate if they treated the victims of trafficking as targets and took a victim-focused approach, because by the time the child has arrived as a forced migrant many of the other distal causes of bonded child labour are already in place.

It is wise to focus on deep, widespread and persistent causes of bonded child labour at the point of origin and not merely at the workplace or the destination of the trafficked children. These trafficked children are, if released, likely to find it difficult to be rehabilitated in the short run; they will have multiple needs and intersecting dislocations. It proved impossible to get estimates of the quantity of children working as bonded labourers, among the trafficked children, for any country in South Asia.

In Nepal the Kamaiya system of male bonded servitude was ended by proclamation in 2002 (Basnet, 2016: 3). In 2006 the female version of such servitude, known as Kamlari, was also abolished through a decision by the Nepal Supreme Court. Broad social disapproval of these systems now exists in Nepal (Giri, 2010). The rehabilitation of the children of such labourers is difficult, however. The girls' and boys' families may believe that it is usual for these children to work as domestic servants or in personal service to a distant family (Giri, 2010). Their traditional occupation as indentured domestic servants can itself lead toward them being trafficked (Cheria, 2005).

4. Country Summaries

4.1.Afghanistan

4.1.1. Background

One of the main causes of child labour in Afghanistan is poverty, since the country remains one of the poorest in the world. It has a high rate of illiteracy, unemployment, armed conflict, terrorism, landlessness, as well as a low number of physically able number of male adult workers in families. Households with debt bondage in Afghanistan are generally not educated, low-skilled Pashtun labourers. They have large families. Most of these had been in exile in Pakistan where they worked in brick kilns. Therefore, a large reason behind bonded labour are the various historical events that occurred, such as the Russian invasion and the Mujahideen that drove exiled families to this economic situation. Ethnically, households that are in debt bondage are mainly Pashtun, with 12% Tajik, 6% Pashahee and 2% Arab (ILO, 2011).

4.1.2. Prevalence

The Afghanistan government's 2010-2011 MICS data suggested that 25% of children aged between 5-14 were involved in child labour. 27% of that figure were children between the ages of 5 and 11, and 22% were between 12 and 14. A previous figure put forward by the Afghanistan Independent Human Rights Commission stated in 2013 that around 52% of children were working in one shape or form (Human Rights Watch, 2016). Whilst accurate data is difficult to obtain, the government outlined 19 hazardous occupations for children.

4.1.3. Sectors

Virtually all families working in the brickmaking industry in Afghanistan are bonded labourers and have taken out loans for various financial reasons. According to a UNICEF report, 98% of families are returnees from Pakistan where they learned the brick making techniques. The remaining 2% are internally displaced. Families have no other option, but this form of labour. Brickmaking often involves children in all aspects of the process, bar firing and ferrying the bricks to kilns on horse carts. Bonded child labourers stack bricks, dig mud, roll balls of clay for moulding into bricks, fetch water and recover coal from fired out kilns (UNICEF, 2012). Regional comparison by the ILO (2011) suggested that the top-down hierarchy within Afghan kilns was similar to that of structures throughout South Asia. Other industries and sectors involving child labour in Afghanistan are the carpet industry, metal industry, mining, agriculture and shoe shining, but it seems that evidence of actual bonded child labour in Afghanistan is most prevalent in brick kilns.

Whilst not a sector as such, *Bacha Bazi* is very common in Afghanistan and can involve bonded child labour. *Bacha Bazi* is usually linked to sexual exploitation and involves young boys being kept by local and/or wealthy employers as servants, bakers, apprentices, waiters etc through coercion, fear and intimidation. Often the boys are also victims of sexual abuse. In some parts of Afghanistan, boys are made to wear dresses and are forced to dance in weddings and other celebratory occasions (AIHRC, 2014).

4.2.Bangladesh

4.2.1. Background

The situation for bonded child labourers in Bangladesh is problematic due to the high informality of the country's labour market, poor transport links and thus the remoteness and hiddenness of some of the sectors. Bangladesh shares with India and Pakistan a common history of caste and religious divisions, combined with a special Bengali cultural dimension, which has its roots in many centuries of Bengali-language cultural and educational materials. There is also Bangla language region-specific theatre, poetry and politics which are shared with the adjacent West Bengal District of India (Novak, 1994, ch 4). Officials in Bengal strongly promote awareness of the 1971 war, which led to its independence from Pakistan, and the 1947

war in which Pakistan was created. Both wars involved considerable migration of Hindu families out of the current Bangladesh boundary, and migration of Muslims into the area.

The Hindu groups living in Bangladesh are to some extent a marginalised and socially excluded set of groups. There are also '*adibasi*' groups in Bangladesh, roughly translated as tribal groups, who face strong social exclusion, and whose women face both violence and victimisation (Chakraborty and Ali, 1996). Among the Hindu and *adibasi* groups, caste and lineage identity are divisive. Overall, there is little political protection for the non-Muslim men and women, who are at risk of bondage and forced labour.

For historical reasons, the 'Muslim' groups in Bangladesh (90% of the population) are neither culturally uniform, nor is 'Hindu' a clear, uniform identifier. The worship practices and beliefs of each small group are very different. Both the main religious groups practice endogamy, and there are beliefs in a hierarchical ranking of endogamous lineage groups (Blanchet, 1996: chs. 4, 6-7). Wealth has made it possible for more elite groups to naturalise their superiority, even within the Muslim religious identity. Assumptions are commonly made about the lineage background and innate rights of those who work as maids or sex workers (*ibid.*, ch 7). Meanwhile the idea that one group should and can service the needs of the higher social-class families is well established, leading in some households to modern serfdom (*ibid.*).

The reality of daily life in Bangladesh does not match the high public ideals of its constitution, nor follow the country's laws (Meenai, 2003: 55). Corruption is widespread, and laws are often not implemented nor are regulations enforced; bribes can also be paid to avoid a fine or punishment (Novak, 1994: 127-8). In Bangladesh, the public sphere has enacted laws to limit the amount of child labour, and to prohibit bondage. However, laws are often not enforced consistently (Meenai, 2003). Bangladesh has not ratified the ILO Convention on Minimum Age (no. 138), nor the Palermo Protocol on Trafficking in Persons, so the framework of law is not as supportive for children as it could be (US Bureau of Labour, 2016). There is no minimum age for military recruitment, and the laws do not meet international standards on the prohibition of sexual exploitation of children (*ibid.*). Recently, over a half million Muslim people migrated from Myanmar to south eastern Bangladesh, creating a migration emergency. These people are 'Rohingya', which was not one of the 135 officially recognised groups included in Myanmar's most recent census in 2014 (World Vision, 2017).

4.2.2. Prevalence

Official figures in 2016 indicated 1.9% of children work child labourers (not going to school) in Bangladesh (US Bureau of Labour, 2016, citing UNESCO Institute for Statistics). Nevertheless considerable levels of case-study evidence indicate child labour is common and that bondage through debt is used to keep children in their workplaces (US Department of State, 2014).

Bangladesh uses the police and the labour courts, which are both systematic national institutions, to enforce laws on child labour. No civil law outlaws bondage, but in Bangladeshi Muslim law, 'usury' is immoral and is banned. The use of fines is an insufficient deterrent, with fines set at notional amounts like \$62 (*ibid.*; U.S. Department of State, 2014: page 23-24).

Early marriage of children is banned in Bangladesh but the minimum age of 18 is not enforced rigorously or consistently (*ibid*.). "32 percent of women between the ages of 20 and 24 in Bangladesh were married by age 15 and another 34 percent were married by age 18" (*ibid*., pg

22), showing how strong and unfettered the traditional cultural pattern is. A woman is not considered fully human as an individual but instead, requires to be located in a family to gain status and social respect (Blanchet, 1996, chs 2-3).

4.2.3. Sectors

World Vision (2016) describes how girls in the Bangladesh garment industry are used as unfree child labour. These young women workers are forced both by parents (explicitly) and by poverty as a background factor (implicitly) to work for pay. Many migrate to the city and live in communal housing there. The conditions of profound inequality in Bangladesh thus create a causal context for female bonded labour (see also UNICEF, 2015).

Other sectors with known cases of child labour include agriculture, drying and process fish, and harvesting shrimp (US Bureau of Labour, 2016); forestry, construction, domestic work (Blanchet, 1996); work in the sex industry; manufacturing and transport.

4.3.Bhutan

4.3.1. Background

The government of Bhutan claims that there is almost no child labour, and thus there can be no bonded labour there. Data from MICS shows a 3% prevalence of children working (ie 3% of children), and a high prevalence of children being in school.

4.3.2. Prevalence

In the ILO's labour market information system, Bhutan is shown as having no child labourers (URL <u>http://202.144.155.103/blmis/</u>, accessed Nov. 2017). In 2006, and 2010, child labourers were by definition zeroed out by classifying all child work as non-economic work, and that all children were either studying or doing this non-economic work (e.g. see URL <u>http://www.ilo.org/public/libdoc//igo/P/76336/76336(2010)124.pdf</u>, accessed Nov. 2017).

For the year 2010, the UNICEF MICS data, issued online as microdata (URL <u>http://microdata.worldbank.org/index.php/catalog/1315</u> accessed Nov. 2017, see also <u>http://mics.unicef.org/tools</u> to download the data), allowed cross-tabulation of the sample. From age 5 to 17, 3% were child labour. Every Bhutan district has representation in the survey, and over 1% of 8-year-olds were child labourers (2010: microdata), and above age 9, the percentage rose steadily to 9% for both boys and girls at age 17 (2010: *ibid*). This measure of child labour is well grounded in the MICS methodology.

4.3.3. Sectors

The government's own human rights report in 2016 noted debt based coercion, which is the basis of bonded labour, in the following terms, focused on young girls:

There were unconfirmed reports that girls who worked as domestic servants and entertainers in "drayungs" (karaoke bars), were subjected to labor trafficking through debt and threats of physical abuse. The NAHRC conducted an investigation into 'drayungs' and found no evidence of trafficking or forced labor. (Govt of Bhutan, 2016). However, in spite of this self-contradictory claim of not having forced labour, evidence from Save the Children and 'Renew' NGO (2015) did show the 'drayungs' to be operating to bring young girls into bonded labour (Save the Children, 2015: 25). In Bhutan, there are different forms of child labour, ranging from children working in garment workshops to meat shops and entertainment centres, including bars and discos (*ibid.*) However, Tables 18. And 18.1 indicate in 2009 child labour in every district except Tsirang (URL

http://www.ilo.org/public/libdoc//igo/P/76336/76336(2009)81.pdf, accessed Nov. 2017).

In the 2009 labour force report, the number of children aged 13-17 years working for pay was 1487 in total in the sampled groups (Government of Bhutan, 2009: 74). The report does not state how many children were in this age group. It states that '[t]he percentage distribution of children aged 13-17 years who worked outside home during the past one year of the survey reference period shows that 11.02% of the children in Mongar had either worked as paid/unpaid employee. The second highest was recorded in Samdrup Jongkhar with 10.72% of the children underage working.' (Government of Bhutan (2009: 23, tables 18.0 and 18.1). These results are comparable with the widespread child labour shown in the MICS child labour survey of 2010 (2.7% of children aged 5 to 17; 4.75% of those aged 13-17; and .2.2% of those in the 11-12 age group; author's own calculations using Stata on MICS for Bhutan 2010).

