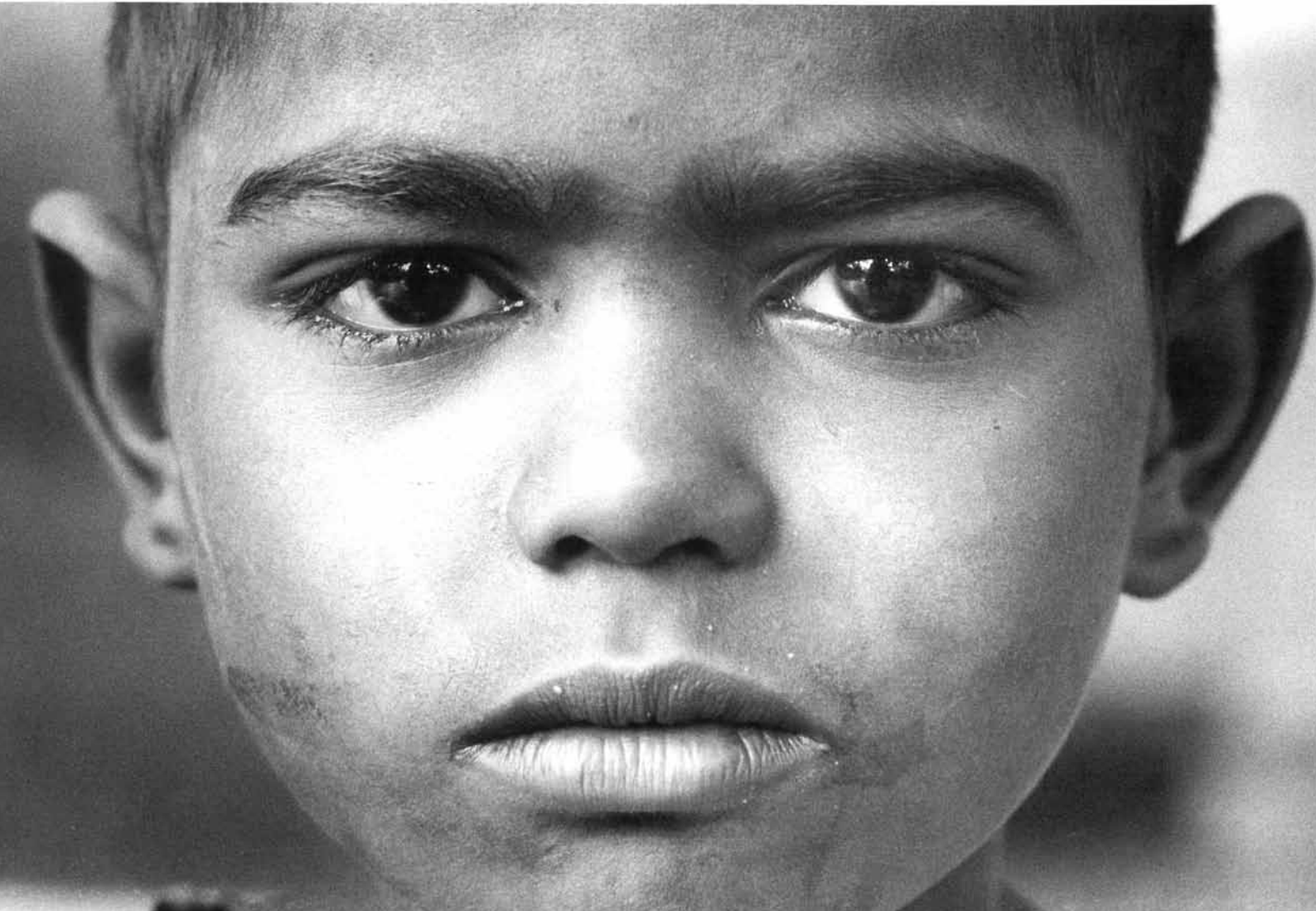




At 12 years, a slave....

children in forced labour



terre des hommes
stops child exploitation



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CONTENT

Preface	1
At a Glance	2
1. Introduction	3
2. ILO and the United Nations: Definition of Forced Labour	4
2.1 ILO defines forced labour	4
2.2 Regulations by the United Nations	7
2.3 ILO Conventions	10
2.4 Inadequate victim protection	12
2.5 Implementation gaps	13
3. Incidence of Forced Labour	14
4. Forms and manifestations of Forced Labour	20
4.1 Mauritania	22
4.2 India	24
4.3 (Forced) labour in domestic servitude: the cases of Haiti and Nepal	39
4.4 Child soldiers and mine workers: the case of the DR of Congo	43
4.5 Ivory Coast: Forced labour in cocoa cultivation	48
4.6 West Africa: migratory movements and forced labour	51
4.7 Slavery in marriage? Forced marriage and forced labour	53
4.8 Commercial sexual exploitation of children	56
5. Recommendations	57
References	59

PREFACE

The International Labour Organization (ILO) estimates that there are 5.5 million children around the world who are subjected to daily abuse and deprivation, whether it is in forced labour, forced sexual exploitation or as domestic slaves in private households. Behind the dry statistics lies unimaginable suffering, day after day.

Terre des Hommes' partner organizations relay stories of children collapsing from exhaustion in spinning mills in India or domestic maids being sexually abused by their employer, made pregnant, and then thrown out onto the street.

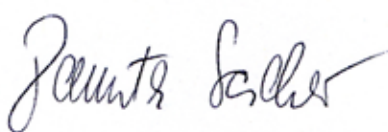
No matter what their story is, nearly all children in forced labour and slavery come from extremely poor families and are unaware of their rights as human beings and children. They need protection, alternative sources of income, education and people who they can trust and help them to stand up against coercion, exploitation and unscrupulous employers. For decades now, dozens of Terre des Hommes' partner organisations have been working around the globe to make this happen. Every year, tens of thousands of children are given hope for a better future. Our project partners give (legal) advice to children, reintegrate them into schools, provide training and assert their claim to government assistance. But they also address decision-makers in governments and businesses, because they know that without structural changes and increased efforts at this level children will always remain victims of forced labour and slavery.

The business of forced labour is lucrative. The ILO estimates that around 150 billion U.S. dollars of additional profits are generated each year resulting from the forced labour of children and adults. Two thirds of this figure is earned from sexual exploitation alone. These are profits that would be unimaginable in regular employment. In many cases, the rewards are reaped in rich countries, where products such as clothing or cocoa can be imported more cheaply than ever before.

To really impose a worldwide ban on forced labour, a policy is needed, which combats the root causes such as extreme poverty, disfunctioning education systems and the absence of child protection policies and infrastructure. Simultaneously, specific international measures should be implemented, particularly in those sectors with a high incidence of forced labour in their supply chains.

We hope this study helps to shed a little light on the complex mass of available data and prompts political and economic leaders to take action.

After all, we never forget what we experience and learn as children. It shapes our view of the world, it determines whether we trust or fear others. The protection of children from facing a life of slavery and forced labour must be put at the top of the agenda and will contribute to building a more humane world.



Danuta Sacher
Chair of the executive board of terre des hommes Germany

AT A GLANCE:

Forced labour is illegal and forbidden around the world for adults as well as children. Yet the International Labour Organization (ILO) estimates that there are around 21 million people who are victims of forced labour, 5.5 million of whom are children.

By far the largest number of people in forced labour live in India, but in terms of population figures, by far the highest proportion of people in forced labour live in Mauritania, followed by Haiti, Pakistan, India and Nepal.

It is not easy to define the forms of work that are described as forced labour. Apart from obviously illegal forms such as slavery or child prostitution, there is a large grey area in which child labour, as a rule forbidden by law, also becomes forced labour. Obtaining exact statistical figures and comparison between these figures is therefore difficult.

Annually, around 150 billion U.S. dollars of additional profits are generated through the forced labour of children and adults. These are profits that would be unimaginable in regular employment. The greatest profits – namely about 80,000 U.S. dollars per victim per year – are earned from persons forced to perform sexual services in developed (i.e. industrialised) countries.

By far the greatest part of forced labour goes undetected, which means that those responsible are not punished. The risk for employers of forced labour is therefore low.

From 2008/09 till 2011/12 over 450,000 cases of child trafficking for the purpose of economic exploitation were discovered in India alone. Child traffickers and agencies bring the children into the towns where they are handed over to their employers for prepayments of approximately 360 till 540 Euros. Often the prepayments do not reach the children's families, but remain in the hands of the traffickers and agencies.

Even work in private households may be forced labour: when families - for example, because of an emergency or extreme poverty – have to borrow money and become indebted, they are obliged to accept any work demanded by their creditor to repay the debts or to pay the interest. Such debts can bring whole families into debt bondage and hence into permanent forced labour. Often they are not capable to repay the credit and the debt burden is passed on to the next generation.

Causes of forced labour of children and adults include discrimination, poverty, inadequate qualifications and lack of access to official credit and social protection systems. Conversely, this means that to counter forced labour and curb the vulnerability of children, we need to invest in social protection systems, decent work opportunities and quality education. In countries in which forced labour is prevalent, steps must be taken to promote the development of a culture in which forced child labour and child marriages are outlawed.

The common practice in many countries of poor families from rural areas to send children for example as a domestic help to more affluent relatives or acquaintances in towns, carries a high risk for these children - especially if they are socially and physically isolated in the new environment. Good schools in the more rural areas and educational opportunities for girls are countermeasures.

Migration poses a particularly high risk factor: 44 percent of victims of forced labour have migrated, either within a country or across borders. Greater protection should therefore be given to young migrants.

1

INTRODUCTION

Forced labour of children is a global problem. However, very little data is available on how many children throughout the world are forced into work. This is hardly surprising given the illegal nature of such labour; methods of data collection such as statistical surveys, commonly used in other areas of research simply do not yield reliable results in this case.

A further problem in data collection is the question as to what forms of work are described as forced labour. Apart from obviously illegal forms such as slavery, there is a large grey area in which child labour, as a rule forbidden by law, also becomes forced labour.

In view of the data situation, over the last ten years there has been intensified research and discussion as to how reliable figures on the extent of forced labour could be obtained and how many of those affected are children. There is an urgent need for this information in order to be able to establish a basis for deciding what has to be done (according to ILO 2013a: 2):

- What is the extent of the problem and how many people are affected?
- Who are the victims?
- What factors represent a particular risk of becoming a victim of forced labour?
- In which economic areas is the employment of female forced workers widespread and do these also include children?
- In which industries/occupations are they working?

However, it is not only concerning these fundamental questions that there is too little knowledge, but also concerning the route into forced labour and out again:

- How are forced workers recruited?
- What are the means of coercion?
- What penalties do the perpetrators risk?
- What should governments, business companies and non-governmental organisations do in order to effectively combat forced labour of children?

Structure of the study

In spite of the many open questions concerning the overall picture, there are already answers in some areas. These include the definitions of forced labour of children explained in the second chapter and international regulations which are intended to prevent this. In the third chapter, the existing data is summarised, but readers should always be aware that with the present state of research these are in all cases guide values, but not yet precise figures. In the fourth chapter, it is shown on the basis of case examples how diverse the manifestations of forced labour are in different states and regions. The study closes with a call for governments, companies and non-governmental organisations to work together to combat forced labour for both children and adults.

Burkina Faso: Girl working in stone quarry



2

ILO AND THE UNITED NATIONS: DEFINITION OF FORCED LABOUR

Over the decades, the United Nations has enacted a whole sheaf of regulations on how human rights should be protected. Many of the agreements contain direct or indirect clauses for the prohibition of forced labour.

In addition, there are regulations which address the subject at the level of working relationships. The International Labour Organization (ILO) in Geneva has drawn up several conventions on the subject of forced labour and conventions for the protection of children.

2.1 ILO defines forced labour

The ILO defines forced labour of children as work which is done on the basis of coercion by third parties which are not their parents. Also counted as victims of forced labour are children who together with their parents or legal guardians have to work since these are coerced into forced labour (ILO 2013: 30-32).

“The coercion may take place

- during the child’s recruitment,
- to force the child or his or her parents to accept the job,
- or once the child is working, to force him/her to do tasks which were not part of what was agreed at the time of recruitment,
- or to prevent the child from leaving the work.” (ILO 2012:17)

According to the ILO, therefore, the following points should be checked in order to identify whether there is forced labour of children:

- Could the children themselves decide whether they accept the work?
- Are they living and working without pressure?
- Are they allowed to leave their employer?

The ILO declares that there is forced labour if one of these three points is answered by “no” (ILO 2012: 34).

This simple definition is the essence of the multitude of regulations by the United Nations and the ILO. It is precisely this diversity and multitude of agreements that show that forced labour of children and adults has been outlawed for decades, but at the same time is still widespread, and the international community is trying to bring this under control through more regulations.

Peru: 11-year old porter at the market in Lima



ILO INDICATORS WHICH POINT TO FORCED LABOUR OF CHILDREN (ILO 2012: 30, 32)

INDICATORS OF UNFREE RECRUITMENT OF CHILDREN

Indicators of involuntariness

Tradition, birth

- Child is born into a bonded family and is forced to work for his or her parents' employer

Debt bondage

- Recruitment as collateral for a loan given to parents or relatives
- Recruitment as part of the employer's agreement to employ the parents or relatives
- Recruitment in exchange for a cash advance or loan to the parents

Abuse of cultural practices/ power by the employer

- Child sent to work for someone else by a previous employer without consent of the child or parents
- Recruitment of the child in the context of a tradition perpetuated by those in power

Coercive recruitment

- Child kidnapped, taken by force

Deceptive recruitment - Deception about:

- access to education
- living conditions
- frequency of visits to or by parents
- nature of the job
- location of the job
- employer
- wages
- quantity of work
- social security coverage

Indicators of penalty (or menace of penalty)

- Family would lose benefits (land, housing, etc.)
- Other family members would lose their job
- Exclusion of child from future employment
- Exclusion of family members from future employment
- Violence against child
- Violence against family members
- Exclusion of family members from access to loans
- Isolation
- Threats against child or family members

INDICATORS OF WORK AND LIFE UNDER DURESS OF CHILDREN

Indicators of involuntariness

Forced work

- Forced overtime
- Forced to work on call (day and night)
- Forced to work for the employer's private home or family
- Forced to work when sick or injured

Indicators of penalty (or menace of penalty)

- Physical violence
- Psychological violence
- Sexual violence
- Punishment (deprivation of food, water, sleep, etc.)
- Fines

INDICATORS OF WORK AND LIFE UNDER DURESS OF CHILDREN (CONTINUED)

- Forced to perform hazardous tasks without protection
- Forced to take drugs, alcohol, illegal substances
- Forced to engage in illicit activities
- Forced to engage in sexual acts

Limited freedoms

- Limited freedom of movement outside the workplace
- No possibility of leaving the living quarters
- No freedom to talk to other children or adults
- No freedom to contact parents, family, friends
- No possibility of practicing own religion

Dependency

- Employer decides on matters relating to child's private life (marriage, education, health, religion)
- Food, clothing and housing provided by employer in lieu of a wage
- Degrading living conditions

- Wage deductions
- Threat of dismissal
- Threat of denunciation to the authorities
- Threats against family
- Punishment/violence inflicted on other children in front of child
- Locked in living quarters
- Constant surveillance
- Isolation
- Prohibition on contact with parents and family members
- Retention of identity papers
- Withholding of wages

INDICATORS OF THE IMPOSSIBILITY OF LEAVING THE EMPLOYER FOR CHILDREN

Indicators of involuntariness

- Limited or no freedom to leave the employer

Indicators of penalty (or menace of penalty)

- Isolation
- Confinement
- Under constant surveillance
- Family would lose benefits (land, housing, etc.)
- Other family members would lose their job
- Exclusion from future employment
- Exclusion from future employment
- Exclusion of family members from access to loans
- Punishment (deprivation of food, water, sleep, etc.)
- Withholding of wages
- Unfulfilled promises of education, vocational training, etc.
- Threat of denunciation to the authorities
- Confiscation of identity papers
- Punishment inflicted on other children in front of child
- Threat of further deterioration in working conditions
- Threat of forced sexual exploitation

2.2 Regulations by the United Nations

A central policy of the United Nations is the protection of human rights. Since forced labour is a fundamental offence against the rights of the persons concerned, the international community of nations has many times enacted regulations which forbid this. There was already a first approach to this in the 1920's at the forerunner organisation of the United Nations, the League of Nations. The regulations at that time still bore the imprint of the prohibition of slavery in the 19th century. The regulations in the "Forced Labour Convention" of 1926 were relatively narrowly worded and defined slavery as life situations in which one person owns another. Also explicitly forbidden is the trafficking of persons, from their capture through to their purchase, sale or exchange (UN 1926).

In a supplementary convention of the United Nations dating from 1956, this definition is clarified and extended. In addition to slavery and slave trading, slavery-like practices are forbidden. These include debt bondage, serfdom and forced marriages. In a separate article, the surrender of children up to the age of 18 years by parents or guardians to other persons is forbidden if the latter wish to exploit the children (UN 1956).

INTERNATIONAL AGREEMENTS RELATING TO FORCED LABOUR

United Nations

- Universal Declaration of Human Rights
- International Covenant on Civil and Political Rights
- UN Convention on the Rights of the Child
- Protocol to Prevent, Suppress and Punish Trafficking in Persons

International Labour Organization (ILO):

- Convention Nos. 29 and 105 on the abolition of forced labour
- Convention No. 138 on the minimum age for admission to employment
- Convention No. 182 on the prohibition and elimination of the worst forms of child labour

Universal Declaration of Human Rights 1948

In addition to these specific conventions on the prohibition of forced labour, the protection of persons against forced labour is also enshrined in Art. 4 of the Universal Declaration of Human Rights:

"No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms."

In addition, the declaration inter alia contains the basic right to "just and favourable conditions of work" and to a "just and favourable remuneration". Also assured is the right "to form and to join trade unions" and "to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay". It further states:

"Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family" (UN 1948: Article 23-25).

Hence since 1948 the protection against slavery is a universal human right for adults and children.

International Covenant on Civil and Political Rights 1966

With the “International Covenant on Civil and Political Rights” in 1966 it was once again stipulated that the member states must implement the prohibition of every form of slavery and serfdom. In addition, states must forbid every form of forced labour, insofar as this has not been ordered by a competent court in the context of a judgement. Military service and work in case of disasters or in fulfilment of civic duty are also excepted (UN 1966: Article 8).

UN Convention on the Rights of the Child

In 1989, the United Nations passed the “Convention on the Rights of the Child”. This admittedly does not relate specifically to forced labour, but wide-ranging rights for children are laid down which exclude every form of forced labour. Children have a right to social security services (Article 26), a right to an adequate standard of living (Article 27), a secure claim to primary education and when possible make higher education accessible to all (Article 28), rest and leisure (Article 31).

Art. 32.1 further reads:

“States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development.”

Hence the contracting states should implement legislative, governmental, social and training measures in order to implement this, and stipulate the minimum age for admission to employment and “Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article” (UN 1990).

Katanga in DR of Congo: children searching for copper



Protocol on Trafficking in Persons

Owing to the close connection between forced labour and trafficking in persons, conventions for the prevention of trafficking in persons are of great importance in the combating of forced labour of children. The United Nations have negotiated several conventions which are intended to combat trafficking in persons. In 2000, a protocol was signed which refers to measures for combating organised crime, but in the process explicitly places the main emphasis on the situation of women and children. The “Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children” supplements the “United Nations Convention against Transnational Organized Crime” and defines trafficking in persons. This states:

‘Trafficking in persons’ shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”.

Persons up to the age of 18 years are regarded as children and for this age group it is stipulated that any kind of “recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation” is regarded as trafficking in persons, even if no direct coercion is applied in the process (UN 2000).

Waste dump in Mozambique: Children collect and sell recyclables



2.3 ILO Conventions

The International Labour Organisation started in 1919 during the peace conference in Versailles after the First World War as an institution of the League of Nations, the forerunner of the United Nations. It was responsible for the formulation of conventions valid worldwide which were intended to lead to the improvement of working conditions.

Since 1946, the ILO has been a specialised agency of the United Nations and has had its headquarters in Geneva. In it representatives of trade unions, employers and governments from 185 states - including all large and economically significant countries - sit together at a table and draft minimum standards for the protection of employees.

Convention Nos. 29 and 105 on Forced Labour

In a first specific ILO agreement on the abolition of forced labour, Convention No. 29 from 1930, forced labour is forbidden, without the role of children being expressly addressed. All members of the ILO commit themselves,

“to suppress the use of forced or compulsory labour in all its forms within the shortest possible period”
(Article 1.1).

“For the purposes of this Convention the term forced or compulsory labour shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily” (Article 2.1).

The only concessions are for transition periods and exceptions such as for military service, usual civic duties, the fulfilment of court sentences and instances of force majeure such as for example disasters and minor social work (ILO 1930).

The regulations are mainly directed against forced labour which was ordered by colonial administrations or by some independent states (ILO 2013: 7).

In 1957, regulations were supplemented by Convention No. 105. This relates expressly to regulations of the ILO convention on the payment of salaries and the convention for the abolition of debt bondage and serfdom. In addition, the abolition of forced recruiting by state agencies and state-ordered forced labour is required, irrespective of whether this is intended to serve for the development of the country, is used as a means of punishment or is intended to discriminate between population groups (ILO 1957).

In both conventions, there is no separate discussion on the rights of children, but these also fall under the regulations. The same applies for a large number of other conventions, such as for example those relating to working hours (No. 1), salary protection (No. 95), employment policy (No. 122), labour inspection (Nos. 81 and 129), the role of recruitment agencies (No. 181) and the recommendations for protection of working conditions (No. 198) (ILO 2013: 10).

Convention No. 138 concerning Minimum Age for Admission to Employment

The first approaches to the prohibition of work by children younger than 14 years were made in the Convention on Child Labour from 1919. More than a dozen further conventions with direct or indirect clauses on child labour followed, which, however, remained largely ineffective (ILO 1998: 30).

Among other things, there was a prolonged debate as to from what age children may perform what work. In 1973, the ILO therefore formulated Convention No. 138, the “Minimum Age Convention”. This convention admittedly does not address forced labour of children in detail; however, the comprehensive rules exclude forced labour.

The convention generally forbids the employment of children who are younger than 13 years. Developing countries can pass exemption rules and forbid work only for children who are younger than 12 years. 13 to 15-year olds can undertake light work, and developing countries can allow this from 12 years. Work is regarded as “light” if this does not prevent regular school attendance and is harmful neither to health nor to development. A minimum age of 15 years is required for full-time employment (developing countries can specify 14 years). Also forbidden for 15 to 18-year olds is all work which could be hazardous to the health, safety or morals of the young persons (ILO 1973).

There are specific situations and circumstances in which child labour is always prohibited. For example, the use of hazardous substances, raw materials processing and working with electricity are forbidden (ILO 1998: 27).

The convention requires competent authorities in the states to provide for its implementation and to adapt their internal legislation accordingly (Art. 9). By March 2014, 166 out of 185 ILO member states had signed the convention.

Convention No. 182 on the Abolition of the Worst Forms of Child Labour

Convention No. 138 with its comprehensive regulations on child labour was signed by the member states of the ILO with very great hesitation. Hence in 1999 a further convention was passed, which covers the areas of child labour whose control is largely uncontroversial: the worst forms of child labour. The ILO understands these to be:

- “(a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;*
- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;*
- (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;*
- (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.” (Art. 3).*

A notable feature of the convention is that the member states of the ILO should not only do everything necessary in order to implement the regulations. In addition, they are required to improve their education system, to remove children from the worst forms of child labour and to “provide (...) for their rehabilitation and social integration” and for all children concerned to “ensure access to free basic education, and, wherever possible and appropriate, vocational training”. Governments should therefore proceed proactively and in the process consider the special situation of girls separately (Art. 7). The member states are also required to support one another mutually in the implementation of the regulations (Art. 8) (ILO 1999).

Core Labour Standards

The importance that the ILO gives to the abolition of forced labour and the improvement of the situation of children, is shown by the fact that the four conventions covering this field constitute half of the so-called core labour standards:

- ILO Convention Nos. 29 and 105 concerning the elimination of all forms of forced and compulsory labour,
- ILO Convention No. 87 on freedom of association,
- ILO Convention No. 98 on the right to collective bargaining,
- ILO Convention Nos. 100 and 111 on the elimination of discrimination in respect of employment and occupation,
- ILO Convention No. 138 on the minimum age for admission to employment,
- ILO Convention No. 182 on the prohibition of the worst forms of child labour and prompt measures for their elimination.

These core labour standards are binding for all ILO member countries and thus also apply for the countries which have previously refused to sign Convention Nos. 138 and 182.

2.4 Inadequate victim protection

Employees who have been freed from forced labour need help. However, only very few countries have laws which ease integration into the legal workforce. The problems begin with the question of how to deal with illegal activities in the forced labour phase. These for example include the illegal entry into a country and illegal residency and illegal work. Further problems arise through false statements to authorities and law-breaking in the fields of prostitution, begging, robbery, drug smuggling, etc. Admittedly many states have deportation regulations for people who have illegally crossed borders in the context of forced labour, however, there are often no regulations and in particular programmes for the implementation of these regulations in which those affected are perceived as victims (ILO 2013: 39-48).

Furthermore, only very few of the victims of forced labour have access to compensation, since the legal hurdles and obstacles are too high for them. This applies even for the countries in which there are legally established compensation regulations for the victims of forced labour (ILO 2013: 49-56).

2.5 Implementation gaps

As well as the United Nations and the ILO, or sometimes as a means of implementing the obligations undertaken there, many individual countries or groups of countries have enacted numerous further regulations, e.g. the Council of Europe and the European Commission signed agreements with African countries (ILO 2013: 13-15). Often trafficking in persons and hence the border-crossing movement of people are at the forefront of the regulations.

In spite of the many regulations, an advisory council set up by the ILO found in 2013 that there are major problems in their implementation. There is wide international cooperation mainly in the attempt to prosecute those who are trafficking in humans. However, this is less the case regarding preventative measures and integrating potential victims into legal labour markets. Admittedly in individual countries there are action plans for combating forced labour, however their effect is often very limited (ILO 2013: 15-16, 19-22).

Furthermore, by far the greatest part of forced labour remains undiscovered and those responsible are thus also not punished. Although in some countries there are efforts, for example, to improve the protection of people via labour inspection the very low number of criminal trials and judgements worldwide confirms major gaps in the implementation of the existing laws and regulations (ILO 2013: 57-65). Associated with this is a low risk to the employer of discovery and penalisation (ILO 2013: 27).

3

INCIDENCE OF FORCED LABOUR

As the greatest part of forced labour takes place illegally, there are only very limited figures available on the incidence of such labour. Although figures are published every now and then, they are based on very rough estimates. A further problem is that, depending on the detail of the statistics, different definitions are used for what actually constitutes forced labour.

Figures published by the ILO

The ILO has published various figures on the extent of forced labour, but it stresses the scant information on which these statistics are based. For a study published in 2012, data was collated on a number of countries and the values thus obtained were extrapolated. According to these estimates, the number of people in forced labour in 2012 was 20.9 million, around 5.5 million (26%) of whom are children (ILO 2012a: 14). More than half of those affected by forced labour (56%) live in Asia and a further 18% in Africa (Table 1).

It is interesting that for every 1000 inhabitants in Central and South-Eastern Europe (non-EU) and the CIS (Commonwealth of Independent States), more people are victims of forced labour than in Asia and Africa. It remains to be seen whether this observation is due to differences in methodology and integrity of the figures collated (ILO 2012a: 14; Table 1).

TABLE 1
ESTIMATED NUMBER OF VICTIMS OF FORCED LABOUR BY REGION

<i>Region</i>	<i>Number of victims</i>	<i>Per 1000 inhabitants</i>
Africa	3,700,000 (18%)	4.0
Asia & Pacific	11,700,000 (56%)	3.3
Central/South-Eastern Europe (non-EU) & CIS	1,600,000 (7%)	4.2
Industrialised countries & European Union	1,500,000 (7%)	1.5
Latin America & Caribbean	1,800,000 (9%)	3.1
Middle East	600,000 (3%)	3.4
Total	20,900,000	

Source: ILO 2012a: 15, 16



Nepal: ranking 5 in the Global Slavery Index 2013 of the Walk Free Foundation

According to the ILO more than half of the people in forced labour are women and girls, primarily in commercial sexual exploitation and domestic work, while men and boys are to be found primarily in forced economic exploitation in agriculture, construction, and mining. The ILO has broken down the areas in which forced labour occurs into the following categories: forced labour imposed by the State, commercial sexual exploitation and work in the private sector. Children work in all these categories. It should be noted that a third of forced labour imposed by the State or by public or semi-public bodies is carried out by children. As the ILO does not break down the data into more detailed categories, it remains to be seen what role is played by public institutions in forced child labour, and what share of responsibility is held by illegal groups such as rebel organisations and militias (Table 2).

TABLE 2
FORMS OF FORCED LABOUR

	<i>number of victims</i>	<i>of which children</i>
Total	20,900,000	26%
Forced labour imposed by the State (1)	2,200,000 (10%)	33%
Sexual exploitation	4,500,000 (22%)	21%
Private sector	14,200,000 (68%)	27%

(1) Prison sentences under conditions contrary to ILO standards (for example in North Korea) and forms of labour organised by authoritarian states, militias or rebel groups (for example, see DR of Congo).

Source: ILO 2012a: 13-15

West Africa: forced labour is widespread



Figures published by the Walk Free Foundation

The non-governmental organisation Walk Free Foundation has also published data as part of its Global Slavery Index issued for the first time in 2013. It also describes the sources on which the data is based as poor. According to their calculations, 29.8 million people around the world are in slavery, and this figure includes people in forced labour, child marriages and victims of human trafficking. The proportion of children is not specified separately in the statistics (Walk Free Foundation 2013). The Index also includes a list of countries with the highest numbers of enslaved people and a list of countries in which the highest proportion of the population is subjected to slavery. According to the estimates, nearly half of the people living in modern slavery come from India, followed by China, Pakistan, Nigeria, Ethiopia and Russia (Table 3).