4.4.India

The breadth of India's many cultures implies that a variety of reasons lie behind permanent bonded labour and the kind of traditional child labour where the parents' marital debts created long-term intergenerational bondage. In India today, the agricultural bonded child labourers are often female and pre-puberty, and many are no longer bonded through inherited debts, but rather they are in modern slavery (Venkateswarlu, 2015). In India's carpet industry for example, girls are used as child labour and often bonded by fresh debts (Venkateswarlu et al. 2006). The use of private spaces to hide abuse is common (Venkateswarlu et al. 2006, page 19). The silk and garment industries also use bonded girl child labourers in India and Bangladesh (for India, see Raman 2010). Raman shows that Muslim weavers are part of trading networks which involve Hindu traders as well as rich Muslims. Hereditary lineage identities and inherited wealth play a part in socially structuring the interactions of the employers, intermediaries and workers (*ibid*). Thus, the cultural complexity even in one city like Varanasi (a home to both silk and other garment weaving) illustrates India's situation. We find in India an ironic combination of similarities between traditional rituals of some Muslim and Hindu worshippers, such as *pir* (saint) worship and males from priestly lineages running sites of worship; and at the same time Hindu-Muslim political conflict over control of electoral and legal domains (Freitag, 1995)

India's regional differentiation is shown in 2 figures (Annex). Broad cultural attitudes about gender are more modernised in most Indian cities and in the south (Figure 1: Justifiability of Beating a Wife). Figure 1 shows that traditional attitudes of male control are prevalent in many parts of India, including its southern states (Demographic and Health Survey evidence, authors' own calculations). A huge north central region remains more traditional, and overall has more low-income people, as shown in Figure 2 on average levels of child wasting. Child wasting (defined as having a low weight for a given height) is likely to correlate with child labour. Wasting arises from poverty and not meeting basic food needs. The areas that have high child wasting within India also have high levels of adhering to religious beliefs in an afterlife (World Values Survey URL http://www.worldvaluessurvey.org/wvs.jsp). These beliefs can create a

certain amount of fatalism and a slow response to rising economic inequality. Nevertheless, it is widely accepted by the police, legal sector and governing politicians in India that child labour is unacceptable, as phrased by Panigrahi (2003):

Child work takes the form of child labour when it involves one or more of the following elements:

- (i) long hours of work on a regular full-time basis,
- (ii) hazards in working conditions (physically or mentally),
- (iii) no or insufficient access, attendance or progress in school,
- (iv) abusive treatment by the employer and,
- (v) work in slave-like arrangements (bonded labour) (Panigrahi, 2003: page 38)

The last bullet point illustrates the perception that bondage is not merely created by indebtedness to the employer, but also implies the employer has total power over the body of the worker. The country has a federalist legal system with both taxes and law enforcement differentiated by state, in spite of a strongly worded national Constitution which bans all religious and other forms of discrimination (1947). The laws against bonded labour have been enforced, renewed, and enforced again, but due to social inequality and a high level of informality in the labour market, bondage keeps recurring (Bales, Brass and Van Der Linden, eds., 1998).

4.4.1. Prevalence

The average percent of children who were child labourers in India was 12% in 2005/6 (based on NFHS 2005-2006, cited in the UNICEF online database, Nov. 2017, URL https://data.unicef.org/topic/child-protection/child-labour/), and this fell in the decade that followed. In 2005, only 0.8% of India's under age 12 children were working (Olsen and Watson, 2011, using NSS data). However, from 12-15 years of age, 4.4% of the children worked in India that year (Olsen and Watson, 2011: 12). For those under the age of 16 who were working in 2005, the vast majority were involved in the 'growing of cereals and other crops', i.e. arable agriculture (75% of the child labour) or livestock work (another 19% of the child labour). No data on bondage was available, but this shows the vast range of children's economic activities across India (8.4 million children in 2005, using this estimate based on NSS data).

More recent data is available for India, but it will require further research to carefully implement appropriate measures of child labour. In India, child labour is often defined as any economic activity of a child, but as shown by Anker (2000), it is important to adjust downward the child labour percentage to allow for those who combined work and school. He showed that in India around 12-13% of rural schoolchildren, and 3% of urban schoolchildren, were also working (ILO data on Gujarat only, dated 1996, in Anker, 2000: 274). Since families routinely over-count the attendance of children at school, many reports of India's child labour prevalence must be questioned.

According to a 2001 Child Labour in Hazardous Industries Census, pan, beedies and cigarette rolling came up as one of the highest industries in which child labour takes place at 21%.

4.4.2. Sectors

Besides carpet making (Ravi, 2001), agriculture and weaving already mentioned, bonded child labour is also found in the agricultural sites where cotton seeds are grown; in farm harvesting and shepherding; in leather working (Valmiki, 2007), production of fireworks and other light manufactures; pan, beedies and cigarette rolling; and in mining (Glocal, 2015). The lock industry (Burra, 1987) illustrates light manufacturing using cheap child labour. Child labour is also widespread but hidden from public view in the transport industry (mainly as cleaning), the work of mechanics, domestic work, gardening, construction, and many others. Reddy and Olsen describe the construction work dilemmas of families that migrate to India's cities, bringing their children (Reddy and Olsen, 2012). Health issues among the bonded adult labours can lead to children joining in the bonded labour, and in particular if an adult is hurt during construction work this sudden problem can disrupt education (*ibid*.).

Burra (1995) showed that education was rare among the poorest across India, and this was a major correlate of child labour. Both Basu (2005) and Sharma (1982) show that where government attempted to eradicate and rehabilitate the adult bonded labourers there was a tendency to hide, not reduce, the use of forced labour and child labour (cf Menon, *et al.*, 2017, on the role of minimum wage laws in India). The role of parent as protector overlaps with their role as an intermediary leading to child forced labour, or bonded child labour (Gupta M. & Voll, eds., 1999; see also Kak and Pati, 2012). The gem industry has had many child labourers (Burra, 1988), but it is unclear whether this is on an upward or downward trend as technology in gem making changes.

4.5.Myanmar

4.5.1. Background

Myanmar has a tendency to hide child labour compared with some of the neighbouring countries. After about 50 years of dictatorship, a growth of civil society is noticeable since 2011, leading to the recent creation of numerous bodies which promote good working conditions in Myanmar (Park, 2014). There are also organisations to support children working in Myanmar, and UNICEF is able to liaise with these organisations. The legal system has its roots in Buddhist traditional patriarchal justice, which is a common law system with defence and prosecuting parties voicing their cases in opposition (Park, 2014); combined with British colonial systems of courts and a continuation of both systems after 1948 independence.

4.5.2. Prevalence

The degree of use of child labour was until recently virtually unreported in Myanmar. The MICS 2009-10 report of 241 pages omits child work issues. In the MICS report, Myanmar reported an overall primary school attendance rate of 90% and secondary school rate of 58%. (Government of Myanmar, 2011). No records of child labour appear in Myanmar's final report on the MICS data. No data for child labour in Myanmar are found in the key ILO database. The Demographic and Health Survey for Myanmar 2015-6 shows 16% of women experienced physical or sexual violence from their husband in that year (Government of Myanmar, 2017a). 12,500 women aged 15-49 were interviewed along with husbands and family members in this DHS (Government of Myanmar, 2017b).

However, in 2016 the ILO released the Myanmar labour force, child labour and school-to-work transition survey (LF-CL-SWTS) dated 2015. This was cited by UNICEF, reporting 9% of children age 5-17 to be child labourers. (ILO 2016, URL

http://www.ilo.org/yangon/whatwedo/publications/WCMS_516117/lang--en/index.htm, accessed Dec. 2017).

Whilst the Myanmar DHS survey covers child discipline and child health, it avoids the issues of child labour and bonded children. A woman is included only if married and age 15 or above, thus omitting the issue of child marriage. Among the child care and child discipline questions, the issue of beating of children was covered. The children's participation in early childhood education programs varies considerably from a high of 62% of children in Kayah State to a low of 13% of children in Rakhine State (Gov't of Myanmar, 2017b: 286). Over 75% of Myanmar children were beaten in the month preceding the 2015-6 survey (*ibid*.: 289). 13% of Myanmar children are not currently living with their natural father (sample size 7395 children age 2-14 years).

Some of the key international partners of Myanmar collaborated in an initiative to improve working conditions (see URL <u>https://www.dol.gov/ilab/map/countries/burma.htm</u>). Formally called the Initiative to Promote Fundamental Labor Rights and Practices in Myanmar, it operates with the Republic of Myanmar Government and the Governments of the United States, Burma, Japan and Denmark, with the ILO. This initiative begun in 2014 under the Obama government may continue in future if funding permits.

A UNICEF MICS survey 2009-10 used questionnaires much reduced in scope from the international standard core. Child feeding and babies were covered, but children aged 5-14, their schooling and labour were not covered. The Myanmar MICS survey covered most/all of the country, and 16% of households were headed by women. In South Asia female headedness is often a signal of poverty. Differentiated levels of good/bad roof types in the survey by region and in urban versus rural areas indicates high inequality in and across Myanmar. Inequality, poverty and female-headed households are likely to be risk factors for child labour in Myanmar.

4.5.3. Sectors

In Myanmar the typical industries which contain bonded child labour include the mining and gem industry, leather, domestic work, brick making, agriculture, among others (CIA Fact Sheet, <u>https://www.cia.gov/library/publications/the-world-factbook/geos/bm.html</u>, accessed Oct. 2017). With at least 70% of labour working in agriculture, it is one of the poorest countries in the world so the child labour is likely to be hidden whilst widespread (*ibid*). The large pluralist committee that managed the Multiple Cluster Indicator Survey (MICS) shows commitment across Myanmar government on issues around child health and lowering maternal morbidity.

The MICS Steering Committee and MICS Working Committee were composed of members from the Planning Department, Foreign Economic Relations Department and Central Statistical Organization under the Ministry of National Planning and Economic Development; Department of Health, Department of Health Planning and Department of Medical Research (Central Myanmar) under the Ministry of Health; Department of Educational Planning and Training under the Ministry of Education; Department of Social Welfare under the Ministry of Social Welfare, Relief and Resettlement; Department of Population under the Ministry of Immigration and Population; Department of Progress of Border Areas and National Races and Department of Development Affairs under the Ministry of Progress of Border Areas and National Races; the General Administrative Department under the Ministry of Home Affairs; Myanmar Maternal and Child Welfare Association; and Myanmar Red Cross Society. Thus there is capacity to conduct largescale surveys and this bodes well for future reporting.

The current ILO scheme on child labour in Myanmar is known as the My-PEC: Myanmar Program on the Elimination of Child Labor and begun in 2014 (see URL https://www.dol.gov/ilab/projects/summaries/Burma_MyPEC.pdf). On 18 December 2013, the Government ratified the ILO Convention 182 on the Worst Forms of Child Labor. The Government has not yet ratified ILO Convention No. 138 on the Minimum Age for Work. Partnership exists with ILO and the government alongside the following civil society partners: Myanmar Women Entrepreneurs Association (MWEA); National Network for Education Reform (NNER); Pyoe Pin; Karen Women's Empowerment Group; Mon Women's network; Chin Network. The World Bank World Development Indicators show that in 2015 Myanmar created a law to ban child marriage.

4.6.Nepal

4.6.1. Background

Poverty and household economic pressures is often the reason behind bonded child labour in Nepal. Parents often encourage children to leave and drop out of school. Many children also run away from home (World Education, 2009). In Nepal, the existence of the *Peskii* system involves employees taking advances on their future wages before work or during work. Where children are involved, advanced payments are given to their parents and this consequently perpetuates the bonded child labour cycle. Children become bonded labourers because they have to continue working to pay off the advances. However, the wages are not sufficient to cover the advances, particularly since employers subtract the cost of food and training from the final payment.

The US DOL has stated that one of the other pull factors is that children are enticed and impressed by 'bonded' friends who return home for holidays and portray a sense of prosperity, but this situation changes when children actually go and work (US DOL, 2012). According to AAFLI, children are recruited by a contractor, or *naike*, and the bonded cycle more often than not starts with the advanced payment to the child's parent. It stated that it is the advance payment that is most attractive to parents, as very few children send back remittances to their families. Child trafficking is also part of the bonded labour process (US DOL, 2012). Bonded labour systems in Nepal include Kamaiya, Haruwa-Charuwa and Haliya systems.

4.6.2. Prevalence

Numbers of bonded labourers in Nepal are often disputed. Like other countries, governmental numbers tend to be lower than NGO figures. Some of the figures specifically to bonded child labour date back to 1993, where organisations such as CWIN have estimated 7-8% of surveyed children in the carpet industry as debt-bonded (US DOL, 2012). Most of the work on bonded labour in Nepal is also focused around the Kamaiya system. However, there are also the Haruwa-Charuwa and Haliya systems, which allows a better understanding of bonded child labour in Nepal. Dhakal (2007) has conducted a study on the Haruwa-Charuwa in eastern Tarai. From 13,621 households in nine village development committees of Dhanusa, Siraha and Saptari districts, the prevalence of Haruwa was 12%. Of these, two-thirds were Dalits. However, we cannot apply this figure at the entire district level. The Haliya system is another type of bonded labour in Nepal. It involves agrarian bonded (child) labour which is evident in

the Darchula, Baitadi, Dadeldhura, Doti, Achham and Bajura districts. Haliya people take loans from landlords or lenders for the purposes of daily subsistence. A LWF-Nepal study demonstrated three forms of Haliya: Haliya in lieu of interest; Haliya in lieu of granted land for cultivation, and Haliya for generation (ILO, 2013).