TABLE 3
COUNTRIES WITH THE HIGHEST NUMBERS OF ENSLAVED PEOPLE

Country	Numbers of enslaved people
India	13,956,010
China	2,979,243
Pakistan	2,127,132
Nigeria	701,032
Ethiopia	651,110
Russia	516,216
Thailand	472,811
DR of Congo	462,327
Myanmar	384,037
Bangladesh	343,192

Source: Walk Free Foundation 2013: 7

In terms of population figures, the incidence of modern slavery is by far the highest for people from Mauritania, followed by Haiti, Pakistan, India and Nepal. 13 of the 20 countries with the highest incidence of forced labour are in West Africa (Table 4).

TABLE 4
COUNTRIES WITH THE HIGHEST INCIDENCE OF FORCED LABOUR

	Position	Value (1)
Mauritania	1	97.90
Haiti	2	52.26
Pakistan	3	32.11
India	4	30.84
Nepal	5	26.56
Moldova	6	25.68
Benin	7	23.57
Ivory Coast	8	23.35
Gambia	9	23.20
Gabon	10	23.03
DR of Congo	23	20.80

(1) The calculated value includes the proportion of people compared to the number of inhabitants who are victims of modern slavery, child marriage and human trafficking. This is an index value and not a percentage.

Source: Walk Free Foundation 2013: 8-9

Given the poor basis on which the statistics are compiled, the Foundation's figures are not exactly indisputable, but they nevertheless give an idea of the extent and regional incidence of forced labour. The significant differences compared with the statistics published by the ILO are further proof that there is still a need for considerable research.

Migration as a risk factor

According to the statistics published by the ILO, around 9.1 million (44%) of the victims of forced labour have migrated across borders or within countries, the majority having crossed borders. With respect to forced labour for the purpose of sexual exploitation, three quarters of victims involved have crossed national borders (ILO 2012a: 16). This clearly shows the vulnerability of people who have left their places of origin and the need for far greater protection of migrants (Table 5).

TABLE 5
MIGRATION AND FORCED LABOUR

	<i>migrants</i>		<i>non-migrants</i>
	across borders	within same country	
Total	29%	15%	56%
Forced labour imposed by the State (1)	-	6%	94%
Sexual exploitation	74%	19%	7%
Private sector	18,5%	15,2%	66,3%

(1) Prison sentences under conditions contrary to ILO standards (for example in North Korea) and forms of labour organised by authoritarian states, militias or rebel groups (for example, see DR of Congo).

Source: ILO 2012a: 16

Duration of forced labour

Only scant data is available on the duration of forced labour. Most of the extrapolations available are based on data from cases in which forced labour has been detected and stopped. If we take the average from this group of victims, the duration of forced labour is 17.7 months, i.e. approximately one and a half years.

Although forced labour imposed by the State generally lasts for a relatively short time (7 months), the period of time spent in sexual exploitation (17 months) or working in the private sector (19 months) is much longer. From the little data available, it can be seen that half of the known cases of forced labour last for less than half a year (Table 6). However, the ILO assumes that the period of time spent in forced labour for cases that have not yet been discovered is twice as long as with discovered cases, lasting for an average of around 29.4 months (ILO 2012a: 37-38).



Bangladesh: children are cutting stones

TABLE 6
DURATION OF FORCED LABOUR IN RECORDED CASES

<i>Years</i>	<i>Proportion</i>
0.5	49%
1	18.2%
2	18.3%
3	5.4%
4	0.7%
5	3.3%
6-10	5.0%

Source: ILO 2012a: 37

Billions in profits from forced labour

The ILO has extrapolated the data it has compiled on the incidence of forced labour in order to calculate the profits that individuals and companies make by deploying forced labour. Similar calculations have been made in the past, but there is no standard calculation method yet (ILO 2014: 9-12).

Using its calculation method, the ILO has found that about US \$ 150 billion of additional profits are generated each year resulting from the forced labour of children and adults. These are profits that would not be achieved if standard (lawful) working practices were deployed. Two-thirds of this figure is earned from commercial sexual exploitation alone (Table 7).

TABLE 7
ESTIMATED (ADDITIONAL) ANNUAL PROFITS FROM FORCED LABOUR (IN BILLION US \$)

<i>Region</i>	<i>Sexual exploitation</i>	<i>Domestic work</i>	<i>Non-domestic labour</i>	<i>Total</i>
Asia-Pacific	31.7	6.3	13.8	51.8
Latin America and Caribbean	10.4	0.5	1.0	12.0
Africa	8.9	0.3	3.9	13.1
Middle East	7.5	0.4	0.6	8.5
Central and South Eastern Europe and CIS	14.3	0.1	3.6	18.0
Developed economies and EU	26.2	0.2	20.5	46.9
Total worldwide	99	7.9	43.4	150.2

Source: ILO 2014: 13

The highest profits – namely about US \$ 22,000 per victim per year – are earned from forced labour in the field of commercial sexual exploitation, a figure nearly ten times higher than the annual profit from deploying forced labour in farming or domestic service (Table 8). The greatest profits – namely about US \$ 80,000 per victim per year – are earned from persons forced to perform sexual services in developed (i.e. industrialised) countries (ILO 2014: 27).

TABLE 8
ANNUAL PROFIT PER VICTIM BY SECTOR OF EXPLOITATION (IN US \$)

Sexual exploitation	US \$ 21,800
Non-domestic labour (i.e. excluding domestic servants)	US \$ 4,800
Agriculture	US \$ 2,500
Domestic work	US \$ 2,300

Source: ILO 2014: 16

Developments, progress, setbacks?

Given the poor basis on which the statistics are compiled, it is not possible to comment on how the number of children in forced labour has developed over the last few years. There is therefore no evidence to show whether there has been any progress or setbacks. It can only be assumed that the number of children in forced labour has dropped as surveys show that the number of working children in general has dropped: according to the ILO, the number of children working in forbidden forms of child labour has gone down from 246 million in 2000 to 168 million in 2012 (ILO-IPEC 2013a: 3).

The Walk Free Foundation concludes that the number of enslaved people is particularly high in countries in which the cultural specificities lead to a toleration of slavery. This is the situation for example in Mauritania, Haiti, India and Pakistan (Walk Free Foundation: 30-31).

However, such an observation says little about how processes of change can be triggered. For example, it should be noted that there are many people living in slavery in India and Pakistan, whereas the figures are much lower in Bangladesh and Sri Lanka according to the Walk Free Foundation, despite the similar structure of these countries in terms of economy and culture. If further data is not collated and such data is not compared with regional or country-specific cultural, political and economic developments, it is almost impossible to isolate factors that really help combat forced child labour.



FORMS AND MANIFESTATIONS OF FORCED CHILD LABOUR

The various definitions of forced labour and the problems in the collection of data are a reaction to and a result of the complexity of the occurrence of forced labour. Just as complex are the causes of forced labour, whether by children or adults. Summarising this, the ILO states that:

“Factors that increase vulnerability to forced labour include discrimination and social exclusion, the lack or loss of assets (including land) and of local jobs or alternative livelihoods, and inadequate skills or access to formal credit and social protection systems, which may be related to gender or indigenous status. The absence of reliable information sources, for example regarding regular migration channels and the legitimacy of recruitment agents, means that many migrant workers are exposed to unnecessary risk. Multiple forms of dependency on employers (including for housing, food and work permits) increase worker vulnerability, for instance in the case of domestic workers. Where people are physically and socially isolated, and are not organized or represented collectively, personal vulnerability is exacerbated. Specific factors affecting children include the practice of sending them to live with relatives in urban centres, the lack of local schools and low educational expectations for girls. The corresponding prevention responses can be broadly classified as “awareness, social and economic empowerment” targeted at the most vulnerable population groups and areas”.

source: ILO 2013: 26-27

The following country analyses are thus intended to demonstrate by way of example how great the range is of causes and manifestations of forced labour. In the rarest of cases there is still the presence of classical slavery known from former times, and the situation in Mauritania confirms this.

In the case of India, it can be demonstrated how the poverty of broad sections of the population and the poor implementation of laws in combination with traditions such as the retention of a dowry or emergency situations which lead to indebtedness can bring millions of people into forced labour, among them many children. Here the situation in the textiles sector and in carpet production is discussed in detail, since European countries import products from these sectors on a large scale and furthermore India is the country in which by far the most people affected by forced labour live.

In Haiti and Nepal, on the other hand, child labour to some extent takes place out of sight, in households, which is typical of the situation throughout the world for children who work in this sector.

Much more prominent in the headlines is the situation of child soldiers, as is demonstrated using the example of the Democratic Republic of the Congo (DR of Congo). Much less in the public gaze, however, is the labour of children in mines and quarries, where once again using the example of the DR of Congo it is confirmed that in this sector many children are providing forced labour and processing raw materials for the world market.

The situation in the cocoa sector of the Ivory Coast, combined with an analysis of the migratory movements of children in West Africa, demonstrates the complexity of the linkages between the occurrence of childlabour, (sometimes border-crossing) migratory movements and forced labour of children.

The country examples provide a multitude of indications as to the forms that forced labour of children may take. The examples also demonstrate that there are often no simple solutions.

TABLE 9
CHARACTERISTICS OF THE COUNTRIES STUDIED

<i>Region</i>	<i>Ivory Coast</i>	<i>India</i>	<i>Nepal</i>	<i>Ghana</i>	<i>DR of Congo</i>	<i>Mauritania</i>	<i>Haiti</i>
Population (in millions)	20	1,241	30	25	68	3.5	10
Younger than 18 years (in millions)	9.5	448	12.9	11.2	36	1.6	4.3
Gross domestic product (US \$ in billions)	24.7	1,842	19	40.4	17	4.2	7.8
Gross domestic product per head (in PPP)	1,920 \$	3,910 \$	1,470 \$	1,910 \$	390 \$	2,480 \$	1,220 \$
% of people below nat. poverty line	42.7	29.8	25.2	28.5	71.3	42	n.a.
% of population with less than 1.25 US-\$ (PPP) per day	23.8	32.7	24.8	28.6	87.7	23.4	n.a.
GINI coefficient (0 = absolute equality. 100 = absolute inequality)	41.5	33.4	32.8	42.8	44.2	40.5	59.2
Child mortality (per thousand children up to 5 yrs)	123	63	50	74	170	111	165
Live expectancy at birth	56	65.8	69.1	64.6	48.7	58.9	62.4
HDI ranking (out of total 186 places) 2012	168 (0.432)	136 (0.554)	157 (0.463)	135 (0.558)	186 (0.304)	155 (0.467)	161 (0.456)
Married at age of 15 years (%)	8	18	10	5	9	n.a.	6
Married at age of 18 years (%)	35	47	41	21	39	n.a.	30

Sources: UNDP 2013; UNICEF 2013; World Bank: <http://data.worldbank.org>

TABLE 10
RATIFICATION OF CONVENTIONS RELATING TO FORCED LABOUR

<i>Region</i>	<i>Ivory Coast</i>	<i>India</i>	<i>Nepal</i>	<i>Ghana</i>	<i>DR of Congo</i>	<i>Mauritania</i>	<i>Haiti</i>
UN Convention on Civil and Political Rights	1992	1979	1991	2000	1976	2004	1991
UN Convention on the Rights of the Child 1989	1991	1992	1990	1990	1990	1991	1995
ILO: Abolition of Forced Labour (105)	1961	2000	2007	1958	2001	1997	1958
UN Human Trafficking Protocol	-	2002	-	-	2005	2005	2000
ILO: Prohibition of Discrimination (111)	1961	1960	1974	1961	2001	1963	1976
ILO: Minimum Age for Admission to Employment (138)	2003	-	1997	2011	2001	2001	2009
ILO: Abolition of Worst forms of Child Labour (182)	2003	-	2002	2000	2001	2001	2007

Sources: UN: <https://treaties.un.org>; ILO: <https://www.ilo.org>

4.1 Mauritania

According to estimates by the Walk Free Foundation, Mauritania has by far the most people in forced labour per head of population. Approximately, in a population of 3.8 million, a minimum of 140,000 people are living in slavery. Some non-governmental organisations even assume that up to 20% of the country's population live as slaves (Walk Free Foundation 2013: 32).

Whole families, including children, belong to other families. The system relies on the centuries-old exploitation of certain ethnic groups and classes. The majority of the slave-owners come from the local elite of the "white" Moors, who control broad sections of the economy and the country's levers of power including the army and the police. Their ancestors took people captive in military campaigns along the Senegal river and enslaved them. Their descendents are often described as "black" Moors. Admittedly over the centuries the latter have adopted the language, culture and religion of their new homeland, but their social situation has scarcely improved and they are still largely dependent on their owners providing food, clothing and accommodation (UN 2010a: 5-6).

Thus slave ownership has historical roots reaching far into the past and is deeply embedded in society. Many of the victims accept their status since they consider that it is God's will. The level of education of many slaves is very low and often they neither know that their life situation contravenes international agreements nor that national laws have forbidden slavery for decades already (ASI 2008: 2).

Nowadays, forced labour often takes place out of sight, however, the poverty of those affected and the inherited traditions maintain the system. Many of the slaves, particularly women, work in their owners' households, others work in the fields or tend livestock. There are reports of boys who are sent to Koran schools and have to go on the streets and beg, and of the sale of boys who have to work in the Middle East as camel jockeys. In some cases girls are trafficked within the country and also into the Middle East, where they are sexually exploited (UN 2010a: 17; Walk Free Foundation 2013: 32-35; Nossiter 2013).

The situation of women is often particularly bad. They have to do heavy work in the households and if they marry, their owner can decide whether he receives the dowry. Furthermore, it is at the owner's discretion whether the woman is free after the wedding, or whether she remains his property together with her new family. He can also decide whether the marriage is separated or dissolved (UN 2010a: 11-12).

Children can become slaves in two ways: they are born or given into slavery. Since as a rule they share their fate with their family, they have little opportunity to escape from the forced labour. Should the owner at the same time be the child's father, then it can happen that the child is separated from its mother (UN 2010a: 12-13).

Laws have little effect

Mauritania has signed United Nations and ILO conventions on the prohibition of forced labour and of child labour. Several commissions from subsidiary organisations of the United Nations have repeatedly noted that the signed agreements are not being observed. The same applies for a range of conventions which African countries have concluded with one another (UN 2010a: 7-8).

In the national legislation slavery was first forbidden in 1905, still in colonial times, and then in 1961 in the constitution of the now independent country and in 1981 in a further law. In recent years, the laws for the prohibition of slavery have been tightened. Since 2007, the slave owners risk imprisonment and monetary penalties. However, while official bodies repeatedly emphasise that slavery has been ended, there are many indications to the contrary (UN 2010a: 8-11).

The major challenges of the future will be to implement existing laws and at the same time to create a change in awareness in the country. After a visit to Mauritania in 2010, the United Nations Rapporteur concerned with modern forms of slavery saw progress on the path to the abolition of slavery (UN 2010a: 21-24).



Born as slaves: girls in Mauritania are weaving mats

Statement from 15-year old Said Ould Ali:

"I was born in slavery. I grew up in the Moor family in which my mother was born, and my grandmother."

source: Nossiter 2013

4.2 India

India has more than 1.2 billion inhabitants, 448 million of whom are less than 18 years old. In no country do more children live and in spite of unreliable data the studies available confirm that in no other country is the number of children subjected to forced labour higher. The situation in India shows that in spite of existing protective legal regulations, cultural influences and poverty greatly increase the risk of children becoming victims of forced labour. Admittedly, the majority of the people subjected to forced labour work for the Indian domestic market, however, forced labour of children is also widespread in export-oriented sectors such as the production of clothing and of carpets. Hence a direct connecting line exists between the forced labour in India and our consumption in Europe.

4.2.1 Child labour

Estimates of the scale of child labour in India differ widely. Drawing on a population census in 2001, the Indian government considers that there are 12.7 million children aged from 5 to 14 years who have to work, whereas UNICEF currently considers that there are 31 million children in child labour in this age group. The ILO calculates that there are 44 million working children under 18 years and civil society groups even calculate 70-80 million (Save the Children India 2009: 1; UNICEF 2013: 133).

Different government bodies publish contradictory figures. The last national study, of 2007, on the health of families names considerably higher figures than the population census from 2001. According to this study, the proportion of working girls and boys relative to their age group is approximately equal (boys 11.6%, girls 11.9%), however, child labour is more widespread in the countryside (12.9%) than in urban areas (8.6%). It is also found that out-castes and members of low castes (11.6%-12.2%) and the Adivasi (16.6%) are markedly more often affected than members of higher castes (9.7%). 14.2% of the children of the families with the 20% lowest incomes are subjected to child labour, but only 6.4% from the 20% richest families. Furthermore, there are major regional differences: while in Kerala and Goa only 3% of the children are affected, in Gujarat it is 31.6% (IIPS 2007: 47-51). Child labour above all affects poor and socially low-placed or excluded population strata, however, the policy of the governments of the federal states also has an influence.

Many children work in agriculture, but children are also working in industry and in the services sector. Some of these children do jobs which are classified as hazardous by the Indian government, for example work in factories, mines or brickworks. The Indian Ministry of Labour considers that about 2 million children are doing hazardous jobs (CRY 2013: 38). However, the number of children actually affected could be far higher.

As a reason for the employment of children, it is often stated that they are easier to control and manage than adults and moreover have endurance and are obedient. In addition, they are credited with an alleged special aptitude for delicate work such as the knotting of carpets or the pollination of hybrid plants, for example cotton, because of their "nimble fingers", on account of which they are preferred for such jobs.



Whether work can be called child labour depends on the type of work, duration and working conditions

4.2.2 Forced labour and human trafficking

According to the Global Slavery Index 2013, out of an estimated 29.8 million slaves worldwide, 13.3 to 14.7 million live in India, i.e. almost half of those affected worldwide. If these estimates are correct, up to 1.2% of the Indian population would be subjected to slavery and slavery-like practices (Walk Free Foundation 2013: 7).

The US Department of State even considers that there are 20 to 65 million women in forced labour, which corresponds to 1.7 to 5.3% of the whole population, but gives no information on the number of children affected (USDS 2013: 195). Save the Children estimates that in India 15 million children are working in order to discharge debts of others, for example the parents (Save the Children 2007: 4).

HUMAN TRAFFICKING IN SOUTH ASIA

Worldwide, children are the victims of human trafficking in 27% of all cases discovered, and girls represent almost two-thirds of this group. In South Asia, the proportion of children among the victims is still higher at 39%. Worldwide, 36% of the victims are abducted for exploitation as forced labourers, and in South Asia. However, there are no figures concerning how many abducted children are subjected to forced labour. In recent years, the number of cases revealed in the forced labour sector has increased greatly, since abduction for exploitation in forced labour has been in sharper focus in investigations. Hence it must be assumed that there is still always a large number of unknown cases and that it is of greater actual significance than previously assumed.

source: UNODC 2012: 10-14, 25-27; Save the Children 2013: 231

People and child trafficking in India takes place mainly within the country, and about 90% of the victims are abducted within India. In addition, there are also cases of children who were brought from Nepal and Bangladesh for forced labour and conversely Indian children who are abducted into the countries adjacent to India for forced labour (USDS 2013: 195; USDOL 2012a: 327).

According to UN information, in India the number of children who become victim of child trafficking for the purpose of economic exploitation in forced labour is increasing. From 2008/09 to 2011/12, over 450,000 cases of child trafficking for the purpose of economic exploitation were discovered, most of them in the federal states of Uttar Pradesh and Bihar. Furthermore, important source regions in India are also West Bengal, Jharkhand, Odisha, Madhya Pradesh, Assam and Chhattisgarh. Child traffickers and agencies bring the children into the towns where they are handed over to their employers for prepayments of 30,000 to 45,000 rupees (approx. € 360-540) and commissions of 10,000 to 15,000 rupees (approx. € 120-180), who make them work 10-14 hours per day without wages or leave. However, the prepayments often do not reach the children's families, but like the commissions remain in the hands of the traffickers and agencies (UNODC 2013: 9f.).

Indebtedness is an important cause

In the majority of cases, people are brought from poorer regions and federal states to work in more prosperous regions and states. Those affected, children and adults, and their families hope for well-paid work so as to be able to support their families at home. They often only realise on site the situation in which they have placed themselves and on the basis of their original voluntary consent often have to work under conditions to which they would not have agreed beforehand.

Others have no choice whatsoever, since they are obliged by debts to accept any work demanded by their creditor to repay the debts or to pay the interest. In many cases, an advance on the wages becomes a debt burden which can only be discharged again by the work of a whole season, so that there remains no choice to the employees other than to work the whole season under the existing conditions. Through the acceptance of further debts with high interest in order to ensure their maintenance at the place of work or provision for the family, many of those affected fall into a debt trap from which they can scarcely free themselves alone. Such debts can bring whole families into debt bondage and hence into permanent forced labour. Often they are not capable to repay the credit and the debt burden is passed on to the next generation.



13-year old Dinash works six days a week in an (informal) weaving mill. He doesn't go to school, despite compulsory education in India for children aged 6 to 14 years

Sectors with forced child labour in India

In many sectors in which children work in India, forms of forced labour can be encountered. Studies mention different jobs and sectors, but some are particularly frequently mentioned, among them work:

- in agriculture (mainly hybrid seed production, also cultivation of flowers);
- as domestic helps;
- in industry and factories, inter alia clothing and embroidery (zari workshops), carpets, jewellery and gemstone processing, rice mills, and factories e.g. for biscuits or cables;
- in quarries, brickworks and the construction sector
- as beggars;
- in street restaurants and teahouses.

(USDOL 2012a: 327; USDS 2013: 195; UNODC 2013: 9; HAQ 2010)

Smaller family businesses and non-industrial family-run agriculture do not fall under the Indian employment law and are not monitored by labour inspectors. Hence in official statements on the situation of working children, these firms can entirely fall outside the reckoning. Hence work in households or in small family businesses is almost invisible, since it takes place informally and far from any state controls.

The legal situation in India

India ratified the slavery convention of 1926, the UN conventions for the abolition of forced labour and for the protection of the child and the human trafficking protocol. Furthermore, the Indian government also ratified ILO Convention No. 29 on forced labour and No. 105 on the abolition of forced labour, but not Convention No. 138 on minimum age and Convention No. 182 on the worst forms of child labour (for details see Table 10).

Admittedly, several paragraphs of the constitution and national laws forbid certain types of work and forced labour of children. However, the legal position is very unclear and there is for example still no generally applicable definition of age. Some more recent laws regard all persons under 18 years as children, however, with other laws, for example the Child Labour Act, only children up to the age of 14 years are protected. Work in hazardous sectors is forbidden for under 14-year olds, and currently these include 65 occupations and 15 work processes, for example work in mines, on handlooms, in brickworks and the processing of gemstones (CRY 2013: 15, 33f.). In August 2012, a draft law was prepared which is intended to forbid work in all sectors for children under 14 years and all work classified as hazardous for children from 14 to 18 years. However, the proposal has not yet been passed by parliament (CRY 2013: 34; USDOL 2012a: 326f.).

There are several programmes at the country and federal state level for documenting and ending forced labour, people trafficking and exploitative child labour and for rehabilitating and compensating the victims. These programmes also gather data on the current situation, which are, however, not aggregated and made publicly available. The lack of power to enforce the initiatives and the insufficient mutual cooperation are repeatedly criticised (USDOL 2012a: 329ff.; CRY 2013: 7, 38; UNODC 2013: 29-60). Thus although positive approaches to the combating of forced labour and child labour are indeed already to be seen, nonetheless very much still remains to be done.



Children working in a quarry in Rajasthan, India: often their parents are indebted to the quarry owner

DALIT AND ADIVASI

The officially long abolished caste system is still of great importance in India. According to this system, operated for several thousand years, all people are divided into four hierarchically organised main castes and the lowest placed group, the out-castes. Originally, the caste or subcaste of a person defined his social and occupational sphere and to this day the system has very great influence, particularly in rural areas. The groups of the Dalit and Adivasi are most severely excluded by the caste system and make up about one quarter of the Indian population.

The population group of the out-castes previously called “untouchables” are now called Dalit. Translated, this means “broken people”. According to estimates, about 201 million people belong to the Dalit group. In addition, several tens of millions more Dalit have gone over to Islam or Christianity and hence are no longer officially counted among the Dalit. In many cases, Dalit are ruthlessly exploited. For millennia, they were only allowed to engage in occupations which were regarded as unclean (latrine cleaning, disposal of dead animals, leather tanning, etc.). They were expected to work for higher castes without payment, and they remained barred from education and social advancement. Almost 90% of the Dalit possess only very little or no land of their own. Hence poor Dalit lack an important means of existence. As a result, they are largely at the mercy of their employers and have to engage themselves as day labourers.

Many Adivasi also have poor living conditions. Adivasi means “first inhabitant” or “original inhabitant” and is the name that the indigenous population of India have given themselves. They are the descendants of the people who already lived in the country before the Indo-European invaders conquered them and displaced them from many of their settlement areas. They are not a homogeneous group, but rather a large number of ethnic groups who live in their communities scattered across the whole of India. According to estimates, about 104 million people belong to the Adivasi group. In some federal states in the Northeast of India, they constitute the majority of the population.

Like the Dalit, the Adivasi are constantly at risk of exploitation and oppression: they are outside the caste system of the traditional Hindu society and attacks on them are mostly unpunished. The combination of poverty and lack of rights has resulted in the fact that Dalit and Adivasi often have no financial reserves whatsoever and need loans for weddings, funerals, medicines or, in emergencies, for the purchase of food. This particularly often renders them victims of loan sharks and leads to debt bondage.

4.2.3 Cotton cultivation and the textile industry: forced labour of children in supply chains

In India, the complete production chain of the textile and clothing industry is represented, from the production of the cotton seed and the cultivation of the cotton, via spinning mills, dyeing plants, weaving mills and sewing rooms, right down to the decoration of finished garments with embroidery, sequins and beads. Many clothing firms represented on the European market have goods produced in India and may thereby indirectly be profiting from child labour and forced labour of children.



Cotton and its seeds

Cotton is cultivated for the production of seeds and cotton fibres, mainly in the Indian federal states Gujarat, Maharashtra and Andhra Pradesh. About 90% of the cotton plants cultivated in India are genetically modified BT cotton which itself produces an insecticide for protection against the cotton bollworm (Textile Exchange 2013: 70). The seed used for this is a hybrid seed, from which no new seed can be obtained in harvesting. Hence the cotton producers must purchase their seeds freshly each year from seed firms which in turn contract with Indian farmers to have the seed produced. In the fields, the flowers of the cotton plants must be carefully cross pollinated manually in order to obtain an adequate yield of good quality (Global March Against Child Labor 2012: 2).

The production of cotton seed is thus very laborious. For the pollination, children, mainly girls, are often employed since they cost little and particular nimbleness in this work is attributed to their small fingers. A further reason for the recruiting of children are the very low profit margins for the farmers in cotton seed cultivation, which leads to the search for the cheapest possible workforce (Global March Against Child Labor 2012: 3,12-14).

In most cases cotton pickers aren't paid fair wages

In South Rajasthan, in June and July of each year tens of thousands of Adivasi children are recruited for the two to three-month seasonal labour on the seed fields in North Gujarat (Prayas Centre et al. 2012: 2f., 5f.; Global March Against Child Labor 2012: 27). The children and their families are often in debt bondage; consequently their work can be classified as forced labour. In addition, in many cases an advance is paid to the parents and the remaining working wage only when the children are returning home, a further indicator of forced labour (Global March Against Child Labor 2012: 5, 16).

According to estimates, annually about 100,000 children from some districts of Rajasthan work on the cotton seed plantations in Gujarat, and 10.2% of the 6 to 18-year olds in the regions of origin are subjected to this. According to other considerations, this is annually about 380,000 children in the whole of India. Although this child trafficking is attracting increasing attention, the number of those affected has not decreased so far (Global March Against Child Labor 2012: v, 15; Prayas Centre et al. 2012: 11-13).

Some of the children work and live under extremely bad conditions, in inadequate accommodation with poor food and long working hours of at least nine to ten hours a day with no free weekends. The work at high temperatures in the fields is strenuous and children are often additionally brought in for domestic work and other tasks outside the fields. There are also cases in which children without the knowledge or consent of their parents are enticed from their home villages with promises of well paid work under pleasant working conditions and then find themselves on cotton seed plantations under the worst conditions (Global March Against Child Labor 2012: vi, 5, 27-29, 32, 15f.).

Spinning mills

Most spinning mills in the Indian textile industry produce in the Southern Indian state Tamil Nadu, in the region around Tirupur. There the so-called sumangali system has become established, whereby girls and young women mostly of age 14 to 25 years, but sometimes even younger, are recruited from rural districts for a fixed period of three to five years as “apprentices” for spinning mills. In Tamil, sumangali means “happy bride” or “happy, married woman” and is based on the idea that the girls should be able to earn their dowry through their work (SOMO/ICN 2012a: 17). During recruitment, the girls are promised pleasant living and working conditions, opportunities for further education and the payment of a larger sum of money at the end of the contract period. The parents are assured of the safety of their daughters in supervised hostels.

However, the reality looks different for the girls. Many of them live in company-owned, strictly supervised accommodation on or in the vicinity of the works site. There they share narrow dormitories and leave the site only rarely and only under supervision in order to do necessary shopping. Telephone contacts and visits to the parents are also very tightly restricted.

The machines run every day round the clock. The girls work seven days a week in 8 to 12 hour shifts, but often have to complete one and a half or two shifts a day, so that they work up to 16 hours in noisy, dusty rooms. In peak periods, still longer working hours are sometimes demanded of the employees so as to be able to fulfil urgent orders, sometimes 24 hours without a major break. The accommodation on the firm’s premises allows the proprietors constant access to their workforce. At the same time, the girls and women receive only very low wages and at the end of the contract period a single larger sum of approx. € 300-900, which is withheld from their wages during the working months. This sum is supposed to enable them to finance the dowry for their marriage. If because of the harsh working and living conditions they are physically or psychologically not capable of enduring to the end of the contract period, this sum is completely denied to them. Many girls develop chronic illnesses of the respiratory tract or allergies, however, even for one day of missed work the contract is often prolonged by a whole month, without increasing the amount to be paid. Even those workers who are able to work until the end of the contract are often denied payment for the most diverse reasons, or they are dismissed shortly before expiry of the period. According to one study, fewer than 35% of the sumangali workers receive their payment at the end of the contract period (Stop the Traffik 2013: 4).