4.6.3. Sectors

Brick kilns, like some of the other South Asian countries, fares as one of the worst occupations for bonded child labour and consequently, the agricultural sector is rife with such forms of labour. From 108 (62 of Bhaktapur, 28 of Lalitpur and 18 of Kathmandu) Brick Kilns surveyed by the Child Development Society (CDS, 2016), there were in total 3104 workers who had migrated to the Kathmandu Valley from different districts. 26.42% of workers origins were the Kavre Districts, 17.65% from Ramechhap, 7.73% from Rolpa, 8.44% from Sindhuli and 8.12% from Dang. There are 45 origin districts from where workers go to brick kilns in Kathmandu Valley, as the destination district. Amongst these districts, Rolpa and Mahottari has a low HDI i.e. <0.4, in contrast to Sindhuli, Dang, sarlahi, Pyuthan, which have a HDI of 0.400 – 0.449 (Nepal Human Development Report, 2014). The high numbers of workers from the Kavre District is because of the proximity to the Valley. Most bonded labourers come from rural areas of Nepal, such as Rolpa, Dang, Salyan and Pyutan of Western Development Region of Nepal and Sindhuli of Central Nepal, but also from districts near the Kathmandu Valley, such as Kavre, Makwanpur, Sindhupalchowk and Ramechhap.

The carpet industry is also rife with bonded child labourers, which often takes place in Kathmandu Valley where most of the factories are located. The decision to work in the carpet factories in the Kathmandu valley means that children migrate away from home.

4.7.Pakistan

4.7.1. Background

Bonded child labour in Pakistan appears to be commonly found amongst low castes, minorities and migrants who suffer from additional discrimination and social exclusion. In the case of brick-kiln, typically a worker – usually an adult man, but this includes children - takes a loan or salary advance from the employer. The debtor - and often family members as well - is then obliged to work for the employer without any, or very little, salary until the debt is repaid. The terms of the unwritten, interlinked labour-credit contract are heavily biased in favour of the lender. To meet family needs, the employee is forced to borrow additional cash and the debt burden mounts. Larger debts strengthen the employer's control to the point where basic freedoms - freedoms of expression, association, movement, and to undertake alternative employment - may be denied.

Given the deep-rooted societal discrimination that prevails in Pakistan against women, they can be additionally disadvantaged when bonded labour situations arise – whether through being directly bonded, or by being burdened with increased workloads because of the absence of able-bodied men in the family. Again, we have found cases where this also applies to girls under the legal working age. Being effectively excluded from decision-making at household and community levels, the ability of women and children to influence negotiations on loans and advances, major household expenditures and labour contracts with employers and intermediaries is severely constrained, even when these directly concern women and children. They thus become the victims of decisions made by male family members, most often

regarding this as a 'normal' state of affairs. Children often suffer the wrath of inherited debt which results in bondage being passed down from generation to generation.

According to ILO Pakistan, the country is facing gaps in efforts to prevent and combat bonded child labour and to protect bonded labourers and their families. In many ways, given the interlinking of the child's role with the family, Pakistan shows that bonded child labour cannot be assessed in an isolated way. Exploitative practices remain a challenge despite actions by government and civil society. Pakistan also faces several challenges such as an energy crisis, rising poverty levels, along with a decline in the social sector regarding issues like health and education. There seems to be a diversion of resources away from the social sector, a global economic crisis and a war on terror, but also a rise in poverty. Due to this rising poverty along with issues like illiteracy, malnutrition and social disenfranchisement, many are left with limited choices - bonded labour being one of them.

4.7.2. Prevalence

Amongst the variations of forced labour in Pakistan, the most prevalent form is debt bondage. Bonded child labour is a critical concern for stakeholders in the country, as it perpetuates poverty and hampers economic growth through the undermining of labour productivity and human development. We have found a number of research studies that have shown that poor families are vulnerable to debt-bondage and can thus be caught in a vicious cycle of social and economic obligations that prevent them from benefiting from macro-economic growth.

4.7.3. Sectors

The main economic sectors with incidences of bonded child labour are the brick kilns industry, agriculture, domestic service and construction. The agricultural sector in particular has allowed for the horrific conditions of some bonded labourers. The conditions of sharecroppers is most dismal in places such as the lower Sindh and southern Punjab (Martin, 2009). Martin stated

Landlords in these areas are known to have maintained private jails where labourers were kept locked up and guarded by armed men at night, and sent to labour in the fields by day. Female labourers were frequently assaulted by landlords and their strongmen as well as by the police who were complicit in the maintenance of these jails. In 1991, in a widely publicised case, the army raided the private jail of a major landlord in Sindh and released 295 labourers.

The treatment of parents has a profound effect on bonded child labourers. Speaking about bonded child labourers in the brick kiln sector, Hussain (1997) stated

The study on working children in the brick kilns of Sindh notes that the children witness the cruel treatment of their parents by the owners, and grow up in an atmosphere of fear, insecurity and subjugation, which has a long lasting effect on their personality development.

4.8. Sri Lanka

4.8.1. Background

In Sri Lanka, the caste system is adhered to within the Tamil community, creating an ethnic basis for child bondage. There is also felt to be a social hierarchy between the Tamil and Buddhist communities, with the Buddhists being the dominant community, whilst the minority Tamils are divided by caste among themselves. The long-term war was based upon Sri Lanka's sense of religious-based ethnic cleavages, with Buddhists dominant in government. Muslims are often seen as a minority ethnic group, yet dispersed throughout the urban areas in addition to a cluster across the eastern zone, and Tamils of Hindu origin, some born in Sri Lanka and a few being new migrants, clustered to some extent in the Jaffna town and northern region. Sri Lanka's sex work industry has a strong basis in its thriving tourist trade (Report on Child Activity Survey, 2016). Aspects of traditional patriarchy contribute to the sex work that is established yet hidden due to prudish, secretive values of the elite classes (Olsen, 2006). The Muslims of eastern Sri Lanka are a minority group who have experienced persecution and ethnic minority status for many decades. By examining the DHS data in more detail, it might be found what % of Muslim children are working.

4.8.2. Prevalence

Sri Lanka claims to have one of the lowest rates of child labour in the world. As in many Asian countries, the lowest age of legitimate employment was just 12 in the 1990s but is now raised to 14 for most forms of work (US Bureau of Labour, 2016: 2). This age limit does not conform to international standards, yet Sri Lanka has ratified the relevant Convention. However the country did raise the compulsory age of schooling to 16 in 2016 as part of its campaign against child labour (GOSL, 2010). In conjunction with setting a minimum age for most forms of legal child work, a thrust of public policy in Sri Lanka has been to protect older children by excluding them from certain specified occupations and regulating their conditions of work (Goonesekere, 1993: vi). In past times, one example of child labour in Sri Lanka was as follows:

Children were recruited by job placement agents to clean, salt and dry fish in fishing camps, or *vaadiyas*, located in villages or on islands along the north, west and eastern coasts. The camps tend to be very remote and police sources indicate that these children were kept in conditions of virtual slavery. Ill-nourished, harassed and physically abused by both their employers and other workers in the camps, they would toil long hours in the open, exposed to extreme heat, receiving no wages. It has even been suggested that children were occasionally kidnapped for this work. (*Ibid.*, 1993: 9).

Children also work as domestic helpers, in sex work, as internationally trafficked escorts; and also: in tea estates; illegal alcohol trading; quarrying; fisheries; construction; and in small-scale informal manufacturing (*ibid.*; Government of Sri Lanka (GOSL), 2010: 8). In recent years a general tendency to omit some regions or sectors from the figures, and the possibility of undercounting, means that a close look at Sri Lanka's evidence is warranted. In particular, in a 1999 survey, the North and East zones were omitted from a major study of children's activity status conducted by the Department of Census and Statistics. Later, in 2008, the same department's new study covered the East, but still not the North part of the country, reflecting the continuing instability due to the civil war (GOSL, 2010: 8). Due to high levels of poverty in the north Zone, we may expect a lot of child labour there, but there is no evidence. Official reports show 9% of Sri Lankan children working, almost all of whom are reported to be in school (US Bureau, 2016). In 2016, one independent report counted the number of 'child labourers' in Sri Lanka as 100,000, quoting the Department for Census and Statistics. The child

labourers were concentrated in the rural sector and most attended school. Thus, in Sri Lanka, the data showed children working, but not as 'child labour'. We found no reports specifically on bondage of Sri Lankan child labourers in the recent period.

The rates of child labour are relatively low: '2.3 per cent of children aged 5-17 years are engaged in some kind of economic activity. In 2008/09 report 12.9% of children of this age were engaged in economic activity -this is a decline by 10.6 percentage points.' (URL <u>http://www.ilo.org/colombo/info/pub/pr/WCMS_545872/lang--en/index.htm</u>, accessed Oct. 2017). The definition of children working used here was 1 hour in the reference period. In 2016 - using a definition of working but not going to school - only 0.1% of the child population was engaged, exclusively, in economic activities (GOSL, 2017, ix). Also see the Report on Child Activity Survey, 2016: ix, which shows a decline in children working (at all) from 13% in 2008/9 to 2.3% in 2012.

The 1999 and 2008-9 figures in Sri Lanka omitted both the North and the East part of the country but they are now included in more recent figures, which show very low child labour, with huge improvement over 2008 to 2016 (Department of Census & Statistics, Ministry of National Policies and Economic Affairs [Sri Lanka], 2016). From a different source, the estimate is a little higher, 'There are almost 100,000 child workers in Sri Lanka, with girls working mostly as domestic helper in towns and boys doing agricultural work in the villages', according to the Sri Lanka Brief (2016).

The World Bank provides official figures on children working, which is not the same as child labour. The definition used in World Bank data refer to economic participation in work. By contrast child labour is only a label put upon the work if it is illegal or if it is a barrier to schooling, or is hazardous. The figures for children age 7-14 are 13% of boys and 8.5% of girls working in Sri Lanka (World Bank, online database World Development Indicators, URL http://databank.worldbank.org/data/reports.aspx?source=world-development-indicators#, 2009 data, accessed Oct. 2017). Inconsistencies can arise both from the date (2009 vs more recent figures) and from the age range (7-14 vs. 5-17 years). 4% of Sri Lankan children age 7-14 were then employed as wage workers, a specific subgroup within those in employment. The rest are in family enterprises or other informal sector activity. (World Bank, online database World Development Indicators. URL http://databank.worldbank.org/data/reports.aspx?source=world-development-indicators#, 2009 data, accessed Oct. 2017).

Child labour is not the same as children being economically active, since a child may be economically active and yet go to school. Therefore, the ILO figures should be taken as a measure of child labour in Sri Lanka, and these are slightly lower. The official figure of 3% child labour in the ILO database for the same year, 2008-9, rests upon omitting the North and East from the calculations and including ages 5-16 inclusive. In the North and East, there was a high risk of bonded child labour due to both high poverty rates and the impact of long-term civil disturbance there.

4.8.3. Sectors

Child begging and street vending are common in urban centres and the involved children are at risk of being abused through organised begging and trafficking either before, or as a consequence of working in the streets. Other areas of exploitative employment of children in Sri Lanka include fireworks and matchstick manufacturing, quarrying, fisheries industry, salt production, gem mining and construction (Govt of Sri Lanka, 2010, roadmap pg. 8). Domestic work done as economic work by young people is still considered common, e.g.: 'both girls and boys from poor families, particularly from the plantation community, continue to be employed as domestic workers by households in Colombo and other urban areas' (Wage Indicator Foundation, 2017). Wealth inequality drives the poor of the mountainous tea estate areas to seek domestic work down in the plains. In addition, fishing child labour is still common, and gem mines also use children (Union of Catholic Asian News, 2013). The child labour in Sri Lanka is focused in informal-sector situations.

5. Interventions

5.1.Governmental

5.1.1. India

Prior to 1995, India had a non-neoliberal approach to economic policy, and it also had laws against usury and bonded labour (Usurious Loans Act of India, 1918, for instance). These laws were not well enforced. Together these created an illegalization atmosphere for bonded labour, so employers and gangmasters would keep the coercive aspects of each relationship unwritten. The usury law dated 1918 illustrates the illegality of bonded labour in India (see Olsen and Ramanamurthy, 2000). The rate of interest charged to the bonded labourers is frequently 5% per month, compounded, and is known to be usurious, but whilst all records being held by the lender, convictions under this law are very difficult to achieve (Olsen field records, south India 1984-2007). Many bonded labour families are also illiterate.

Srivastava points out that:

the Bonded Labour System Abolition Act (1976) of India is quite extraordinary in that it recognises (a) the overlap between forced labour and bonded labour in customary relationships, and also (b) the manifestation of these relationships in contract labour and inter-state migration, and (c) considers the nature of restraints suffered by the labourer as a result of the bonded/forced labour relationship, and makes all of these illegal." (2005: 2). From 1996 to 2004, he reports, 285,379 bonded labourers were identified and 'released' with 92% of them 'rehabilitated' according to Government of India figures (2005: 6).