According to the ILO and UN definitions, the working conditions in the sumangali system, in which the employers withhold some of the wages until the end of the contract period and have very extensive control over the everyday life of the not yet adult female workers, can be classified as forced labour of children (SOMO/ICN 2012b: 2).

Because of international protests and Indian court judgements, some spinning mills are beginning to improve the living and working conditions. Nonetheless, according to estimates 100,000 to 300,000 girls are apparently still subjected to this (SOMO/ICN 2012b: 1-2). The great majority of them belong to the lowest, excluded levels of society: most of those affected are Dalit, out-castes, and furthermore many girls belong to the Arunthathiyar, the lowest group within the Dalit (SOMO/ICN 2012a: 21).

Carte blanche for arbitrariness, abuse and exploitation: Indian spinning mills often work with sumangali contracts



KALEESWARI

Kaleeswari was born in a small village in the district of Virudhunagar. Her father was an agricultural worker and had two daughters. Kaleeswari attended school up to class 7 but then because of the poverty of her family could not continue her study.

Muthukaruppan lived in the same village and was an agent of a spinning mill in Coimbatore. He persuaded 15 families to sign a sumangali contract and to send their daughters to spinning mills. These also included Kaleeswari's parents, to whom he was moreover related.

Kaleeswari was 13 years old when she came to the spinning mill. She worked there for two years, often in night shifts. One morning she did not come back from her shift to the room in which her younger sister Suja, who by now was also working at the spinning mill, slept. Suja asked the overseer about her sister. He said that she had had a minor accident and had been taken to the hospital. When she was still not back in the evening, Suja informed her parents by telephone. When they came, they were informed that Kaleeswari had died in an accident at work.

The parents held the factory responsible for the death of their daughter, since she had to work on hazardous machines without being trained for this. 15 girls who had worked together with Kaleeswari did not want to go back to the factory since they feared for their lives.

source: TPF 2010-2011

TARA

At the age of 13, Tara was forced by her parents to go to a spinning mill in Dingidul. Her father was ill and the family had no money. She had to sign a contract which she did not understand and which was not explained to her. After three years, Tara was to receive 25,000 rupees (approx. € 360).

Tara lived in the hostel, was given bad food and often became ill. She was not taught how to handle the machines at work. She mostly had to work two shifts in succession.

In spite of everything, Tara managed to fulfil the three year contract. When she asked for the 25,000 rupees, the manager said that she had been ill too often and would have to work a further six months in order to obtain the money. Tara complied, but did not get the money even then. It would be sent to her in a few days, they said. But even after several years, Tara has still not received her money. The management of the spinning mill is refusing any explanation.

source: TPF 2010-2011

DEVI, 16

At the age of 13 years, Devi began to work in the spinning mill SSM Fine Yarn. She works there in order to contribute to the family income and so that her two younger brothers can go to school. She has been working in the factory for two and a half years and at the start she was promised a payment of 20,000 rupees (approx. € 307) at the end of the employment. Her salary per day started at 40 rupees (€ 0.61) and now in the third year is 100 rupees (€ 1.54) per shift.

Although she feels exhausted by the work and weak, she does not dare to take a day off since the pay for two working days will then be withheld from her. Moreover, she is afraid that the promised lump sum of 20,000 rupees will not be paid to her if she is missing too often.

Already at the start of her work in the factory, she got severe pains in the legs, and since then she has also developed a skin allergy. She finds the regularly demanded night shifts the worst. Devi does not live in the factory hostel and is very happy about this, since the girls living there report poor food, defective hygiene and shortage of water. The girls from the hostel have a difficult time and weep a lot, she says.

Devi says that the production targets are set unrealistically high and hence she has to work much overtime in order to achieve the daily target. She has no written documents about her work at SSM Fine Yarn and so far has not heard from any of her colleagues that the final sum was paid to them. Nonetheless she hopes for a payment of the money and wishes to leave the factory as soon as she has received it

source: SOMO/ICN 2012a: 43

The Tirupur People's Forum

The Tirupur People's Forum for the protection of the environment and labour rights (TPF) is a network of civil society organisations that was set up in the southern Indian district of Tirupur in 2006 in response to the deplorable state of affairs in the textile industry there. This network is active in such areas as children's rights (working in particular to protect them against exploitation), labour rights (especially for women and for those immigrating from rural areas) and environmental protection. The latter because the waste water produced by the textile industry has wreaked environmental havoc there.

A major focus of the TPF's activities is on helping those women and girls who have become victims of the Sumangali child labour system: their situation is monitored, the rights violations and deplorable state of affairs are brought to the attention of the public and the mass media, including through the TPF's own publications, and campaigns are organised against the exploitation of the girls. Lobbying activities are used to regularly confront the leaders of the political parties, the ministers for employment and social affairs and other decision-makers in the political and judicial worlds with the conditions experienced by the sumangali girls and with other rights violations in the textile industry. The implementation in practice of labour laws and children's rights is demanded, one consequence of this being that monitoring committees were set up in the districts where the sumangali system is practised and that random raids were carried out by the Department of Employment.

The TPF has brought numerous rights violations before the Madras High Court and achieved notable successes, as it has been made clear that India has to ratify the ILO's Core Labour Standards and accordingly must accept and implement the fundamental labour rights. The network wants the textile industry to remain an important source of employment but for working conditions to be improved significantly. Amongst a wide range of other activities, the TPF organises seminars for non-governmental organisations, trade unions, lawyers, women's groups, journalists and graduates about the sumangali system, labour rights and children's rights.

Hundreds of girls have already called a helpline set up to advise them on and assist them with their problems with employers. The TPF's vehement lobbying and publicity work has ensured that journalists, trade unions, international branded goods companies and government officials have become receptive to the problems faced by, and rights of, the girls and young women working in the Tirupur district's textile industry.

For many years now, Terre des Hommes has been working closely with a number of TPF members' organisations, including CARE-T, the Community Awareness Research Education Trust. Apart from its work within the TPF, CARE-T directly helps hundreds of girls each year that are either working under the sumangali system or that have done so in the past. They are registered and asked about their problems, (professional) prospects and wishes so that they can receive the best possible advice and support to help them achieve a secure existence. CARE-T reintegrates (former) child workers into the state school system and offers educational and training courses, including in sewing, IT and nursing. Many school-leavers and graduates find decent and worthy work as soon as they finish their training.

If an employer violates his employees' rights then CARE-T organises legal assistance; in addition, it helps extremely poor families to apply for state social security schemes, something that is a major challenge as many agencies are corrupt, and applications simply are shuffled from one official's desk to another.

Child labour in zari workshops

In Sangam Vihar and Tughlakabad, two districts of New Delhi, many embroiderers and clothing manufacturers, so-called zari workshops are based, which produce for the national and international market. These are small enterprises which are housed in cramped premises and are not registered as firms. The workers, almost exclusively men and boys, are predominantly migrants from rural regions who have settled in these districts and accept any work in order to make ends meet. The workers include many boys and young men aged from 10 to 20 years, who have been sent to Delhi by their families from the poor federal state Uttar Pradesh in order to support parents and siblings financially. They often come from Muslim communities which are known for the decoration of fabrics and garments. Many workers and their families are landless and subjected to debt bondage. The parents send their sons to work in the enterprises of fellow villagers because they trust these or owe them money. In spite of the close relationships, or indeed because of them, the boys and men are exploited in the workshops (ASI 2012).

The factories in which children work are often located in cellars since the rooms cost less and the children do not attract attention there. The workplace is often simultaneously also the workers' cramped living and sleeping space. They work without daylight and under poor hygiene conditions. Payment is made on a piecework basis, however, the payment is set so low that the boys have to work extremely long hours to make ends meet. In one documented case, the workers earned only 7 rupees per finished shirt and would have had to work 18 hours a day to earn the legal minimum wage (ASI 2012: 12). In Delhi there are state inspections to combat child labour, but the inspectors are regularly bribed, so that hardly any cases are discovered or ended.



Far removed from any control: many children work in so-called home based-units

4.2.4 The carpet industry

India is the world's largest exporter of hand-woven carpets, which are mainly produced in the "carpet belt" in the north of Uttar Pradesh. But carpets are also woven in other Indian states, especially in the north and north-west. The neighbouring countries of Pakistan and Nepal are also important carpet producers. Although the international community has been aware of the appalling working conditions and exploitation of children in the carpet-making sector since the 1980s, the number of children involved in these three countries is still high. Data on the exact number of those working in the sector greatly varies, ranging from just 300,000 to two million (USDOL 2012c: 9; Kara 2014: 33).

According to a study of the U.S. Labour Department, around 57,000 of the approx. 430,000 people working in the carpet-making sector are children aged between 5 and 17 years, 13,000 of whom are in India, 33,000 in Pakistan and about 11,000 in Nepal (USDOL 2012d: 11; USDOL 2012b: 4, 5). Children therefore account for 13.4% of the workforce in this sector.

According to another study, approx. 400,000 children work in forced labour in the Indian carpet-making sector, which corresponds to 20% of the total number of two million workers (Kara 2014: 6, 33).

Poor working conditions

Especially children who have migrated from their place of origin to other regions, are particularly vulnerable to become exploited as bonded labourers in carpet factories. The wage advances (for travel costs and accommodation) are paid as a loan subject to high interest rates. This can lead to permanent indebtedness, from which the victims cannot escape by themselves. The food and lodging in the factories is often of poor quality: the children sleep on the floor, cook their food on makeshift fires outside and work long hours under conditions that are dangerous as well as hazardous to their health. Fibres and dust lead to respiratory problems, chemicals for treating threads and carpets carry the risk of poisoning, and the long hours of working in a bent-over position affect muscles, bones and joints (USDOL 2012d: 12).

But children involved in the carpet-weaving business in their parents' home may also be victims of debt bondage and in turn forced labour, if the whole family goes into debt – in some cases purely due to renting the loom (USDOL 2012b: 11).

Carpet production in private households accounts for the largest proportion of production sites in India, with almost 80% of the workforce in the carpet sector. Nearly 93% of children who make carpets work in private households. These households are located in particular in poor rural areas and usually do not have their own land (USDOL 2012b: 4f., 10; Kara 2014).

Indian children working in the carpet sector who were surveyed as part of a study have an average age of 15 years, and less than a third of them attend school (USDOL 2012b: 6). Of these respondents, the children working in the factories have clearly longer daily working hours (an average of ten hours a day) than those making carpets in private households. 25% of children in the Indian carpet-making sector work over 43 hours a week (USDOL 2012b: 8).

Widespread forced labour

According to another study, 99.9% of forced labourers in the carpet sector (children and adults) belong to ethnic or religious minorities and lower castes (Kara 2014: 35). Due to a lack of cooperation on the part of company owners, it was extremely difficult to collate data and document instances of child labour and forced labour, but over 43% of the people working in debt bondage and forced labourers surveyed in the study were under 18 years of age (Kara 2014: 31). Many of the children identified in this study work, sleep and eat in small huts, where they live and work at the same time. Weeks may go by without them leaving these huts. Many children are sent to these huts or factories to work off their father's debts or because they have been sold for an advance payment via agents, in the hope that they will then send money home (Kara 2014: 32).



*Carpet production in private homes:
Often a result of debt bondage of the family*

The carpet campaign: successes and failures

It has been known for a long time that children work in the Indian carpet industry. As long ago as the 1980s and 1990s, national and international organisations carried out campaigns and programmes to change this – they launched projects in India that removed children from the carpet factories and placed them in schools. Consumers and carpet importers in industrialised nations were made aware of the situation the children were in, and labels were launched that guaranteed that the carpets had been produced without child labour. The carpet campaign got a lot of attention and helped to ensure that working in the carpet manufacturing sector in India was added to the 'hazardous child labour' list quoted in the 1986 Child Labour Prohibition and Regulation Act (CLPRA). Between 1980 and 2000, these measures led to a significant reduction in the number of child labourers in the Indian carpet

industry. This trend was also helped by the falling demand for expensive hand-knotted carpets and by India's declining share of the global trade in these goods.

However, it is by no means the case that child labour is no longer deployed in the carpet industry. Recent studies have shown that the carpet industry still employs a large number of children who work in hazardous conditions, some of them as forced labourers. This is especially the case for the 'hidden' child workers who work at home within their own family. In some villages and regions, the number of child labourers is even increasing. It is no longer just in Mirzapur und Varanazi (in the region known as the Carpet Belt) where children are still employed knotting carpets, but also in other districts in the federal state of Uttar Pradesh and in some other Indian states such as Bihar and Madhya Pradesh.

Whereas the child labourers used to be abducted from their villages and transported to the carpet factories, these days the knotting looms they work on are generally located in the children's home district. Usually, they work at home. The materials are provided by the customer himself, with payment being made for delivered goods. However, it is almost impossible to check up on children who work in private households, something that also makes it more difficult for projects to reach them.

The practices of working at home and piecework have existed for a long time now, but they have actually become more common since the above-mentioned carpet campaign. Carpet manufacturers are trying to avoid the international attention that has primarily focussed on the Carpet Belt region and as a result they outsource the knotting of carpets to labourers in private homes. The shift from the official to the informal work sector and piecework make it very difficult to monitor employment conditions using such measures as child labour free labels. Carpet firms' claims or guarantees that their carpets are produced without child labour are very dubious. After all, most carpets are (partly) produced in private homes, which is a working environment that is very difficult to monitor.

The conditions experienced by those children whose families work in this industry would probably be much worse without the carpet campaign. However, the activists have to accept that there have been some failures too - for instance that some children liberated from carpet factories started working in other industries. In practice, hardly any progress has been made in implementing the legal rules to protect child workers, as the labour ministry with responsibility for this is overstretched. The situation regarding children's education continues to leave much to be desired: many child workers who were integrated into schools have dropped out of the school system again, because of the poor quality of education or the continued need to provide the family with an income.

"There are several reasons why the campaigns were not able to eradicate child labour from the carpet sector. Most of these programmes and campaigns were focused on rescuing children from work. However, very few efforts were made to address root causes of child labour. It is necessary to ensure employment to adults with fair wages and other entitlements, like land rights for the family, to ensure that the child is not engaged in economic activities. Basically we need to strengthen the family to stop child labour.

Most of the campaigns focused on children but not much attention was paid to working conditions in looms (for both adults and children). Monitoring working conditions became more and more difficult with contract based work and the shift of production to private homes. Who should be made responsible for poor lighting, excessively long working hours and generally inhumane conditions?

A further problem is the extremely poor quality of education in India: many villages have no schools at all, whereas in other villages most schools have closed. In many cases, the children are still unable to read or write even after attending school for four or five years, because of the poor quality of education. The quality of schooling needs to be improved, so that more children would see that it makes sense for them to attend school instead of go to work."