Nearly all of these were reported in seven states of India: Andhra Pradesh, Bihar, Karnataka, Madhya Pradesh, Orissa, Rajasthan, Tamil Nadu, Maharashtra, and Uttar Pradesh. The unevenness of the apparent prevalence of bondage itself across space is a notable feature of India's caste and class inequality (see Annex).

During the neoliberal period 1995-present, India moved toward financialisation, which has created a very relaxed approach to credit and has widened access to credit, especially among the rural residents and the poor (Morgan and Olsen, 2014). As a result, we can find bonded labour increasing, but still unrecorded. Throughout the high growth period from 1980 to the present, India has enabled informal-sector labour bondage in spite of the following laws which make it illegal: the Bonded Labour Abolition Act 1976, the Interstate Migrant Workmen Act (Regulation of Employment and Conditions of Service) 1979 and the Minimum Wages Act 1974).

In India, there is an old, but important scheme called the National Child Labour Project Scheme for the rehabilitation of child labourers. Another intervention is the Action Plan for Total Abolition of Child Labour, which is based on two strategies. The first strategy is the 'Area Based Approach' for the elimination of child labour. This applies to all children in and out of school between the ages of 6 and 14. It has been implemented as a pilot project in the North-West District of Delhi. The second strategy has been to focus on migrant child labour, which involves a process of identification, rescue, repatriation and rehabilitation. It has been piloted in the South Delhi district. The reason behind the 'Area Based Approach' has been to build consensus on the total abolition of child labour through the universalisation of basic education. The process includes engagement with the public and local councils, rallies, RWAs, amongst others.

This approach seeks to ensure that all children between 6 and 14 are enrolled into school and are not working. It also tries to focus on guaranteeing the retention of children in schools. Other courses provided as part of the approach attempts to integrate older children taken out of work. This is done through Transitional Education Centres, Non-Residential Bridge Course Centres or Camps (including Short Term Camps). The Approach builds local institutions for the protection of childrens' rights, such as Forums of Liberation of Child Labour. It strengthens Vidyalaya Kalyan Samitis through the implementation of capacity building projects and retention programmes.

In 2010, the Indian Government also created a Core Group on Child Labour consisting of eight ministries and overseen by the Ministry of Labour and Employment to manage the convergence of social protection programmes to reduce child labour. While the Ministry of Labour and Employment manages the country's labour law system, the State governments have labour inspectors that take care of the enforcement of these laws. According to the US Department of Labour (DOL), the Ministry of Labour reported 25,040 child labor inspections between January and August 2012. This period also showed 589 prosecutions and 167 convictions. The DOL also stated that during the reporting period, children were rescued from hazardous work during raids in several areas, including Delhi, Gujarat, and Karnataka. Unfortunately, whilst these numbers seem promising, enforcement is still a huge problem and child labour prosecutions are extremely long-winded, taking several years before a case is actually resolved. This is due to the overburdened judicial system (DOL, 2012).

Other enforcement and management schemes include the National Human Rights Commission, which monitors implementation of the Bonded Labour System (Abolition) Act, as well as the National Commission for the Protection of Child Rights, which investigates child rights violations. Wider strategies against bonded labour in India include the Special Action Programme to Combat Forced Labour, which overlaps with the Work in Freedom project (ILO 2012b; and see URL http://www.ilo.org/global/topics/forced-labour/WCMS_210827/lang--en/index.htm, accessed December 2017).

The official strategy on unaccompanied migrant child labourers in Delhi derives from the Protocol on Prevention, Rescue, Repatriation and Rehabilitation of Trafficked and Migrant Child Labour. This was put forward by the Ministry of Labour and Employment of India in 2008. The Action plan highlights sectors and occupations that trafficking and migrant children are involved in and that are prohibited, such as bulb manufacturing, auto workshop units, domestic work and *zari* (sewing with thread of gold). The Plan involves a steering committee on child labour at State level and a task force on child labour at the district level. More detailed

procedural information on the pre-rescue and actual rescue stages can be found in the Delhi Action Plan.

5.1.2. Pakistan

The Government of Punjab have implemented a number of projects to address bonded child labour. The Elimination of Bonded Labour in Brick Kilns (EBLIK-4D) is a project to be implemented in Faisalabad, Gujrat, Bahawalur and Sargodha from October 2012 to June 2018. This involves the provision of non-formal education to children centres to be established in 4 districts where 6000 children and 1000 adults will be enrolled at 40 literacy centres. The linking of brick kiln workers with micro finance would be sought at a cost of Rs. 20 million. The facilitation in acquiring CNICs for adults (of benefit to 7000 workers) and Birth Registration of Children (of benefit to 13710 families of brick kilns). The promotion of health and hygiene services among the brick kiln workers 7000 hygiene kits to the enrolled children and adults will be provided. Also, health camps will be organised at clusters of brick kilns; veterinary services for the livestock of brick kiln workers; and the provision of Legal services and support to the brick kiln workers.

Another project is the Combating Worst Forms of Child Labour (WFCL) Project to be implemented in Chakwal, Jhelum, Jhang and Layyah from November 2011 to November 2017. This includes the Establishment of District Coordination Committees on Child Labour (DCCs-CL) in the target districts to facilitate, coordinate and monitor the project interventions; a Rapid Assessment Survey to assess the geographic and sectoral dimensions of Worst Forms of Child Labour in the respective districts; hiring of implementing partners to conduct survey and establishment of non-formal education & adult literacy cum skills training centers; the establishment of non-formal education and literacy cum skill training prone to Child Labour can be enrolled; the enrolment of 2000 children below the age of 14 years in non-formal education in literacy cum skills training centers; the enrolment of 2000 higher age group (14 to below 18 years) children in literacy cum skills training centers; and the establishment of 20 Model Workplaces in target districts to demonstrate risk reduction as tool to promote healthy employment of young and adult persons.

There is the Elimination of Child Labour and Bonded Labour (Integrated Project for Promotion of Decent Work for Vulnerable Workers in the Punjab Province) for 36 districts of Punjab from 2014 to 2023. Here, 344000 children (Age 05 to <15 years) disengaged from labour will complete primary education from schools established under the Project on model of Punjab Education Foundation (PEF) New School Program (NSP) and Education Voucher Scheme (EVS), School Education Department (SED), PEF and Non-formal schools of Literacy and NFBE Department, government agencies or other government funded programs. A database of the workplaces and child labour identified in the selected labour sectors will be available for providing a baseline information for implementation. An institutional system will be created for referring the child labour and their families for access to the social protection services of government agencies. 80,000 parents of child labour will be facilitated for acquiring CNICs and birth registration of their children. A credible empirical evidence-based Management Information System will be developed for implementation, monitoring and evaluation of project activities as well as regular periodical tabbing of the workplaces for identification and withdrawal of children from labour sectors.

A digital online interface network of all the stakeholders (government agencies, employers, and workers) will be in place for information sharing and their engagement for implementation

of laws and international conventions on child and bonded labour. A well-equipped established Project Management Unit (PMU) at provincial level and District Implementing Units (DIUs) at district level will be in place and fully functional with trained and experienced human resource in all the districts of province. This Organizational and institutional structure will be ready for transforming it as a regular/permanent Directorate of Child Labour in Labour and HR Department for sustainability of the Project activities. Positive public opinion will be developed for discouraging child labour and engaging stakeholders in the activities of the Project for eliminating child labour and promotion of a culture of safe and healthy occupational practices at workplaces. The Government have also undertaken a social protection initiative for child labour families through Khidmat Cards. This involves child verification, enrolment and incentive.

Major achievements include resolutions submitted by two provincial assemblies for the design of interventions and national programmes to eliminate the practice of bonded labour at provincial and district levels; legal review of the Bonded Labour System Abolition Act 1992; establishment of National Coalition against Bonded Labour (NCABL) which supported to get hundreds of bonded labourers freed; a model Friday Sermon was developed on labour rights and international labour standards including bonded and child labour in the context of Islamic teachings.

A key outcome was increased budgetary allocation to programmes on the elimination of bonded labour by provincial governments. The Punjab Government, in its Annual Development Programme has allocated Pak Rupees 123 million for the project titled "Elimination of Bonded Labour in Brick-Kilns [EBLIK]" to extend relief and rehabilitation measures including education, adult literacy, skills training, health, micro finance, social security benefits, social protection and citizenship to workers of brick kilns in Punjab. An assessment of the strategies and achievements of the said EBLIK was conducted in April 2011, with support of the ILO. In 2012, Government of Punjab allocated PKR 196.987 million to extend the EBLIK project for another 6 year phase and expand the interventions to include four additional districts.In 2014, Government of Punjab launched a mega project of Rs. 5159.629 on "Elimination of Child & Bonded Labour (Integrated Project for Promotion of 'Decent Work for Vulnerable Workers' in Punjab Province); it will cover all 36 districts of Punjab Province.

5.1.3. Nepal

The Government of Nepal has created various policy initiatives to tackle bonded child labour. In the past, there has been the 2003 Poverty Reduction Strategy, the 10th National Development Plan (2002-2007), the National Master Plan on Child Labour (2004-2014), the Three-Year Interim Plan (2010-2013), the National Plan of Action on Education for All (2001-2015), the School Sector Reform Program (2009-2015), the National Plan of Action on Children (2005-2016) and the National Plans of Action on Trafficking of Women and Children in 2001 and Bonded Child Labour in 2010.

The Nepal Ministry of Education created the Non-Formal Primary Education Program, which provides a three-year intensive primary school education program for disadvantaged children. This includes child labourers. This is part of a broader plan on non-formal education by the Ministry, which also targets men and women, as well as children who have been deprived of getting access to and opportunity of formal education due to various social and economic reasons. Basic literacy, post literacy, alternative schooling and the life and livelihood skills training programme targeted towards income generating activities are major initiatives

undertaken by the Non-Formal Education Centre (NFEC) for example and are aimed at improving the quality of lives, especially of socio-economically deprived groups and reducing poverty (NFEC Report, 2015-2016).

In Nepal, there are initiatives on increasing media outlets for the awareness of the problem. Sulohana Shrestha says the Women and Service Directorate in Kathmandu has been encouraging people to report, as underreporting remains a major obstacle to effective interventions. They have a lot of DVD's and media outputs to try to advertise against child labour, especially since the police can only rescue children if they have a report.

5.2.Legal Interventions

The most evident way in which most country governments tackle the issue of bonded child labour is through the law. Quite often, the law itself appears quite promising in content, with aims and objectives that try to reduce the injurious implications of bonded child labour on the child itself, but also on society. However, often we find that laws are not BCL-specific, but found within more general laws on child labour. This is likely a definitional issue, where country governments do not always see the clear distinctions between the more general child labour. In some countries such as Afghanistan, some groups lack understanding in this respect and whilst BCL evidently occurs, there is an absence of its recognition (please see the definitions section).

Some of the main international laws related to, but not always directly targeting – bonded child labour are the Convention on the Suppression of Slave Trade and Slavery 1926; Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery 1956; Forced Labour Convention 1930; Article 4 of the Universal Declaration of Human Rights; International Covenant on Civil and Political Rights (ICCPR) 1966; International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966 and the Convention on the Rights of the Child 1989. A number of South Asian countries have ratified these international laws in varying degrees. As with the international laws, each South Asian country has different national legislative frameworks with differing scopes of protection as far as bonded child labour is concerned.

Throughout analysis of all international and domestic laws within the chosen South Asian countries, there is also a consistent problem of implementation, which highlights a broader need to improve legislative processes that involve key local, national and international stakeholders throughout the law-making process. This may allow for BCL laws that take into account socio-economic issues. In addition, more enforcement agencies are required to implement the law and monitor the situation, as this has been an enormous problem, particularly in rural areas in the South Asian countries. This section will outline some of the legal frameworks specifically or broadly related to BCL in South Asia. The list is not exhaustive.

5.2.1. India

The main laws in India are the Child Labour (Prohibition and Regulation) Act 1986; the Delhi Shops and Establishment Act 1954 and the Juvenile Justice (Care and Protection of Children) Act 2000. The most specific to BCL is the Bonded Labour System (Abolition) Act 1976, which abolishes the system, frees all bonded labourers, and writes-off their debts. The Act also requires the offence of bonded labour to be registered and tried summarily, prescribing 3 years

of imprisonment or a Rs. 20,000 fine for offenders. Under this act, it is the responsibility of State governments to identify, release and rehabilitate bonded labourers.

A Centrally Sponsored Plan Scheme has been in place since 1978 to help state governments, where 20,000 rupees of assistance is provided for each bonded labourer. Since 2016, this scheme has been improved and is known as the Central Sector Scheme for Rehabilitation of Bonded Labourer 2016. This has meant increased financial assistance from the government for surveys, rescues, where special care is made available for bonded child labourers, amongst other things (Gov. of India, 2016; Central Sector Scheme, 2016).

In addition to the Child and Adolescent Labour (Prohibition and Regulation) Act of 1986, a new law passed in 2016 enabled a looser interpretation of the restriction on under-age-14 working. During 2016 the Central Government amended this law, creating the Child Labour Amendment Act, and during 2017 rules were promulgated which again change the legal scene. Because these rules are still so new, their implementation and the effect on bonded child labour remains to be seen. The most recent regulations are the Child Labour (Prohibition and Regulation) Amendment Rules, 2017.

An active organisation in India known as Bachpan Bachao Andolan (BBA) has stated that an important problem with the issue of bonded labourers in India is the non-implementation of legislative provisions intended to rehabilitate them once they are freed. As a whole though, the Indian Government emphasises that 'opening transitional schools for working children and disseminating anti-child labour propaganda' is beneficial for legal enforcement, in order to rehabilitate children and punish employers. However, these interventions do not necessarily take into account the fact that bonded child labourers are not free to leave their work and therefore are not effective. This is heightened by the use of physical and verbal abuse and assaults to retain bonded children in work. Furthermore, since actors such as the Government of India have said that the root of the BCL problem is in social customs and economic compulsions (Gov. of India, 2016), interventions targeting this root cause is most desirable, which the law does not always take into account.

5.2.2. Nepal

The Government of Nepal has ratified the UN Convention on the Rights of the Child 1989, the ILO's Minimum Age Convention (no. 138) and the ILO Convention on the Worst Forms of Child Labour (no. 182). The Interim Constitution of Nepal 2007 also consists of articles protecting childrens' rights. Article 29 guarantees the right against exploitation and places a prohibition on any form of exploitation even if for the sake of custom or tradition. Slavery, servitude and trafficking are forbidden, as is forced labour. The Labor Act 1992 and the Child Labor (Prohibition and Regulation) Act 2056 prohibit the employment of children under the age of 14.

The Children's Act 1992 defines a person under the age of 16 as a child and aims to protect childrens' rights, including their physical, mental and intellectual development. The Act prohibits a child under 14 years of age to undertake any kind of labour work. There is also the Kamaiya Labour Prohibition Act 2002, which specifically prohibits bonded child labour. It focuses on the freeing of bonded child labourers and cancelling debt arising from these types of agreements. According to the ILO, the Kamaiya Act has allowed for many bonded children to be withdrawn from domestic work in particular and reintegrated back into their families (ILO, Eliminating Child Labour Report). Other laws in Nepal related to placing limitations on

child labour are the Human Trafficking and Transportation (Control) Act (2007), the Citizen Rights Act 1995; the Begging Prohibition Act 1962; the Prison Act 1962; the Common Law Code 1963; the Public Offence and Punishment Act 1970 and the Foreign Employment Act 2007.

5.2.3. Afghanistan

Afghanistan has ratified the Abolition of Forced Labour Convention (no. 105) 1963, however, it has not ratified the Forced Labour Convention 1930. It has ratified the Minimum Age Convention (no.138), which places 14 as the minimum age for entry into employment for States with underdeveloped economies and educational institutions and it has also ratified the Worst Forms of Child Labour Convention (no. 182).

There are no domestic laws in Afghanistan focused on BCL. There is, however, the Afghan Labour Law, which does address compulsory work. This inadvertently targets BCL in cases that would be classed as forced labour as well. Article 4 of the Afghan Labour Law bans compulsory work that is undertaken under threat or against the employee's will. It includes 18 as the minimum working age for adults. Articles 13, 31 and 120-22 of the Law discusses childrens' rights. Children between 15 and 17 are able to work if:

- The work is not physically demanding or involves a health or safety risk;
- The work is deemed vocational training that provides a long-term skill for future employment;
- The work is limited to 35 hours per week
- There are no overtime / night shifts given to under 18s.

5.2.4. Pakistan

The Govt. of Punjab has enacted and enforced a regulation regime on Child Labour in the province of the Punjab through two newly promulgated laws. They are the Punjab Prohibition of Child Labour at Brick Kilns Act, 2016 and the Punjab Restriction on Employment of Children Act, 2016. Given that agriculture is also a predominant sector in which bonded child labour occurs in Pakistan, it is argued that it can be eradicated without significant and effective land reforms or land distribution. There must also be effective and strong governance of landowner relationships to tackle the issue.

Article 11 of the Constitution of Pakistan, prohibits all forms of forced labour in the country. Pakistan has ratified 36 conventions, including the two fundamental Conventions on Forced Labour (C 29 & 105). A national legal and policy framework that protects and promotes the rights of bonded labourers has been in place since 1992. A National Policy and Plan of Action on Bonded Labour were formulated in 2001. Stakeholders in Pakistan have confirmed that there was political will for this, but the obstacles lay in a significant lack of resources and capacity.

5.3.NGOs and International Organisations

NGO's and international organisations have been at the forefront of tackling the issue of child and bonded child labour. For instance, a number of interventions have been introduced in Nepal, particularly on hazardous child labour. UNICEF have implemented rescue and emergency rehabilitation and reintegration, psychosocial counselling, legal advice, educational and vocational support. UNICEF's School Program, for instance, has provided educational support for child labourers who have yet to complete their formal education. The ILO also created an initiative called the Sustainable Elimination of Child Bonded Labour in Nepal, which included a wide range of measures to prevent, withdraw and rehabilitate children, provide out of school and bridging programs, as well as income generation assistance and vocational training. Around 14,000 households were assisted, but the data shows 11,000 enrolled and 1821 withdrawn from bonded labour as a result (ILO 2005, 2010).

The Time Bound Program is another ILO program that aims to strengthen legislation, promote child friendly labour, reduce poverty, raise awareness on the worst forms of child labour, set in motion withdrawal and facilitate access to education, healthcare and legal support. There is also the School Incentives for Carpet Factory Workers, which provides education scholarships for children involved in child labour as a means of increasing education access. In general, the ILO have highlighted the need for a de-centralised approach and their recommendations are that there needs to be more coordination between ministries. Other ILO interventions include the US Department of Labor (US DoL) funded Country Level Engagement and Assistance to Reduce Child Labour (CLEAR) project in Bangladesh and Sri Lanka (2013-2017); the Danish Government funded 'Towards Achieving the Elimination of the Worst Forms of Child Labour as Priority' (ACHIEVE) – Nepal (Phases I-II) (2011-2016); the US DoL-funded 'Converging Against Child Labour: Support for India's Model' (2008-2013); and 'Combating Child Labour through Education and Training' (CCLET) (Phases I-IV) in Pakistan (1999-2011), funded by the Swiss Agency for Development and Cooperation.

The ILO did a mainstreaming study in Sri Lanka to see if child labour issues could be mainstreamed into policy and programming. In Sri Lanka, there is the Mahinda Chintana 2010 broad based policy/10-year Horizon development plan / national POA for Children of Sri Lanka – sourcing out to the informal economy. The view is that emphasis on early childhood development facilities will have a positive impact, provided policies are implemented in the various sectors. In Sri Lanka, these include the plantation, fisheries and tourism sectors.

The ILO's first support initiative in Pakistan was through a technical cooperation project on promoting the elimination of bonded labour in South Asia (PEBLISA) focused on institutional capacity development of stakeholders to respond to bonded labour issues through policies, programmes and effective law enforcement. This included the organisation of workers in, or vulnerable to, bonded labour and through the promotion of corporate social responsibility. The ILO office in Pakistan has stated that for the first time in the history of development projects in Pakistan, a colony was established for the rehabilitation of bonded labour families in areas surrounding Hyderabad, Sindh Province of Pakistan. Women received skills training in cot weaving, carpentry, knitting, container making and first aid training. Trainees were than referred to government health programmes for advanced internships and to nursing schools. Owing to the success of PEBLISA, the government, with ILO technical support, initiated a more focused programme to promote the elimination of bonded labour in Pakistan (PEBLIP). It was designed to address policy and capacity development concerns through both up and downstream interventions across the country.

The UNODC also have Standard Operating Procedures (SOP) in place to carry out investigations of crimes related to trafficking for child labour. These can include planning rescue operations; repatriation of victims; compensation and rehabilitation; conviction of offenders; expeditious law enforcement; steps to prevent further trafficking and re-trafficking, as well as protection programmes for child labourers (UNODC, 2008).

5.3.1. Regional and Local Level

There are numerous NGOs working at the regional level and joining forces with international organisations. Child Workers in Asia (CWA) is a civil society organisation that places bonded child labour at its focus. Within it is the CWA Task Force on Bonded Child Labour. The Task Force's aims are to strengthen the network of NGOs and organisations working on bonded child labour issues through coordinated actions at national and regional levels; sharing experiences on the issue and developing strategies on bonded child labour. The Task Force has been involved with activating vigilance committees in India and Pakistan. The Task Force has supported these committees in the local implementation of bonded labour laws, as well as to help withdraw and rehabilitate bonded child labourers and ensure the attainment of release certificates. The CWA Task Force has however determined that without the requisite rehabilitation support, bonded child labourers even after freedom can be placed in a more detrimental situation. Rehabilitation programmes must therefore be implemented before any release of bonded children occurs (CWA, 2007).

At the local and subnational regional level in India, two types of schemes exist for reducing child labour. The noon meals schemes involve school-based feeding programmes, dependent on attendance (Harriss-White, 1991). An assessment in 2014 indicated that those receiving noon meals across seven states of India often claimed this increased the likelihood of the child appearing at school (based on non-random sampling of over 900 families, Sabharwal, *et al.*, 2014). The bridge school schemes offer a community centre style of schooling for migrant children in urban areas (see Hivos, 2017; not to be confused with the Bill Gates and Mark Zuckerberg Bridge Schools brand, nor with the Bridge School of Management). The bridge schools include a noon meal and training, and they offer a certificate for long term attendance at school. They often help children to gain language skills in their new home as within-India migrants.

Other organisations working more broadly on children's rights are the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC), which is a regional level organisation consisting of several countries, five of which are from South Asia (Bangladesh, Bhutan, India, Nepal and Sri Lanka). BIMSTEC often facilitates dialogue on child labour and children's rights, increasing regional cooperation, as well as promoting socio-economic growth through greater understanding of the issue of child labour. Others include the South Asia Association for Regional Cooperation (SAARC) which has made several commitments on children's rights; the South Asia Coordinating Group on Action against Violence against Children (SACG); the South Asia Strategy against Child Labour (SASCL); the South Asian Alliance of Grassroots NGOs (SAAGN) and the Global March Against Child Labour (GMACL).

At the national level, there are various NGOs that have been involved with child labour initiatives. Aschiana in Afghanistan provides education and training to working street children. Aparajeyo in Bangladesh has created programmes such as the Child Labourers in Small Factories. The Bangladesh Shishu Adhikar Forum (BSAF) is a very influential NGO working on the elimination of hazardous child labour. It has currently implemented a three-year project called 'Ending Child Labour in Bangladesh' (Jan 2016 - Dec 2018).

NGO intervention at a grassroots level appears as a successful platform to contend with bonded child labour. Bachpan Bachao Andolan (BBA) is a people's movement at the grassroots level and has undertaken various initiatives to deal with children's rights more generally. Their work on the rehabilitation of rescued bonded labourers has highlighted a number of problems with legal interventions and more generally have confirmed that the rehabilitation of bonded labourers, most of which are children, remains a 'distant dream' (BBA 2015). Their main concerns are that bonded labourers rescued from trafficking and forced labour are not given release certificates or not issued to them and no efforts for compulsory rehabilitation has been made by the central and State governments. This means that in fact, many bonded labourers are not actually considered bonded labourers. BBA highlights the need for every State government to have guidelines for NGOs to assist in rescue operations and refer to Bernard Boetoen's 'An NGO's Practical Guide in the Fight against Child Trafficking'.

Another interesting approach is taken by the MV Foundation (MVF) in India, which disagrees that the focus should be poverty when it comes to tackling child labour. Instead, MVF looks at evolving values and norms that overlook child labour and tolerate the non-attendance of child in school. The organisation highlights the complicated nexus between poverty and child labour (Rekha, 2002). Its activities on bonded child labour dates back to 1991, when it implemented an intensive mobilisation campaign focused around parents and the community in five Ranga Reddy villages. It was successful in releasing 30 children at that time and has since implemented other educational initiatives. One of their educational programmes has seen the release of more than 4000 bonded labourers (MV Foundation, 2006).

MVF's central aims are to encourage parents and children to opt for the formal school as a medium for a child's progression. It is based on its far-reaching belief that every child out of school is a working child and therefore its programming does not distinguish between different types of child labour. Bonded child labour to the MVF is part and parcel of its work on child labour as a whole. As part of its approach, MVF corresponds directly with employers and encourages monetary contribution/sponsorship towards the education of child labourers (*shiksha-daan*). It also places pressure on employers that are not willing to facilitate a child's education by communicating the law on bonded child labour (MV Foundation, 2006). MVF has identified that bonded child labourers are dominant in rural areas and targets this within its rural child labour strategy.