Kishore Jha, Terre des Hommes Germany programme coordinator in Delhi

4.3 (Forced) labour in domestic servitude: the cases of Haiti and Nepal

In the public discussion on forced labour of children, there is hardly any mention of work as domestic labourers in private households. However, this is a widespread phenomenon. In many countries, the number of children working in households and subjected to forced labour is even thought to have increased in recent years as a result of a growing middle class in developing countries. Admittedly the situation in Haiti is very different from that in Nepal, but at the same time the country examples display many common features as regards the causes and manifestations of forced labour in households.



4.3.1 Work in hiding

According to the ILO, children aged from 5 to 17 years who undertake household tasks for an employer or a third party are regarded as child domestic workers, irrespective of whether or not they are paid for this. According to this definition, world wide in 2008, over 15.5 million children were working in households. 10.5 million of these, on account of their young age, the high number of hours per week or the nature and hazardousness of the work, are subjected to exploitative child labour. Here, girls are clearly overrepresented in all age groups; they make up over 7.5 million, or more than 71% of the child domestic labourers (ILO 2013b: 22; ILO-IPEC 2013b:19, 21f.). While in other sectors the number of working children decreased between 2008 and 2012, in the domestic labour sector it increased to 11.5 million in 2012, which is up by 1 million as compared to the statistics for 2008 (ILO-IPEC 2013a: 8).

Cleaning, cooking, ironing, doing laundry:

Restaveks in Haiti work 70-80 hours per week

Total control

Children who work as domestic labourers are in a situation where they can particularly easily be exploited. They often live far from their home directly in their employer's house, where they are all the time accessible and controllable by the latter. Many of them have extremely long working hours, must always be available on call and do physically heavy work; they have little or no leisure, and no opportunity to meet people outside the household and are therefore socially isolated. There are children who experience their new living conditions as an improvement. However, at the same time the risk to them of becoming victims of discrimination, abuse and exploitation is higher than that to other working children, as is confirmed by a study of the situation of child domestic workers in six countries (ASI 2013: 8, 17ff.).

Their tasks include the whole spectrum of household activities: cleaning, washing, cooking, ironing, garden work, fetching water, shopping and errands and the care of children and the elderly. Some of these activities are associated with great responsibility or with health risks to the children: carrying excessively heavy loads, working with knives, hot objects and fire, and poisonous chemicals are potential sources of danger. Three quarters of all children who find themselves in exploitative child labour as domestic staff perform hazardous activities. Further, one study from Indonesia found that underage domestic workers have the same volume of work as adult domestic workers, which adversely affects their health (UN 2010: 8; ILO-IPEC 2013b: ix, 24, 32-34).

Domestic work is generally among the worst paid occupational groups and underage domestic staff is as a rule still worse paid than adults. Their activity is often not regarded as employment, but rather for example as a socially recognised opportunity for girls to gather important skills for their future role as wife and mother. The ambivalent position of the domestic staff on the one hand of living in the employer's household, but on the other of not being a recognised family member, can also weaken their position (ILO-IPEC 2013b: 3, 27; ASI 2013: 16).

Children mostly begin their work as domestic staff because the economic situation of their family requires it: in many cases, however, they also link their work with the wish to start or continue education. However, this hope is often not fulfilled; the number of children going to school among child domestic workers is lower than among other groups of working children. In Southern Asia, it is not unusual that children pay off the debts of their family through their work as domestic staff. In Bangladesh there is even a special term for live-in child domestic workers, referring to their slavery like condition, namely *bandha*, what literally means: bonded. The ILO assumes that a significant number of underage domestic staff are subjected to debt bondage, human trafficking and a slavery-like status (ILO-IPEC 2013b:ix, 1,9f., 14f., 37f.; ASI 2013:8, 21).

4.3.2 Forced labour in Haiti

According to the "Global Slavery Index", modern forms of slavery are widespread in Haiti, coming second only to Mauritania. Haiti is at the same time a country of origin, transit (mainly into the USA), and destination, of human trafficking which often ends in slavery. Furthermore, there are reports of the abduction particularly of women and children into the adjacent country, the Dominican Republic. Most of the people who are subjected to forced labour in Haiti are locals, who are abducted within the country. Inter alia, they work in agriculture or the construction sector or become victims of sexual abuse (Walk Free Foundation 2013: 8; UN Human Rights Council 2009: 9; Metzner/Macchiavello 2013: 8; USDS 2013: 187, 87).

Restavek

However, the biggest problem in Haiti is the enslavement of children as domestic servants. The so-called *restavek* practice originally describes the tradition that poor families from rural areas hand over their children to more affluent relatives in urban centers where the children work unpaid in the household and as compensation for this should receive food, a school education and better life prospects. However, nowadays this originally socially cohesive system is severely abused (Walk Free Foundation 2013: 36; Metzner/Macchiavello 2013: 8). The direct contact between the families has by now often been lost. The placement of the child habitually takes place via middlemen/women, so-called *koutchyés*. These collect children in the country and bring them to families in towns which are mostly unknown to the child's parents. Because of this anonymity, there is the danger that the contact between the parents and their child is completely lost (UN Human Rights Council 2009: 9).

According to estimates, in Haiti at least 150,000 and up to 500,000 children, this means one in ten children, is subjected to restavek. Most of them are aged 11 to 17 years (USDS 2013: 187; Walk Free Foundation 2013: 36; USDOL 2012: 15).

The children's tasks are diverse. They include doing the washing, ironing, cooking, cleaning, looking after younger children, fetching water from the well, burning garbage, emptying the bedpans and shopping in the market. For this, they usually have to get up at dawn and work 70 to 80 hours per week (UN Human Rights Council 2009: 9; Metzner/Macchiavello 2013: 8).

Hope of school education

According to estimates, only approx. 20% of restaveks are allowed to go to school. Access to medical care is available only to a very limited extent or not at all and many of them are undernourished and get too little sleep (Walk Free Foundation 2013: 37). In addition to this neglect, there is active discrimination and violence: restavek children are often exposed to the physical and mental violence of their foster families. This ranges from blows and harassment to sexual abuse in approx. 30% of cases (Metzner/Macchiavello 2013: 8). This practice is confirmed by the fact that restavek girls in Haiti are sometimes called *la pou sa*, the Creole expression for "there for that", which is an oblique reference to the sexual abuse (ILO 2013c: 36).

The fact that the employers of restaveks are nowadays mostly also poor families and live not only in large towns but also in provincial towns or in slums of the large towns has exacerbated the dire living conditions of the restaveks. Cité Soleil, the biggest slum in Port-au-Prince, has the highest proportion of restavek children: 40% of all children in the slum. About one third of the children work for at least six years in the same family (UN Human Rights Council 2009; USDOL 2012: 4, 15). Many runaway restaveks become street children. On the street they are an easy victim for further abuse, acts of violence and are potential members of gangs (Metzner/Macchiavello 2013: 9).

On the other hand, a survey shows that by no means all restaveks feel badly off. From the children's point of view the picture is mixed. Some children even feel better off in the employer's family than in their own biological family and report good treatment and regular school attendance (USDOL 2012: 30 ff).



In Cité Soleil, the largest slum of Port-au-Prince, 40% of all children are restaveks: they often become victim of sexual abuse

Root cause: poverty

The causes of the restavek system lie above all in poverty, the poor infrastructure and major failings in governance (for details see Table 7). In rural areas, the risk to people is still greater than in towns since extreme weather events such as hurricanes can annihilate entire harvests at a single stroke (Metzner/Macchiavello 2013: 8).

According to statements by parents, the lack of access to school education is the main reason why they send their children away as restaveks. As a result of the severe earthquake in 2010, the situation has deteriorated still further. Women and children who are still living in Haitian internal refugee camps are particularly at risk of becoming victims of people trafficking. Apart from this, many experts also see the culture of slavery inherited from European colonisation as a cause of the restavek system (USDS 2013: 19 f., 187).

Inadequate government programmes

The government is attempting to counteract this by launching a programme to make education free and mandatory. However, this programme is inadequately implemented and there are accusations of corruption (Walk Free Foundation 2013: 37). Furthermore, the powers to enforce the implementation of existing laws are very weak, with the result that children are not protected against forced labour and perpetrators go largely unpunished (Metzner/Macchiavello 2013: 8).

Restavek children on their working and living conditions in the host families:

"No, there's hardly anything here I like. I'd really prefer to go home."

"I like living here because I get on well with the daughter of the lady I work for. I like it when the children play with me, but I don't like it when I'm told off."

"I generally get up at 5 [a.m.], but if there are still chores remaining from the previous day I get up earlier, around 4 [a.m.]. I'm the first to get up and I have to wake the lady's daughter since she has to go into the city early. Then I clean the house and put the dishes in the kitchen. After that, I cook the beans so that the daughter can prepare food when she gets back. I have to be at school by 9 [a.m.]".

source: USDOL 2012: 30-31

A mother about the decision to give away her children:

"It was because I didn't have the wherewithal to look after them properly. Their father died on January 12th [2010 Earthquake]. I don't work, apart from doing a bit of laundry from time to time. With the small amount I made I couldn't look after them. There were times when I couldn't even feed them. All I could do was [to] have them placed somewhere".

source: USDOL 2012: 20

4.3.3 Kamalari in Nepal

In Nepal there is a decades-old tradition according to which young girls from the Tharu ethnic group in South Nepal work for several years as domestic helps in landowner's families or in city households, called *kamalari*. Many of them begin to work even before they are 14 years old and are paid little or not at all. Often families send their daughters away as kamalari in order to obtain urgently needed loans, for example to pay doctors' bills. Apart from these sums, the girls are often paid no money, although they frequently have to work from morning to evening seven days a week. In many cases, they take on the entire housework of the family or even of several families, get up before everyone else and go to bed last. Since they mostly live in their employers' households, they are available at all times and have no possibility of protecting themselves against exploitation.

Ex-kamalaris started a non-governmental organisation

A movement of former kamalari, called the Kamalari Forum, is committing itself, with increasing interest from the public, to the abolition of the "tradition" and has already achieved some successes. Several districts have declared themselves as kamalari-free districts and many girls could be freed from sometimes extremely bad conditions. Nonetheless, again and again there are instances of suicides and "accidents" among kamalaris who break down under the pressure and the exploitation. The Kamalari Forum is drawing attention to the situation of the kamalari with street theatre and is making school- or vocational education possible for former kamalaris.

Urmila Chaudhary, the president of the Kamalari Forum was herself from the age of 6 to 17 years a kamalari in the household of a respected politician in Kathmandu. She began this work so that her brother could buy medicine for his sick wife with the 4,000 rupees (approx. € 40) obtained and in the hope that her female employer would enable her to go to school. After she left her employer in 2007, which she experienced as liberation, she was finally able to start school. She would like to sue her employer for payment of the wages to which she is entitled. She has published her story in an autobiography. Concerning the end of her kamalari time, she writes:

"When the heavy iron gate of the villa which had for so long been my prison clicked shut behind us, I suddenly felt a gigantic feeling of relief spreading within me. (...) I felt as if a load had been taken from my shoulders, which had been pressing me to the ground all those years. For all those years, I had been "just" a kamalari - sold to serve and to work for others. Nobody had ever asked me what I wanted. And I had never before dared to hope that that would ever change. An enormous feeling of joy filled my heart. My whole body tingled. From now on, I myself would decide what I would do with my life".

source: Chaudhary 2011: 183, own translation from German

4.4 Child soldiers and mine workers: the case of the DR of Congo

Worldwide, international conventions and national laws outlaw the recruitment of children for military purposes. However, as is shown by the developments in the DR of Congo, chaotic war situations repeatedly result in children having to undertake forced labour for militias and armies. Also in the case of the DR of Congo, it can be shown that the existence of largely lawless areas have lead to forced labour in another sector in which child labour in general is outlawed: work in the mining industry.

4.4.1 Child soldiers in use worldwide

In the past, it has repeatedly happened that children were forced to fight in wars. At first sight, their recruitment appears paradoxical since in purely physical terms they are not capable of fighting like adults. On the other hand, they are not yet physically or emotionally mature and are easily manipulated. Many of the children do not go voluntarily into the army, but are forcibly recruited. Their will is often broken by use of drugs and brutal psychological intimidation. They are forced to kill, often relatives or friends. In this way their resistance is destroyed and they become particularly obedient and fearless.

Moreover, children are low-priced fighters since they demand little or no pay. They fight with weapons that are cheaply obtained nowadays on the world market, which through further technical developments have become light and easy to operate. Nonetheless, these weapons have a high firing rate (Münkler 2002: 135) capable of causing many fatalities.

The annual report “Children and armed conflict” from the General Secretary of the UN documents how the use of children as soldiers has spread further. The current annual report of May 2013 contains a list of the countries in which children become victims of recruitment or other war crimes. 22 hotspots, including Afghanistan, Iraq, Yemen, the DR of Congo, the Central African Republic, Chad, Mali, Myanmar, the Philippines, Pakistan and India, are named (UN 2013: 48-51).

In view of the unclear situation in many war regions, there is no precise information about the numbers affected. The German Coalition to Stop the Use of Child Soldiers estimates that there are 250,000 children used as soldiers worldwide. In the DR of Congo alone, there were at least 10,000 in recent years.

Child soldiers in Myanmar: cheap and easy to manipulate



4.4.2 DR of Congo: militias and the government army are recruiting children

The systematic use of child soldiers has a long tradition in the region which today forms the DR of Congo. The Belgian king Leopold II declared the region in 1885 as a private possession and exploited it ruthlessly. He placed the villages of his colony under the supervision of soldiers of the *Force Publique*, who supervised the delivery of precisely specified quantities of ivory, rubber and palm oil. If the village did not manage to deliver, draconian penalties were imposed. Many reports from missionaries, but also journals and letters of the soldiers and trading company employees involved, confirm brutal crimes, including kidnappings, murders, rapes and mutilations (Ki-Zerbo 1993: 504).

The soldiers of the Force Publique partly consisted of orphans whose parents had been murdered and who were then abducted in thousands and trained as soldiers (Wrong 2002: 51-52). In 1908, worldwide protest campaigns resulted in Leopold II having to cede his private colony to the country of Belgium. In the period of his regency, at least 3 million people died, and other sources even assume up to 10 million direct and indirect victims (Hochschild 2002: 347-361).

Children in the civil war

Since the start of the (civil) wars in DR of Congo in 1996, there have been a multitude of reports on the recruitment of children by a great variety of militias and by the government army. The various military leaders willingly resorted and resort to children as soldiers.

According to UN findings, between 1996 and 2001, when the most intensive battles took place, all conflict parties, even the Congolese government, used child soldiers (UN 2002a: 14). Even on the side of the rebel troops who overthrew the dictator Mobutu in 1998 and assumed power, at least 10,000 children fought among the troops (Watchlist 2003: 23), and the proportion of child soldiers in some of the militias active in the civil war were 50% or more (UN 2002: 19, 23-24).