5.4. Education

From all the different levels of interventions, education appears as the commonality in terms of reducing bonded child labour. Education programmes have been undertaken by governments and NGOs, as per some of the examples shown above. However, retention in these education initiatives is a major issue. Some countries like Nepal have a high admission figure, but this is not reflective of the percentage of children that remain in school. The dropout rate for school is therefore high, particularly in countries like Nepal where schooling is expensive. According to one family, the economic long-term effects of sending the child to school is high. In this sense, parents also need to be educated in terms of the benefits of schooling for the children, but also for the family (economic) situation as a whole.

Nonetheless, successes have been seen in reducing bonded child labour. For example, the Brighter Futures Program – Combating Exploitative Child Labor Through Education in Nepal was implemented between 2002 and 2009. World Education and NGO partners provided services to 43,291 child labourers and 72,000 children at risk. The education provided through

this initiative withdrew 1,578 children in 16 districts. The initiative has supported the Naya Bato Naya Paila project, which deals with children working in brick factories (Gyawali *et al*, 2012).

5.5. Social Protection

The ILO defines social protection as 'a set of public actions that address poverty, vulnerability and exclusion and provide the means to cope with the major risks that may be encountered throughout the life cycle' (ILO, 2013a). Social protection is viewed as having an impact on the reduction of child poverty, with effects on child labour too. Social protection initiatives do not, however, place child labour at its heart and therefore impact assessments on the link between social protection and bonded child labour are virtually non-existent. Nevertheless, effects such as improved nutrition, increased education etc. may contribute to overall conclusions on this link (ILO, 2014). Social protection programmes could therefore be useful in targeting the underlying causes of bonded child labour. Three social protection mechanisms have been outlined in attempts to prevent child labour (Browne, 2016): improving the household income in order to weaken the need to send children to school; strengthening family resilience to financial emergencies; and having positive incentives to keep children in school and not in work.

Some literature has suggested that public works programmes, asset-based or incomegenerating programmes do not reduce child labour, as demonstrated by the Mahatma Gandhi National Rural Employment Guarantee Scheme in India and because it can produce a substitution effect by allowing children do more family work. Microcredit programmes in Bangladesh have also shown an increase in child labour (Sanfillipo, 2012). On the other hand, the Food-for-Education programme in Bangladesh showed that a monthly contribution of rice conditional upon primary school attendance showed a small decline in child labour rates and an increase in school participation (Browne, 2016, Ravallion & Wodon, 2000).

The Samurdhi Programme is Sri Lanka's main poverty alleviation programme and is extended to around 45% of families covered under government funded social safety net programmes. The main problem is that current social protection programmes are not bonded or even general child labour targeted and the criteria is not always the most effective. Jayasinghe-Mudalige (2009), in a UNICEF report, stated that despite a number of social protection programmes, there are significant gaps in a targeted approach to achieve benefits, and programmes do not always extend to the people who need them most. Often there is a restrictive approach to the identification of vulnerable children, particularly bonded child labourers.

In Nepal, Save the Children have implemented many reintegration programmes which combine child protection and welfare strategy. They have had success stories. In Nepal, there is also a local level child protection committee (in origin and destination) – masterplan 2017-2027 (see above in governmental section). There are informal committees, daytime centres and district child welfare board.

One of the main problems in all the South Asian countries is a lack of legal implementation and enforcement officers, particularly in rural areas where bonded child labour is most prevalent. As merely one example, Nepal has a lack of law enforcement officers with only 10 child protection officers in the whole country. It is believed more generally however that better connections to social protection and welfare measures could mean an increase in children that move from being labourers to being in education.

5.5.1. Cash Transfers

Cash transfers are frequently used in situations where child labour is rife. There is a perception that they are extremely beneficial for the reduction of child labour and whilst this may be true in some cases, this is not conclusive. Success rates are dependent upon the contexts and methods of delivery (Sanfilippo *et al*, 2012). The ILO has in fact found that cash transfers may increase school participation, but it is undetermined whether there is a reduction in child labour as a result. This is because some children combine school with work (ILO, 2014). Some cash transfers have also shown to reduce economic activity, but increase domestic work (HEART, 2016). The literature suggests that a larger cash transfer may decrease child labour in a more substantial way, but this has not been assessed.

When households are credit constrained, there is usually a supply of child labour and this is often a cause of bonded child labour in South Asia. Nonetheless, the support provided by cash transfers as extra income does allow the possibility for sending children to school and reducing the chances of sending them to work. This is the case with both conditional and unconditional cash transfers (Hoop and Rosati, 2013), although conditions of school participation may enhance benefits. The ILO has also stated that the most successful cash transfers are those which target the poorest children and are implemented in conjunction with other supply-side interventions such as education and healthcare (ILO, 2013a).

The ODI recently undertook an extensive review of cash transfers, including looking at its design, implementation and impact and relevant literature from 2000 to 2015. It found that there is a strong link between cash transfers and the reduction of child labour, evidenced by both statistical and non-statistical data. The research showed that acceptance of a cash transfer meant greater school participation and subsequent retention. One specific example of this is the Benazir Income Support Programme implemented in Pakistan, where reductions in child labour were evident. The report did however find that given that girls tend to do more domestic work, cash transfers would unlikely have an impact without combining it with significant cultural change. In this sense, cash transfers benefit mostly boys who are involved in economic-based work away from the home (Bastagli *et al*, 2016).

5.6. Social Labelling

Some scholars and NGOs have also done work on the impact of social labelling on child labour more generally. Social labelling aims to end child labour in the tradable sectors as an alternative to trade sanctions. They inform consumers about social conditions of protection, provides ethical indications in the market and informs on working conditions. The label allows a financial contribution of say the carpet price towards educational and rehabilitation programmes. Rugmark and Care & Fair have been utilised in India and Nepal.

One study (Chakrabarty *et al*, 2011) has measured the ways in which social labelling impacts child labour. It has confirmed that the status of a household is an important factor in decreasing child labour participation and for each child. The magnitude of the child labour decreases with the NGO labelling intervention. It finds that labelling initiatives increase the chances of child labourers going to school than those who have stopped working for other reasons, as well as diminishing child labour incidences. Some argue for interventions that combine child work with schooling due to the impact on household subsistence income if child work completely stops (Admassie, 2003), although the combined approach has also been criticised (Kim, 2009).

Edmonds and Norbert (2008) have also stated that schooling is an alternative to child labour, and schooling influences child labour through its impact on poverty, and the returns to education (Edmonds *et al.*, 2009). Improving child's and household's welfare through the intervention of social labelling NGOs is an effective way of increasing child schooling and minimising bonded child labour.

In Nepal, there is an Education For All (EFA) programme, which consists of scholarships for '50% of girls' and 'all Dalits'. Since these criteria do not take into account the adult income of a household, some girls or 'Dalit' students from wealthy families have received these scholarships (ADB, 2006). This proves that in order for these types of interventions to successfully target families with child labourers, evaluating adult income is equally important, along with gender and ethnicity of the households. In order to remove children from 'work place' to 'school', a combination of policies like birth control, access to the formal credit market, increase of the adult education and training could be embedded within labelling welfare programmes. Labelling impact could be enhanced through 'monitoring frequency' (Chakrabarty *et al*, 2011).

A separate study on social labelling in India's carpet industry however, does not provide an optimistic insight into its benefits to child labour and actually found that labelling programmes played a limited role in this industry. This was mainly due to its fragmented position and therefore requires a more coordinated effort on involved actors such as government, NGOs and labelling agencies. Education is seen to be an important part in this process (Sharma *et al* 2009). The intervention of social labelling NGOs has been shown to lead to the enhancement in a child's (and household) welfare within the carpet industry. Although this has only been found in relation to households above the subsistence level and not for the poorest of households below the level of subsistence. Directing efforts in this sense should therefore be prioritised at the lowest subsistence level groups in society. Charabarty (2009) states that social labelling can be successful if basic consumption needs are targeted by governments.

5.7. Social Insurance

Social insurance has been described as the 'smart way to prevent bonded labour' (ILO, 2013) by the ILO and is one of the few interventions that has focused on bonded forms of labour. Social insurance works in a preventative way tackling the key problem for most bonded families, that of lack of social protection and the necessity for finance. One joint initiative between the ILO and the Ministry of Labour and Employment in India showed social insurance as a promising intervention. It aimed to reduce the conditions that perpetrate bondage-like conditions by promoting decent work and eradicating potential attributes of bondage and coercion in the worker-employer dynamic (ILO, 2013). Key success for this programme, as well as for the implementation for social insurance initiatives in South Asia, is social dialogue and coordination, particularly to link workers to social security schemes. Given the involvement of the family in the bonded child labour process, social insurance schemes provide a good way of tackling the larger social predicaments that children and their families are in when bonded. However, no specific impact assessments were found allowing for concrete or long term conclusions on its success.

5.8. Self-Management Initiatives

Long term income generation is one of the most important interventions for bonded child labour. Seed money is important, but these must be combined with long-term self-management capabilities. A preventative approach must be taken, so things like job-skills training is crucial. This ensures that loans are not resorted to by desperate families. Some South Asian Governments and NGOs have undertaken these sorts of initiatives focused on giving families – and most important Mothers – the confidence and skills to break the cycle of bondage, have the capacity to send their children to school and increase economic resilience for their families. One successful example is the work done by Save the Children.

• Case Study: Brick Kiln Worker in Nepal (by Save the Children)

A Comic Relief funded Save the Children Project was implemented in 2013, lasting until 2016. It was for the 'Protection of Children in Brick Kilns in Nepal'. The organisation worked in partnership with the Child Development Society (CDS), which was a local NGO in Kathmandu. The project involved the implementation of a comprehensive three-year package of child protection services, family and livelihoods support and education in the Kathmandu Valley brick kilns, as well as the rural areas which the workers migrated from. The project has been deemed a success and impact appears to be continuing following the project's termination in 2016. The following story, provided by Neelam Dhanush at Save the Children, Nepal, is an example of one success story that could be used for future similar initiatives to combat bonded child labour.



This is Jamuna. Jamuna has just been elected to her municipality council by the local people. However, just one year ago, she was making bricks in Kathmandu. This is the story of her journey from bonded labourer to local government.

Save the Children first met Jamuna Mijar when she became a part of their Self Employment Education Project (SEEP). She was a mother of two who had married when she was 17. She and her husband had been migrating to work in the brick factories for twenty years. First it was just the two of them, but after having children, they would take the whole family to live in the kilns during brick making season.

At the time of the project inception, a national study by Plan USA suggested that 30% of the brick factory workforce in Nepal were children. Evidence generated by Save the Children's work in the Kathmandu Valley supported this. Brick factories in Nepal present challenges and risks for children and families working and living on-site. Children of all ages face protection, education, health and sanitation issues, including: economic exploitation through child labour and debt-bondage conditions; a prevalence of violence against children; limited or no access to education due to the seasonality of the work and stigma; and precarious living conditions negatively affecting their health.

However, despite these dangers, insecure livelihoods mean that many poor families from rural Nepal migrate to factories in the Kathmandu Valley year after year. Waking up at three in the morning to start moulding bricks, Jamuna saw a bleak future for her children. She says, 'I thought my life [would] end in brick factories and my children [would] also suffer the same fate.' A small piece of land in Kavre (the area from which she is from in rural Nepal) was not enough, odd jobs in the village were few and far between, and she could find no alternative income source.

However, Januma enrolled in the SEEP class, one of the initiatives offered under the Comic Relief funded project. These classes armed mothers with basic literacy and numeracy skills and provided complementary financial education. The women were also provided with income generation support. Organised in a group, the women not only became literate, they developed confidence – speaking in public forums, developing business ideas and starting their own small trade businesses.

'I can now read and write. I can also do my own calculations. I have started a business rearing goats, with my savings and a loan,' says Januma, who previously did not know how much she earned at the brick factory. She was encouraged as one of the SEEP class members to file candidacy for the Dalit women representative in her village council. 'I gained confidence representing our SEEP group at various meetings and developed leadership skills.'