In spite of the easing of the battles in most regions of the country, there are again and again accusations that militia are recruiting children, above all in the east of the country, and that underage children are used in the government army. Hence in October 2013 the UN published a study on the recruitment of children in armed conflict. The report concludes that in the last five years alone almost 10,000 children were demobilised from various armed groups. It is well known to all involved that the recruitment of children is a crime (MONUSCO 2013: 2).

Militias and army still active

The disastrous social situation in the DR of Congo and the lack of prospects cause children to seek protection and food by voluntarily applying for a job in the armies or other armed groups. The majority of them are boys; some rebel groups however also use girls (Watchlist 2003: 23). A major proportion of the children are forcibly recruited by kidnappings.

In spite of a marked improvement in the security situation, in the context of a study for the period between 1 January 2012 and 31 August 2013, alone, 996 newly recruited children were identified, including 79 girls. About 25 militias are responsible for this, with more than half of the children being recruited by only three groups. A regional hotspot is the east of the country, in which battles between the army and rebel organisations repeatedly occur, as well as skirmishes between different militias. A major proportion of the children are between 15 and 18 years old, and one third are younger than 15 years, 17 of them under 10 years (MONUSCO 2013: 6).

The children are used in various ways by the armed groups. Their duties range from work in the camps as servants through to involvement in battles as regular soldiers. In addition, they are very often sexually abused.

Government troops are closely involved in these developments since Nyatura, the network of militias responsible for most child soldiers, repeatedly enters into alliances with government troops and part of the militias has been integrated into the regular army (MONUSCO 2013: 8-11). Further, according to the UN General Secretary's report on children and armed conflicts, in 2012 alone at least 20 children were directly recruited by the state army (UN 2013: 15).

Demobilisation necessary

The existence of these child soldiers impedes the creation of stable social and political conditions. The children and adolescents are aware of their crimes and are traumatised but because of their actions many cannot go back to their families and villages. Furthermore, they lack formal education, and have no training in any useful skills for peacetime occupations. They earn their living through war and for many of them their social community is the army. Thus the structure and financing of demobilisation programmes of the UN and non-governmental organisations is of central importance for the creation of lasting peace.

Statement by a 15-year-old boy who was previously in an armed group:

"We are put on the frontline because children are not scared of fighting."

source: MONUSCO 2013: 1

Statement by a 17-year-old boy who was previously in an armed group:

"I stole my first gun, when I was 10. It was a flintlock. By the time I became a captain at 14, I had many guns. I led 50 people, both children and adults. There were about 30 children in the unit. The youngest was 10 (..) I don't know how many people I killed. The youngest was a girl about six. She was shooting at me."

source: IRIN 2014

4.4.3 Work in mines and quarries

In many countries, children work in mines and quarries, albeit not in large enterprises, but rather in small operations, often working at the boundary of or outside legality. The ILO estimates that up to a million children are employed in this sector worldwide and classifies the work as hazardous on the basis of the high health risks associated with it (ILO 2011: 32-36).

Other estimates arrive at a far higher number of children. Apparently at least 25 million people worldwide, a large proportion of them in the gold sector, are working under socially and ecologically damaging conditions as artisanal miners and in quarries. The proportion of children in the number of employees is different depending on the region. In Asia it is presumed to be about 10%, in South America up to 20% and in some African regions between 40 and 50% (Hütz-Adams/Müller 2012: 6, 13-17).

A large number of studies confirm that the children often live under extremely adverse conditions and some of them are forced labour victims. In West Africa, the children who are en route as migrants, often crossing borders, and finding work in quarries and in mining, are particularly at risk (Thorsen 2012: 5-7). In India, children who originate from excluded social strata often work in quarries. They work with their families since these have to pay off debts which often originate from debts to the quarry owners (Hütz-Adams 2006).

4.4.4 DR of Congo: Forced labour in the mines

According to estimates, in the east of the Democratic Republic of Congo 2 million people are working in mines. They mine gold, cobalt, tin, tungsten, tantalum and diamonds for the world market. The working conditions are often catastrophic and there is a lack of work and safety equipment, which leads to a large number of accidents. A considerable proportion of the workers in the mines are child labourers.

During the civil war it could sometimes be openly observed that militias or government groups had forced people into the work. In spite of the pacification of the major part of the mining areas, forced labour still seems to be the order of the day, as is confirmed by a study from 2013. In the province of South Kivu, surveys were carried out in several mining areas, in which about 2,500 people are working, and looked for forms of forced labour. Among the 931 persons specifically selected and interviewed in detail, 866 could not freely decide whether they wished to continue working in the mines. Again, 203 of these, i.e. 23%, were younger than 18 years. Most of them had migrated into the mining areas from adjacent regions. Two thirds of these children are subjected to the worst forms of child labour. The work is very hazardous to health. Girls are also at risk of being forced into marriage or prostitution (Free the Slaves 2013: 13-20).

Hazardous labour: children working in a copper mine in Katanga, DR of Congo



More than 90% of the people affected are not able to feed themselves adequately, pay school fees or call on medical services. The majority of them have fallen into slavery because of debts which arose in order to finance initial investments (tools, equipment, food) when the people started to work in the mines. Many women are enticed into the mining areas with false promises and forced into prostitution, and a major proportion of them are underage (Free the Slaves 2013: 16-18).

Activities of non-governmental organisations

The government of the DR of Congo at times has largely retreated or has to retreat to the east of the country because of the power of rebel organisations. Furthermore, in many regions there is neither a rudimentary infrastructure nor a functioning administration. Where there are attempts to improve the situation of children, it is often non-governmental organisations and churches that are active.

Here one approach to the reduction of forced labour is being promoted by Free the Slaves. The organisation has been active in the east of the Congo for several years and is closely cooperating with local partners in the province of North Kivu. A comprehensive approach has been developed for ending slavery in the mines. The work begins with investigations of the extent and nature of the forced labour, and moves on to further education of those affected concerning their rights and dialogue with the communities affected in order to create local awareness of the problem. In the communities, committees of volunteers are set up. In the process, care is taken also to include communal government representatives in the programmes. The aim is to create the awareness among stakeholders that every form of forced labour must be ended. In addition, attempts are made to exert pressure on the government, so that the latter take its responsibility and both controls the trade in mineral raw materials more strictly and also builds up workable administrative structures which are capable of enforcing justice and law (Free the Slaves 2013: 23-27).

4.5 Ivory Coast: Forced labour in cocoa cultivation

While in developed countries chocolate is a luxury product which has by now become very cheap, the cultivation of the raw material cocoa means hard labour for the farmers. Long-term falling prices have contributed to the impoverishment of many people in the cultivation areas. Closely connected with this are reports of forced labour of children in cocoa plantations.

Impoverished small-scale farmers

At present, worldwide about 5.5 million small-scale farming families are planting cocoa trees. Most of them obtain the major part of their income from the sale of cocoa and are thus extremely dependent on this export product. Furthermore, many also hire harvest helpers, so that the number of people directly or indirectly dependent on cocoa cultivation is several tens of millions. A major proportion of them live in poor regions; about 75% of the harvest comes from the West African tropical belt alone, where the cultivation of cocoa is of great importance for the population.

Just a few decades ago, many cocoa growers in West Africa were relatively well off compared to the producers of other products and many were able to send their children to school. However, the prices fluctuate greatly and have fallen deeply over the long term. Corrected for inflation, one tonne of cocoa costed more than 5,000 US dollars in 1980, and in 2000 it was 1,200 US dollars (ICCO 2012: 28). Admittedly in spring 2014 the price for standard cocoa increased to about 3,000 US dollars per tonne, but it is still far below the value in former decades.

The number of reports of child labour increased drastically when the price fell. The farmers no longer had an income which allowed them to hire adults as harvest helpers. They therefore made their own children work with them, or hired other children, who were considerably cheaper than adult employees (Boas/Huser 2006: 26ff; Bremer 2007: 3).

US action plan

In the years 2000 and 2001, press reports and studies appeared in the USA and in Great Britain concerning child slaves who were working on the cocoa plantations of West Africa. According to the reports, this practice was most widespread in the Ivory Coast, by far the largest cocoa producer in the world.

In that country, about 800,000 families are cultivating cocoa and at least 6 million people make their living from this sector, almost one third of the population. Also, 94% of the plantations are only between one and three hectares in size (Republic of Côte d'Ivoire 2008: 7, 15; TCC 2009: 6).

In the USA, several politicians reacted to the studies on child slavery with the proposal to legally prohibit cocoa importation from countries in which child slaves are working. This would presumably have had the effect that in the absence of transparent trading routes no cocoa would have been allowed to be imported from West Africa, from where about three quarters of the world production comes. Cocoa and chocolate processors began intensive lobbying work and succeeded in replacing the law with a voluntary agreement: in 2001, associations of the cocoa and chocolate sectors signed the Harkin-Engel protocol, named after congressman Eliot Engel and senator Tom Harkin. It was agreed to abolish the worst forms of child labour and above all forced labour by the year 2005, but with no comprehensive action against abuses in cocoa cultivation. In the subsequent period, several studies confirmed that there is a great need for action, particularly in Ghana and the Ivory Coast. However, for a long time no specific projects for improving the situation made any headway. Hence in 2005 the companies agreed with Eliot Engel and Tom Harkin on deferment of implementation of the protocol to 2008. In 2008, a fresh deferment to the end of 2010 was agreed (Hütz-Adams 2010: 43-52) – and in 2010 it was recorded that it was now desired to reduce the number of children living under the worst conditions by 70% by the year 2020.

The legal situation in Ivory Coast

Many forms of child labour and all forms of forced labour are illegal in the Ivory Coast. The country ratified the ILO Conventions against the worst forms of child labour (C182) and for the minimum age for admission to employment (C138) in 2003. Furthermore, there are national laws which allow light work from the age of 12 years only in exceptional cases, and in households and the agriculture sector from 14 years. For all children in the age group from 6 to 15 years mandatory schooling applies (ILO 2007: 12). In addition, laws prohibit children from felling large trees, engaging in slash-and-burn, using chemicals, spreading fertiliser or carrying heavy loads (Payson Center 2009: 133).

The greatest danger of drifting into forced labour exists for the children who have come to the Ivory Coast from neighbouring countries. This applies to a large number. A study in 2012 found that in one region 54% of the children that work in plantations came from outside the Ivory Coast. However, there is no effective recording of the actual extent of forced labour (FLA 2012: 41).

According to estimates, a quarter of the cocoa plantations are cultivated by people who have migrated from adjacent states, most of them from Burkina Faso and Mali. Almost 90% of the labour force who are hired for the plantations originate from the states adjacent to the Ivory Coast (Republic of Côte d'Ivoire 2008: 37, 54ff). Hence migratory movements are usual, particularly during the month-long cocoa harvest period, and have a long tradition.

Child trafficking widespread

Child labour in cacao cultivation is common. According to a study from 2009, about 820,000 children are working in the cocoa sector in the Ivory Coast, about 260,000 of them to a degree which contravenes ILO Convention Nos. 138 and 182. Half of the children interviewed stated that they had injured themselves at work during the previous 12 months. This included open wounds, insect bites, and muscle and back pains. In addition, almost 80% of the children complained about the carrying of excessively heavy loads. Only two thirds of the children in the age group up to 14 years were going to school. The situation is worst for the children who are not living in their own family. Among these, only 39% of the boys and 22% of the girls go to school. The number of children who live on a farm without mother or father, which is estimated to be 147,749, amounted to 18% of the children working in cocoa cultivation, and about 21,400 of these children did not originate from the Ivory Coast (Payson Center 2009: 56-80; Republic of Côte d'Ivoire 2008: 41, 67).

Again and again there are reports that children from the adjacent countries Mali and Burkina Faso are sold to cocoa farmers in the Ivory Coast. Exact figures are not available, but presumably many thousands of children are working under slavery-like conditions on the cocoa plantations.

Diverse approaches

Admittedly the Harkin-Engel protocol has not resulted in a comprehensive solution being reached within the cocoa sector, however, at least by now there are initiatives from government agencies, many companies and non-governmental organisations in order to improve the children's situation.

In recent years, the government of the Ivory Coast has massively intensified its efforts for combating forced labour. National committees have been founded, alliances in the cocoa sector concluded, for example with international initiatives, and the attempt undertaken to enforce the existing prohibitions of forced labour and the worst forms of child labour (Global March Against Child Labor 2013).

However, the basic precondition for a sustainable improvement in the situation is that the income situation of the families improves. Hence investments are necessary both in the cocoa sector in order to increase productivity and enable diversification of the cultivation, and also in the infrastructure of the villages. In addition, a discussion is necessary as to how high the cocoa price would actually have to be in order to guarantee the families a decent livelihood.

4.6 West Africa: migratory movements and forced labour

Worldwide millions of children leave their families each year in the search for work. Some of them go out of pure necessity, others seek prospects for their future life. In particular, there are many children in West Africa who travel without their legal guardians, where some of them become victims of forced labour.

Children seeking work

In West Africa, reports on trafficking of children for the purpose of forced labour, repeatedly make the headlines. For example at the start of April 2014, in an operation coordinated by Interpol in the Soubré region in Ivory Coast, 76 children were detected who mostly originated from Burkina Faso and Mali. Eight human traffickers were apprehended, who were apparently to bring the children to gold mines and cocoa plantations (Interpol 2014).

At present there are no reliable data as to how many children are en route in West Africa, but hundreds of thousands, if not indeed millions, are probably affected (Terre des Hommes et al. 2012: 28). The majority of them are en route within the region of West Africa, only a few migrate to Central Africa, to the Maghreb or to Europe. In some regions of West Africa, a large proportion of the children living in the villages say that they have already taken part in migration or are still planning to migrate. Particularly in rural, poor areas, there are regions in which a large proportion of the children are en route. Younger children aged between eight and twelve years often work for a short time during the harvest season in the nearer vicinity, while the older children sometimes travel long distances (Terre des Hommes et al. 2012: 15).

In press reports, migrations of underage persons are often equated with child trafficking and forced labour. In this, often no distinction is made between the cases in which children are voluntarily en route and those in which there actually is forced labour. Here, especially because of the reports about forced labour in the cocoa sector (see chapter 4.5), in recent years a number of studies have appeared which are concerned with

Young man, Burkina Faso:

"If you were born in the village and that you grew up without going to Côte d'Ivoire, you're not a real man and you will be below those that have been there."

Boy aged 14, Mali:

"My situation has improved since I have paid an ox, and sheep. If I had not gone, I'd never have had all these cattle."

Boy aged 14, Benin:

"In the past January-February, two children left the village although the parents did not oblige them. The idea of these children is just a form of initiation. Those who go on an adventure change their behavior when they return, their clothing also changes. And they have bikes, they move as they want. They no longer depend on their parents. As others see them, they envy them."

Girl of the Senufo tribe, Côte d'Ivoire:

"You are forced to be guardian of tradition. But we, the youth of today, our lives are different from that of our parents. So, if you do not want, you will have to leave to go on exodus and some do not come back."

source: Terre des Hommes et al. 2012: 25, 26

the situation of children in West Africa. These studies confirm that there is trafficking of children and forms of forced labour which must be combated. These cases relate to some of the children who are en route in West Africa. However, migration does not automatically mean child trafficking or forced labour. On closer inspection, there are a multitude of reasons why children leave their home villages and are en route within state borders, but also across borders, to find work. This ranges from a strategy of surviving in a very poor economic situation, to the search for a better life or an identity of their own (Terre des Hommes et al. 2012: 4; Massart 2012: 5, 26).

Risks and opportunities

For many children, migration is attended by major risks, since there is a close connection between mobility, termination of school education, work, exploitation, maltreatment and abuse. At the same time, however, new opportunities also open up for at least some of the children (Terre des Hommes et al. 2012: 4, 11).

So as to be able to better assess risks and opportunities, a distinction must be made in West Africa between different forms of child mobility. Some of them are handed over by their parents or legal guardians into the keeping of other persons so that they can find work or receive an education. In Ghana for example, there are often networks in which children move. In their target region, they find accommodation with relatives or trusted persons whom they know from their home villages (Massart 2012: 18-19). In other cases, children migrate only seasonally, sometimes alone, sometimes as a group, to find work. However, some children are enticed away and run a high risk of becoming victims of the worst forms of child labour and forced labour (Terre des Hommes et al. 2012: 14).

Fewer than 20% of the children in West Africa work in fields which contribute to their education. Many of the children are of an age at which they may already undertake light work, but it is widespread that the children have to engage in the worst forms of child labour and are massively exploited. There are already risks during the journey, since they are travelling far away from the protection of the family (Terre des Hommes et al. 2012: 18-19).

Within the Ivory Coast, children are working who became victims of forced labour, mainly in the agricultural sector, but also in mines, in the services sector and the construction sector. In addition, girls often work in households or become victims of sexual exploitation (Global March Against Child Labor 2013: 6).

In Ghana, the cocoa plantations are no longer the preferred aim of the migrating children. In recent years, many have been going into, mostly illegal, small gold mines. They hope for high incomes, however, because of the high risk of accident and the use of mercury the work there is extremely dangerous. Surveys show that in the eyes of the children this is a temporary solution. They would most prefer to go to the largest towns of the country, where thousands of children are now already to be seen carrying loads, while others

are working as small traders or in households. Many of them are only 12 to 14 years old at the start of their journeys. However, rather than moving into towns, the children would still more prefer to travel to Nigeria or even to go to Great Britain and the USA (Massart 2012: 26, 29-22).



"No to child trafficking": partners of Terre des Hommes explain about the dangers that children should be aware of during their travels

Comprehensive approaches necessary

In recent years in West Africa, there have been a multitude of activities by governments, multinational agencies, non-governmental organisations and organisations for development cooperation which aim to combat child labour. In order to improve the situation of the children, it is necessary to start in the home communities. Only when they see a future there, will at least some of them no longer wish to migrate. In addition, facilities must be created to protect children who nonetheless migrate, whilst they are en route and to prevent them falling victim to forms of forced labour. Hence comprehensive solutions are necessary which both address the economic causes for the migration of children and also enforce existing laws in order to create an adequate scholastic infrastructure. For children who are nonetheless in migration, a safe environment must be created (Terre des Hommes et al. 2012: 34-37; Massart 2012: 52-66).

4.7 Slavery in marriage? Forced marriage and forced labour

At first sight, it may seem surprising to associate the marrying of children with forced labour. However, a large proportion of the children who are married before reaching their 18th year cannot themselves decide how they wish to organise their life and whether they wish to marry. Hence a coercion is exerted which has a decisive influence on the rest of their life. Furthermore, a proportion of the children thereafter live under extremely bad conditions, without being able to escape these.

Human rights are disregarded

In the Universal Declaration of Human Rights from 1948, it was stated in Article 16 that men and women enjoy the same rights when entering into marriage and also in the dissolution of the marriage. This is unequivocally stated in para. 2:

“Marriage shall be entered into only with the free and full consent of the intending spouses” (UN 1948).

Further UN conventions, regional agreements and national laws are intended to protect children from being married against their will. However, there is no uniform age rule. It is striking that the regulations give girls markedly fewer rights than boys. In 2010, girls were able to enter into a marriage without consent of the parents or other legal guardians in 158, while for boys this was the case in 180 countries. At the same time, 146 countries allowed a marriage for girls before the age of 18 if guardians consent, while for boys this was the case in 105 countries. In 52 countries, even girls who are younger than 15 may marry with parental consent; for boys, this is the case in 23 countries (UNFPA 2012: 12).

While in developed countries marriage partners are under 18 years on entry into marriage only in exceptional cases and with consent of the parents, the marriage of children is still widespread in many developing and emerging countries. Apparently in 61 countries at least 20% of children marry before they have reached their eighteenth year (UNFPA 2012: 26).

Millions affected

A survey among 20 to 24 year old women from developing countries found that worldwide 34% of them, in 2010 this corresponded to 67 million women in this age group, have married before their eighteenth year, and 12% even before their fifteenth birthday. There are major differences between the countries. In the least developed countries, the proportion of married girls under 18 is just under 50%. The greatest number of married underage women is found in Niger where 75% of girls marry before reaching their eighteenth year. The rate is not much lower in Chad (72%), Bangladesh (66%), Guinea (63%) and the Central African Republic (61%). The number of those affected has remained relatively constant in the last ten years, and the proportion of those affected in this age group is considerably higher in rural areas (44%) than in urban areas (22%). Furthermore, the statistics show that girls without any education are much more often married before reaching the age of 18 (63%) than those with elementary school education (45%) or a higher educational qualification (20%). A further influencing factor is the income of the families. More than half of the girls from the poorest 20% of households marry before their 18th birthday, whereas with the richest 20% it is only 16% (INICEF 2012: 8-10; UNFPA 2012: 22-23, 35).

The statistics from the countries in which many children marry show that even within countries there are great differences in the number of married children. In India for example on average 47% of girls marry as minors, but there are federal states in which fewer than 15% of the children are married, while in other states the proportion is over 50% (CRY 2013: 36; UNFPA 2012: 29).

In India, there are also close connections with human trafficking, since in some federal states there are considerably more men than women because of the (forbidden) deliberate abortion of female foetuses, as a result of which there is a major shortage of women which is serviced by organised human traffickers (UNODC 2013: 10-11).

Consequences often fatal

There are certainly cases where people married underage lead a happy life. At the same time, however, there are also a large number of negative consequences of early marriage, particularly for women.

This starts with the fact that very young girls in particular often have no chance whatsoever of defending themselves against marriage. They are thus coerced into a new life without being able to have any influence on this. Not only that, but the girls are as a rule entirely handed over to the new husband's family. There are many reports of violence, threats and humiliation of girls in their new families. Also, they cannot as a rule refuse if their husband wants to have sexual intercourse with them. If she nonetheless does this, the consequences are often violence and rape (Turner 2013: 17-18).

Moreover, the girls often cannot freely decide whether or not they wish to take precautions. Many girls bear their first child before they themselves reach their eighteenth year. According to estimates, worldwide, girls aged from 15 to 19 years bring 16 million children into the world annually; 90% of these girls are married. This can have enormous adverse health consequences for mother and child (UNFPA 2013: 11).

The children's situation can be still further worsened by the fact that in some countries, and here in particular in India, marriages are often entered into because the husband's family wants to take the girl's dowry. Cases of dowry murders have been documented, and many others are probably never discovered since the girl's death is represented as an accident.

Countermeasures

There are many and varied reasons for early marriages. The causes range from poverty to religious and social norms to inadequate education. This also indicates how complex the needed approach for countermeasures is (Turner 2013: 40-42). In many cases, the marriage is even intended to protect girls, however paradoxical this sounds. For example, there are press reports from camps for refugees from Syria in which girls get married in order to protect them from interference in the in part lawless environment there.

A central aspect in this must be to strengthen the position of the girls within families and societies, so that they can overcome existing social norms and gain access to opportunities for education. Politics can contribute to this by improving, and above all enforcing, laws. Also, it is by now undisputed internationally that 18 years should be enforced as the minimum age for marriage (UNFPA 2012: 51-58).

Child bride in Bangladesh:

"I was so young I didn't even know what marriage meant when I got married".

Boy in Pakistan about his marriage:

"I understood the situation ... I agreed with the decision. They did not ask me about it though. But, if they did I would never have refused".

source: Turner 2013: 17



Children in Rajasthan in front of a wall with the text: "Girls, marry when you're 18 and get children at 21".

4.8 Commercial sexual exploitation of children

The statement that the data situation is poor runs like a scarlet thread through all studies of the situation of children who are subjected to forced labour. While there is at least rudimentary information about some types of child exploitation, it is precisely in the field of sexual exploitation, - the type of exploitation that probably has the worst psychological and physical impact on children - where almost no data is available. Commercial sexual exploitation can be a very lucrative business for the exploiter, as can be seen by the ILO data, which indicates that two-thirds of all profits from forced labour come from this sector alone (Table 7).

Widespread abuse

UN conventions for the protection of human rights and the UN convention on the rights of the child, ILO convention No. 182 and a multitude of national laws are intended to protect children against being forced into prostitution. In this field, there is no grey area as to what is or is not allowed: the prostitution of children is always forbidden.

Nonetheless, according to ILO information about 1 million children are subjected to sexual exploitation. This would be almost one fifth of all children subjected to forced labour (ILO 2012a: 13-15, see table 2).

Other sources cite considerably higher figures. From India for example there are a large number of reports on the existence of widespread trafficking in children who are sold into the country's red light areas. Many of these children derive from the poor regions of the country, others from neighbouring states or even from more distant rural areas. One study speaks of 1.2 million children subjected to prostitution in India alone, but the number is based on estimates by police agencies and not on valid studies (UNODC 2013: 11; US-DOL 2012a: 327).

The case examples of the present study show that there are also similar problems in other regions: in the DR of Congo, children are held captive by militias as sex slaves, and underage prostitutes can be encountered in the mining areas. In the descriptions of the hazards in the migrations of children in West Africa, again and again there is mention of the risk of human traffickers picking up girls and forcing them into prostitution, and there are similar reports from Haiti.

Intensified action necessary

The United Nations appointed a Special Rapporteur on the subject of prostitution of children. At the end of 2013, she stated in a report that the risks for children to become victim of sexual exploitation in recent years have increased rather than decreased. The reasons for this inter alia are economic, including the economic crisis a few years ago, but also the consequences of climate change, the weakening of the function of families as a shelter for children, widespread migrations, and the increasing profitability of trafficking of children on globalized markets linked via the internet (UN 2013a: 8-13).

Accordingly, efforts must be made on a broad front to combat the prostitution of children in a more sustainable manner. This starts with national laws, whose enforcement must be made a priority in order to put an end to the immunity of many perpetrators to punishment. In the forefront here must be the right of children to be protected against abuse and to receive effective help where crime has already been committed. In addition, the measures to uncover crimes, prosecute perpetrators and learn from one another what effective measures look like should be internationally coordinated. Also urgently necessary according to the UN is the collection of more data and information in order to be able to take specific action against the sexual exploitation of children (UN 2013a: 22-24).

5

RECOMMENDATIONS

Recommendations to national governments**Law enforcement**

A substantial body of international regulations and national laws prohibit forced labour and could and should protect children from this form of exploitation. Unfortunately however, the mechanisms for enforcing such regulations and laws are usually inadequate.

- Independent monitoring and complaints bodies could play an important role in the process of enforcing the UN Convention on the Rights of the Child – including the ban on forced child labour. They check if the Convention is enforced, and receive and process complaints on violations of children's rights. They should be funded by the State but remain fully independent and should also investigate complaints concerning children abroad. They need to receive a privileged status in the United Nations reporting procedures. An example for such a body are national Institutes for Human Rights.
- Such monitoring and complaint bodies could also be in a position to accompany and support national lawsuits of children. This is necessary as children are only allowed to file complaints about alleged violations of their rights to the UN Committee on the Rights of the Child directly if they are unable to do so nationally (OP3 of the CRC). At present, such national procedures can take many years.
- They can investigate cases in which children's rights have been violated, and bring them to the public's attention, while supporting and accelerating a solution and – if necessary – propose legislative changes.
- National action plans, aiming to enforce existing laws against forced labour and child slavery, can advance compliance of legislation. Governments are therefore urged to set up and/or expand the necessary independent bodies and equip them with adequate resources. The public should be able to access reports to ensure accountability and transparency of such bodies.

Combating poverty

One of the main causes for the continued existence of forced child labour is the economic situation of the families of these children. Studies have shown that when social welfare benefits are introduced, the numbers of child labourers drop dramatically.

- A key approach to combating forced child labour involves initiating targeted measures to combat poverty, particularly in regions from which large numbers of victims of forced labour originate. Measures such as creating decent jobs and introducing a living wage for adults play an important role in this process. To enable independently working farmers to have a dignified life and pay their workers a suitable wage, the prices for agricultural raw materials should reflect the value of the work. Social security systems that are geared to people's diverse ways of living, that are gender-sensitive and that support children and their families in cases of extreme poverty and in emergencies such as illness or death of a family member, are very important in the process of combating forced child labour. Provided those in need are aware of and can access such systems without difficulties.

Education and cultural norms

Apart from people's economic situation, their cultural and educational backgrounds are also significant factors in the continued existence of forced child labour.

- Free, mandatory and good quality education for all children is an effective instrument for protecting children from forced labour in the long term, giving them prospects for decent work in the future. It should therefore be given top priority in national budgets and in development cooperation.
- Governments, in cooperation with business associations, trade unions, non-governmental organisations, churches and other religious institutions can help to break down the acceptance of forms of forced labour in specific groups of the population, which may be based on cultural prejudice and religious factors.

Recommendations to companies, banks and investors

A large number of international companies process or use products representing a risk of forced child labour somewhere along the supply chain. The UN Guiding Principles on Business and Human Rights (UNGP, 2011) and most codes of conduct of the companies themselves, underline the growing responsibility of these companies as they become more globally active.

- Multinational companies are asked to enforce decent working conditions and social protection of workers at the sites of their suppliers around the world, including all sub-suppliers and home based producers in the informal economy, throughout the entire supply chain right down to the extraction of the raw materials. In this way direct forms of forced child labour and child trafficking can be excluded and the situation of families improved, decreasing the risk to children to get involved in forced labour.

Companies and international businesses are sometimes financed via the issuing of shares, bonds and loans.

- Banks and institutional investors are asked to only invest in companies and businesses able to prove that forced child labour is excluded in their manufacturing chains by demonstrating transparent supply chains.

Recommendations to non-governmental organisations and networks

Non-governmental organisations can make their voices heard better if they work together in networks. In addition to providing direct support services to victims of forced labour, they should also influence policy makers.

- Those affected by forced labour, particularly if they are still children, need assistance in exercising their rights and recovering from traumatic experiences. They also need socio-economic support and advice on planning their prospects for the future.
- Through campaigns and publicity work, families in areas from which most forced child labourers come, can be made aware of the strategies used by rogue traders and the risks involved in certain types of jobs and living circumstances. Public awareness of the plight of child labourers can be heightened by documenting cases, carrying out research, publishing information and initiating campaigns. Public interest will prompt governments and companies to act and improve the situation regarding forced labour and slavery.

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