She ran in the election and won a seat as a public representative of Panchkhal Municipality. 'I am going to convince people to send their children to school at any cost and not to work. I want to ensure that people have access to government schemes,' says Jamuna. 'My family was finally able to break the cycle of going to brick kilns every year as a bonded labourer'. Januma credits the SEEP class for giving her confidence and economic opportunities. Jamuna's fellow SEEP classmates are very proud of her achievement. The chairperson of her SEEP group, Sanu Maiya, credits her for being the greatest motivator for the group. Proud of her achievement, her husband says 'she was a good student (at SEEP), an entrepreneur and now a leader.' However, it is not just Jamuna, but Sita, another SEEP class member who was also elected to the ward council of Roshi Rural Municipality in Kavre. SEEP was conceptualised as a women's group to support women to learn to read and write and start their own business. Jamuna and Sita are wonderful examples of what individuals can achieve with determination and confidence.

SEEP classes are part of the 'Protection of Children in Brick Kilns in Nepal' project, previously funded by Comic Relief via SCUK, through which they encourage mothers to seek alternative economic opportunities, sensitise them on the rights of women and children, and support them to not migrate to work in brick factories with their children. The project also encourages education opportunities for children both in the brick kilns and source districts, and through its advocacy efforts, has seen seven brick kilns in Kathmandu declared 'child labour free'. The SEEP classes, like those attended by Jamuna, allow mothers to learn basic literacy and numeracy skills and provide opportunities to gain leadership experience. They are supplemented with an income generation aspect where they can start saving and credit groups, receive financial support to start a business and seek loans whenever needed. The main aim of these classes is to eradicate child labour (included bonded) in brick factories, empowering parents to invest their earning in children, and to know the importance of education.

5.9. Reintegration and Rehabilitation of Bonded Child Labourers

Intervention experiences have shown that simply identifying and releasing children from bonded child labour is not enough. Reintegration and rehabilitation must form part of an effective intervention strategy. These types of interventions have been most successful as far as unaccompanied bonded children from brick kilns have been concerned. This is evidenced by a number of reintegration cases by Save the Children. Generally speaking, unaccompanied children are identified during an outline survey in brick kilns, upon which the counselor does regular follow up checks and assessments with the children, as well as the owner. One such case is that of Keshmala, who was a twelve year old bonded child labourer in Nepal reintegrated back to her family. This was done through coordination with DCWB of Bhaktapur (the 'destination') DCWB (the 'source'), a local NGO in the source district from where children migrate, local police and labour offices. This multi-level coordination was necessary for the rescue and successful reintegration of Keshmala, as well as other bonded children. Children are rescued from the brick kilns with the help of the police, DCWB, contractors and staff of the Child Development Society and then reintegrated to their respective source districts. The children are handed over to their parents in the presence of local government authorities, the media and other stakeholders. In addition, Income Generation support, school enrolment support, stationaries etc. are given to the children and/or family members depending on their needs and the best interests of the child after the reintegration.

Case Study: Keshmala back to her family (provided by Neelam Dhanushe, Save the Children)

Twelve-year-old Keshmala wakes up early in the morning to finish all her household chores before leaving to work at the brick kiln. Keshmala works from 6:00 am till 7:00 pm at the brick factory where she carries bricks on her head all day. In the afternoon, she has a two hour break for lunch, she washes the dishes and rest for a while before resuming her work.

After the shift ends she goes back to her Jhyauli (temporary shelter made of raw bricks) to prepare her dinner. At night she also spends some time catching up with her friends and her aunt with whom she came to the brick kiln. Keshmala then eats her dinner and goes to sleep. She is from Fagam-1, Rolpa a remote village of Mid-Western Region and in the village is her elder brother (17) and three younger sisters aged 10, 8 and 6 months old. Her parents used to work as farmers in her village and her father went to Saudi Arabia for income. As a result, she was compelled to work at the brick kilns to pay back the loan that was taken out by her father.

She used to study in grade two when she was in her village. But she had to drop out of school because her parents could not afford her school expenses and needed to pay back the loan taken by her father. She came to work at the brick kiln with her aunt. Her mother could not come and work at the kiln, as she had to take care of her youngest sister. She lived in a small Jhyauli (temporary shelter made of raw bricks) with her aunt. While she was working at the brick kiln, various programs were being run by the Child Development Society (CDS) and she would often attend these programs. One day, the supervisor from a CDS partner NGO of Save the Children saw her working in the brick kilns where they were running their project intervention to eradicate child laborers from brick industries. The field staff asked about her family and story and referred the case to the counselor for reintegration back to her parents at the village.

She also told the counselor that she really wanted to go back to her village and continue her education there. Keshmala has said that "When the counselor approached my aunt she agreed to send me back but my aunt's father refused as he was not willing to send me back without paying back the loan that my father had taken from him". "I will study hard after I go back to my village and never come back to a brick kiln. The work here is tough. I just wish my mother and father would be able to pay back the contractor soon." - Keshmala

CDS coordinated with responsible government officials in Bhaktapur where Keshmala was working to rescue her from the hazardous work. A few days later, a team of government officials came to the brick kiln and spoke to her grandfather (Aunt's father) and the contractor but they were still not willing to let her go. The following day, a representative from the District Child Welfare Board (DCWB) came with a policeman and took her to the DCWB office. The CDS, in collaboration, with the officials traced out her family, contacted DCWB in Rolpa, and the same night she was sent back to her village in Rolpa chaperoned by CDS. For her reintegration Save the Children also coordinated with local partner NGO of Save the Children working in Rolpa so that required support could be provided and follow up her case in the future. When they reached Rolpa the government official from Rolpa called her parents to pick her up and her maternal uncle came. She was handed over in the presence of the DCWB officials and members of the village child protection committee (VCPC). Furthermore, Keshmala's mother was also provided with two goats as income generation support and she was enrolled in Scholl.

5.10. Assessment on Effectiveness of Interventions

The fact that many of the interventions that have taken place have not been solely bonded child labour focused means that there is an enormous gap in the analysis of assessment indicators concluding on how effective interventions are specifically for this issue. Many of the assessments have focused on child labour interventions more broadly and the availability of long-term assessments, which even stem beyond 2-3 years, are virtually non-existent. It is also rare to find an assessment even of general child labour initiatives that ascertain causation

throughout the entire process from start to finish, i.e. from law/policy to programming to implementation and effect.

With bonded child labour, assessment indicators become even more problematic, given its endemic existence within society, which means identification is often difficult. This in turn also derives from the varying and wide-ranging definitions that, to date, have not been contextually accurate (see definition section above), as well as the susceptibility of child labourers to fall back into bondage if alternative sustainable options are not found. The multi-layered and complex nature of bonded child labour means that isolating the impact of a distinct characteristic of an intervention, testing the ideal grouping of interventions in the varying contexts, or assessing the inevitable spill over effects is crucial when it comes to child labour (Paruzzolo, 2009).

A 2006 guide for evaluation and impact assessment on an ILO bonded labour project by Premchander et al outlines some useful indicators for varying stakeholders (ILO, Premchander et al, 2006). Indicators at the individual and household level include the number of adults and youth employed in government/private organisations; the number of adults and youth that have started self-employment; level of household income according to various sources; level of wages paid in daily wage labour; changed household expenditure patterns (reduction in unsustainable expenses); the level of women's participation in household economic decision making; the no. of clients who took on a bonded labour contract (and its terms); the average level of household indebtedness; the no. of clients who took a non-project loan (and terms of the loan); the no. of days of leave from work (no income earning because of illness); the no. of clients who successfully exited a bonded labour situation; adult and child literacy rates; the no. of clients who successfully exited an exploitative non-project loan; the amount of interest saved due to project MF services; the no. of client families from non-project/government/other agency programmes; the level of violence against women; the increase of participation of women in community life and public positions; the level and results of collective action at community or higher level; the no. of children enrolled in schools; the quality of schooling and the number of adults able to read and write. The guide, importantly, also outlines vital economic and social impacts, as well as indicators at the SCG/SHG level; the cluster and federation level; at the employer level; the vigilance committee level and the NGO level.

In a 2016 evaluation of mainstreaming, the ILO affirmed that a key indicator on whether mainstreaming has been successful or not is whether local bodies have included action against child labour in their annual plans and budgets. This infers an emphasis on a bottom-up approach where priorities are recognised by the ward (ILO, 2016). A social mobilisation process in raising awareness and protection; child labour desk and focal points, baseline surveys and linkages with service providers and referral of cases were also included and seen as key indicators for mainstreaming of child labour by district in Nepal. Although, in order to undertake an objective assessment of the fulfilment of immediate objectives, an accurate understanding of what 'integrated area-based models' were was necessary. Furthermore, this and numerous other studies have also highlighted the importance of regular and ongoing monitoring and reporting in the impact and assessment process, which stakeholders (particularly local) have consistently been proven to lack. This is an issue not simply for the measurement of legal enforcement, but for governmental initiatives as well as other forms of interventions and generally in the case of reporting of child labour cases and more so in bonded cases.

In its conclusions on the ACHIEVE child labour good practices and lessons learned (ILO, 2016), the ILO outlined a number of issues that could be applied to all cases of bonded child labour. It emphasised the success of the Green Flag Campaign, which was a branding campaign against child labour in municipalities of 3 Nepal districts and 6 municipalities, involving volunteer commitment from communities. It was seen to be an effective tool to create awareness at the household level, which could address the reporting deficit hindering effective intervention. Public awareness is therefore key and other types of smaller interventions such as child labour free stickers in hotel, restaurant, transportation and enterprises allows commitment from employers. In the same vein, media mobilisation and engagement of multi stakeholders helps in mass awareness. Local bodies must be involved for the enhancement of effectiveness. In measuring effectiveness, process is important, particularly since understanding takes time to develop and where involvement of local communities is crucial. Child labour interventions must focus on the source and destination, as well as engaging multistakeholders (including trade unions) for stronger monitoring and assessment for bonded child labour mapping, withdrawal/rescue, rehabilitation and reintegration.

Whilst directed at development as a whole, the NGO-Ideas has been identified as a useful assessment option. NGO-IDEAs is a cooperation of about 40 non-governmental organisations (NGOs) from South Asia, East Africa and the Philippines and 14 German NGOs working in the field of development cooperation. It identifies and develops jointly with all partners, concepts and tools for NGOs in the areas of Outcome and Impact Assessment and Monitoring & Evaluation (M&E). It aims at empowering community based organisations or groups and the poor among the rural communities to use and practice impact monitoring for project management. It has been seen to empower NGOs to further improve the effectiveness, impact and sustainability of their efforts, as well as make social changes more visible (Venro, 2011). Some examples of this include:

- Participatory Well-being Ranking (PWR) In a process involving the community and key informants, households are clustered according to criteria for well-being. The tool gives information about the village-specific poverty stratification which can be used for project planning, as baseline data and target group selection.
- Situational Assessment and Goal Establishment (SAGE) Groups develop goals for individuals and households; they monitor how the individuals perform in relation to these goals, usually with a group discussion. Reflection on the outcomes and action planning are integral parts of this tool.
- Participatory Assessment by Groups (PAG) Groups develop goals for the group as a whole, and monitor how they perform in relation to these goals, usually with a group discussion. Reflection on the outcomes and action planning are integral parts of this tool.
- Participatory Impact Analysis and Reflection (PIAR) Data from PWR, SAGE and PAG are consolidated and analysed on programme or NGO level. Data from other tools and sources are compared with this. Further elements of the tool are a reliability check of the data, cause-effect analysis and steps for programme adaptation

Whilst these are not bonded child labour focused, elements could be utilised for interventions that focus specifically on it.

5.10 Future Research, Policy and Programming Priorities

Despite its prevalence in South Asia, bonded child labour is a relatively understudied and researched area. Therefore, this section highlights some of the current gaps that could be prioritised for future research, policy and programming.

- Child Labour Trends are available, but these do not include bonded child labour. One possibility to remedy this could be to set up a 3 year project in which a sample survey brings these two issues together. Although the coverage of a primary survey is limited, the depth of it could be high, particularly if combined with interviews of 3-4 household members. This could offer powerful and provocative evidence. The method to be used might be a household revisit approach, with 3 visits to each household of a worker at high risk of poverty. Prior to this effort, a triangulated risk estimate for the whole of each involved country should be developed using spatial regression. Good information inputs to a spatial regression could counteract the information deficits we observed in some countries. As a conclusion, this project could advise at the end of Year 1 on how surveys are to be improved: DHS could add a borrowing and saving module; Indian NSS could reconfirm the validity of its child labour measurements and its debt module; and Bangladesh could add debt information and slavery/forced labour terms into its national labour force survey or child labour survey.
- It is noticeable that in South Asia, the ILO only used Bangladesh data, and the rest were imputations. Methods of imputation could be improved. A project should attempt to use DHS data on Myanmar, Bhutan and Nepal to inform a 'risk estimate' of child labour, which is a statistical outcome. This model could be strengthened by borrowing information from India and Bangladesh in an 'information-theoretic' optimising framework, with Bayesian estimation. This could results in good demographic forecasts of an age-sex pyramid of both child work and child labour. The role of credit in affecting the risk of child labour is one analytical angle in this research across six countries.
- In order to discern the causes of reduced child labour, a project tracking the past histories of both bonded child labourers, and those who are in recovery from family bondage, is desirable in most of the six countries.
- In tracking these histories, we would advise the use of a quantitative analytical approach, a qualitative analytical approach, and a mixed-methods approach. All these samples must be comprehensive enough to be representative of the national population or at least one region or occupational group. For example, take every 3rd child from the rehabilitation programmes and the NGO lists of supported recovery children in 25 sites in each of Nepal, Bangladesh and Pakistan, and compare the child and family trajectories.
- Quantitatively: Ask for the child's last 10 job stints, record these, do sequence analysis, transitions analysis and causality by basic structural, ethnic and age-group factors.
- Qualitatively: Conduct life-history interviews along with ethnography, and report on the role played by subservience, norms of reciprocity, belonging or orphanhood, and master-slave-like discourses.
- Mixed: qualitative comparative case-study analysis (QCA) on the above data.

• Another research gap is the near total absence of comparative research. It is essential to be ambitious, and to use scientific methods of choosing cases in comparative research. The research occurs at several levels: national, regional, household, and personal.

A). Comparative systems analysis of three muslim-dominant bonded child labour law: Bangladesh, Pakistan, and Afghanistan - A socio-legal study including a discussion of how international law, local civil law, and soft law work together in muslim countries.

B). A social-theoretic explanatory study of bonded child labour in eight South Asian Countries: why there is different prevalence of bondage among child bonded labourers in Nepal, Afghanistan and Pakistan vs. other neighbouring countries. Careful distinctions between rural and urban work sites, occupational groups, and gendered causality.

C). Comparative cross-religion, multi-ethnic analysis of the linguistic and traditional familial (especially filial and inter-personal) conditioning of the work obligations assigned to children. This is a historical and cultural-anthropological study sited in the hot spots of high risk of bonded child labour.

D). Comparative occupational study of children's work. Here, we assume all economic work is relevant, and that occupations with high bonded child labourers are likely to be those using outdated technology and perhaps experiencing barriers to technical change. The occupational data in India show gender and class as well as ethnic clustering. The Bangladesh data on child labour may be added to create a larger data set. Thereafter, estimates as to what are the key clusters as 'latent classes', which are predicted by fundamentals (roof, wealth, father present, education of the mother, household size, sibling mixture, and mother's occupation). A statistical study is needed with richly grounded interpretation using case studies.

- Corruption is a crucial factor in the issue of bonded child labour and why successfully tackling the matter in all country contexts is difficult. However, there is no literature that deals with this in the case of bonded child labour and therefore could be a potentially useful research area. A report on capital corruption for child labour more generally did highlight the issue of 'black money' and could no doubt be generalised to bonded child labour in South Asia, although further work on this is required (Bachpan Bachao Andolan).
- Intervention Effectiveness Studies are needed. These would allow for a mixture of both child labour interventions, such as feeding programmes, and child bondage ex post studies. Taking the attitude that some child labour would have been bonded, an exploratory enquiry is set up. The project can explore the debt-to-employer phenomenon by looking at adult and household-level borrowing patterns, linking this to bonded labour. Using qualitative research, it is then also possible to measure uptake of locally available cash or in-kind intervention amounts (feeding; schooling; visits to health centre; evening training; crèche or other). In the same way that medics use intervention treatment groups to measure dose-response rates, this project would compare the intensity of diverse experience of the treatment to see how that corresponds to dropping out, improved conditions, and reflexive ability to make new agential decisions, both for mothers and for the adolescent children.

- A further gap is the measurement of the effect of schooling on a child's age at marriage. An early child labour study could be done combining demography with more exploratory investigation, perhaps with matched localities: for each one with good school supply, compare with one with the same average income level, but poor school supply.
- Social labelling programmes should be monitored and evaluated. This programme of research should be in partnership with the police and schools as well as the carpet firms, beedi firms, fireworks firms, leather firms or other partners, such as multinational corporations. An initiative could actually start up new labelling schemes and follow through the impacts. This is because one of the key problems with social labelling is the lack of coordination, which has hindered success, albeit showing that these sorts of schemes have a lot of potential.
- The implementation and long term assessments of income generation and selfmanagement interventions on bonded children and their families is crucial. There is much promise in this type of initiative, but there is little long term data. Tracking on a much longer term basis and initiating these forms of long term interventions could provide much benefit to bonded families.

6. Conclusion

Overall the trends in bonded child labour elude measurement. Indications of waves of disapproval compete with the rise in globalised forms of flexible and trafficked labour, which create uncounted numbers of potentially bonded, forced child labourers. Children are working in pockets of secrecy dispersed across a wide range of South Asian industries, including areas of services, manufacturing and most of all, agriculture. The degree of bondage has been unmeasured, so we do not know it if is worst in certain countries or industries. The most detailed reports are the most localised and the best documented reports have an anthropological dimension of participant observation.

The causes of bonded child labour include contextual factors of which ethnic stratification is the strongest and most difficult to shift. Next we noted the lack of education among bonded child labour (field visit, discussion with family living inside the boundary of brick kilns near Kathmandu, winter, 2016). Withdrawing a child from school attendance is a parental choice that raises the risk of the child becoming a *child labourer* (the term inherently referring to damaging forms of *child work*). Under the broad contextual causes we also noted greater banking and financing of many industries, with financialisation including a rise in unsecured consumer debt. A further cultural factor which is locally varied is the cultural construction of childhood, including the filial duties of children, and the way child marriage is viewed as either acceptable or necessary (by parents). More broadly across South Asia the parents are seen as the key decision makers for children. When children migrate or if the family is disrupted, the employer can become the fictive 'uncle/aunt' or play a role as in loco parentis while providing housing for the child. The risks of girls losing their virginity and of boys experiencing harm while in this form of non-parental care are high. Yet we noted that there were also key economic factors underlying bonded child labour - poverty, loss of assets through parental illness or desertion, inequality and migration. Lastly, sector-specific employment demand for cheap labour or docile labour was also a contributing cause.

Each single specific, proximate mechanism seems insufficient in itself to generate bonded child labour. Instead these may be underlying factors which intersect to create a high risk of child labour. The holistic issues surround the deeper causes of bondage: ideas about 'other' groups such as Dalit or longterm poor ethnic groups, thus in brief systematic ethnic relations between those perceived as dominant versus those marginalised.

The main four causes (culture, marginalised ethnic groups, financialisation, and poverty) are central to the patterns that undergird the continuing slavery of children via debt bondage.

The principal way countries in South Asia have attempted to tackle bonded child labour is through the law, but in all the countries, enforcement was highly problematic, particularly in rural areas. However, even in situations where enforcement may occur, Bhardwaj (2013) has stated that the reduction of child labour does not necessarily equate to the increase in child welfare and has advocated for the UNICEF system-level approach. Generally, interventions also work if there is community involvement, which has been proven by the work of grassroots level organisations that predominantly take a bottom-up approach to bonded child labour. Policies and programmes must simultaneously target land, parents, employment, education, health and gender issues more comprehensively and not simply look at child issues. There needs to be capacity building of local institutions, such as law enforcement agencies. The NPAC states that the decrease in poverty is a prerequisite to access to education, improving educational results for children and protection from child labour.

Bonded child labour must therefore not be tackled separately from the bondage of families more generally and in many cases the bondage is embedded in their respective communities. Some organisations such as Child Workers in Asia (CWA) have found that elements of bonded labour are common to both adults and children, therefore commonalities here may allow for more general strategies that tackle both these groups. This may be necessary given the intertwined relationships existing in bondage scenarios and the decision-making role of parents to trigger the bonded cycle for their children. It is also clear that any strategies and interventions to tackle bonded child labour must extend beyond the symptom to deal with the inherent causes. The complicated and multifaceted nature of bonded child labour means that a holistic, long-term and interdisciplinary approach is required.

Finally, one of the key gaps in bonded child labour work is the lack of contextual and comprehensive impact assessments that target bonded child labour, and or child labour, specifically. Impact assessments must have these issues at the core of their aims and objectives. Interventions have also not been directed at producing a 'consistent knowledge generating strategy' (Boateng, 2017). The lack of a strong corpus of information on bonded child labour means an inability to formulate successful interventions and responses to the problem. This lack of high-quality data from South Asian countries hinders the understanding of the undercurrents in which bonded child labour can be tackled by governments and international organisations. Data collection and analysis on bonded child labour must be approached through a more targeted lens, but done so in light of the comprehensive contextual landscape in which it sits. This involves the aims of filling crucial data gaps on the matter.

Annex:

Figures 1 and 2 exhibit the variety of gender norms and poverty across the nations of South Asia. Figure 1 is offered both to illustrate the degree of patriarchy in the various south Asian countries, which combined with other cultural factors creates formative influences on girl child labour and girl bondage that differ from the conditions faced by boys in bonded child labour. Figure 1 offers background about the norm, in each community, that it might be justifiable to beat a wife. This is widely used as one indicator among others of gender norms, which are considered to range from traditional (patriarchal) to more egalitarian. The patriarchal view is often that if women misbehave then a man's role is to discipline them, including beating them. This viewpoint has direct bearing upon the punishment and coercion of girl children, and the occupational sex segregation faced by bonded girl child labourers.

Figure 1 is a map showing answers to a widely-used survey question in the Demographic and Health Survey. It was asked of women age 15-49 whether "beating a wife can be justified" under any of several options, such as if the woman neglected a child, or refused the husband sex, or argued. The question is framed specifically in terms of what the husband can be justified in doing. Many women do conform to local cultural norms, as seen for example in Afghanistan in the Figure, where broadly over 76% of women did think wife-beating could be justified.

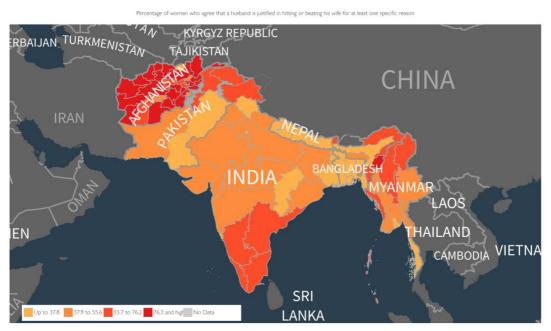


Figure 1: South Asian Women's View that Beating Wife Can Be Justified

Wife beating justified for at least one specific reason [Women]

ICF International, 2015. The DHS Program STATcompiler Funded by USAID. http://www.statcompiler.com. November 23 20

Source: Demographic and Health Surveys, 2017 (URL <u>https://www.statcompiler.com/en/</u>, accessed Nov. 2017). The % of women in age 15-49 who said yes to at least one rationale justifying beat a wife in the most recent year.

The Figure shows Afghanistan having the most patriarchal gender norms overall in relation to wives' and husbands' roles; parts of Bangladesh are also very traditional (shown as red). Pakistan and India are mixed; Nepal is shown to be less traditional.

In Figure 2, another background factor is shown. Here, a comparison is given of the degree of poverty, measured through the degree of child wasting. Poverty is such an important

background factor for the nexus of causality of bonded child labour. We show here that India's large northern regions and Tamil Nadu have the highest levels of poverty. Many other economic factors also influence the risk of bonded child labour. Figure 2 is meant to set the scene for the whole of South Asia, in which India plays a role as the largest country by both population and geographic extent.

In Figure 2, we again use Demographic and Health Survey data, based on a World Health Organisation key indicator. "Wasting" is defined as being below a norm for weight, given the height of the child. Here, no data are available for Afghanistan. Central, north, east and far south India appear overall to have the most wasting. Thus the presence of poverty in pockets in India is part of the pattern which causes (or makes possible) bonded child labour. These children may migrate to find work, spreading the problems of child labour and bondage across the space of each country.

From both figures we may derive the insight that the children who become bonded labour may have to move from their origin region to a destination region to find work. The economic factors are thus not only the personal poverty of a child or the nuclear family of the child and parents, but the wider (holistic) issue of the regional poverty of the place of origin of the child. The figure also points to intra-national regional differences within Nepal, Pakistan and Bangladesh (see color shading from orange to red) which may influence within-country migration in search of work.



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Children wasted
Percentage of children wasted (below -2 SD of weight for height according to the WHO standard)

ICF International, 2015. The DHS Program STATcompiler: Funded by USAID. http://www.statcompiler.com. November 23 2017

Source: Demographic and Health Surveys, 2017 (URL <u>https://www.statcompiler.com/en/,</u> accessed Nov. 2017). The % of children who were of significantly low weight for a given height.

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