

Children's Rights in European Union Development Policy

Linking child labour and education – a plausible
new policy direction?

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Executive Summary

That there is some link between child labour and education is obvious. The debate remains on the nature and strength of this link and policies to address child labour vary greatly depending on the various positions taken. This paper aims to evaluate current EU policies on child labour and education and compare these to the strategy of the Mamidipudi Venkatarangaiya Foundation in India (henceforth MVF or MV Foundation). The main objective is to establish the supremacy of MVF approach which acknowledges the crucial and inextricable link between the elimination of child labour and the universalisation of education, and to demonstrate the need to reassess current EU policies in light of this.

The research is based on a number of interviews with officials at various levels and institutions of the European Union, as well as officials from International Organisations and other European NGO's. Research also included two months with the MV Foundation in India, involving field trips reviewing the various stages of on-going MVF programs and interviews with staff members and volunteers, as well as with officials of the government of the state of Andhra Pradesh where organisation operates. Considering the extraordinary success of the MVF approach, this thesis will take the position of the MV Foundation as its basic premise, and it is from this perspective that all other policies on child labour will be discussed.

International interest on both education and child labour has grown considerably in the last decade and a number of legal documents and agreements have been established. Despite this an estimated 246 million children in the 5-17 age group are still engaged in various forms of child labour while over 113 million children continue to be denied their basic right to education. For the most part the international community treats these two problems as entirely separate issues, which is reflected both in the diversity of actors and in the individual positions taken. The prevailing view for many years has been that child labour is caused primarily by poverty. As such it is assumed that it would be impossible to eliminate child labour in the short run and that any outright bans which do not account for the economic situation of the family would do more harm than good. Instead policy prescriptions focus on the worst forms of child labour and provide solutions such as part-time non formal education for children who are seen to need to continue working out of necessity. From this perspective the link between child labour and the formal education system exists but is weakened, at least while poverty persists.

In the European Union children's rights are supported only by a limited number of legal instruments, while development policies on child labour and education remain segregated discourses. Furthermore European civil society, namely NGO's working on these issues, represent a wide array of varied approaches to child labour and its link to education. These range from positions such as that of Save the Children which recognises that child work can have beneficial effects and as such finds some forms of child labour to be acceptable; to those such as the Dutch NGO HIVOS which fully supports the MVF position that all children out of school are child labour and has launched a European campaign based on the organisations approach.

Defining a child as a person under 14 years of age, the MV Foundation believes that any child out of school is a child labourer and that *all* child labour is hazardous to the development of the child. They see the formal school as the only institution designed to protect children's rights and as such they believe that mainstreaming children into the formal education system is the only way to eliminate child labour.

The approach of the MV Foundation has developed over time and with experience into a highly integrated strategy based on a number of non-negotiable principles. The organisation blankly refutes the classic 'poverty argument' as *the* explanation for child labour. Instead MVF has found motivational factors such as the accessibility of the education system and existing social norms to have just as important a role. It is on these issues that the MV Foundation has focused in its endeavours to abolish all child labour in the here and now.

The organisations work has demonstrated clearly that poor parents are willing and can send their children to school even without monetary incentives. Throughout the project area poor parents have found ways to make the adjustments necessary for the loss of income of their child. In some cases incomes have even gone up as a result of the lack of availability of children in the labour force. The sheer numbers of children and communities reached attest to the strength of this approach. Moreover, such an impact has the MVF strategy had in the state of Andhra Pradesh where they work that it has subsequently been incorporated into a number of state projects in the region, and the government of Andhra Pradesh now uses the MVF definition of child labour as any child out of school. The MVF strategy has also been successfully replicated elsewhere; such as on the streets of Calcutta, in the far North-Eastern Indian state of Assam and also across international borders in Nepal; proving that it is applicable to working children in a wide array of different contexts.

Recently there have been a number of developments in the international milieu which acknowledge the link between child labour and education. Following growing disillusionment with the progress of the Education for All campaign and a renewed focus by the International Labour Organisation on education as a key tool to fight child labour, international actors dealing with these issues have increasingly begun to recognise precisely what the MVF have been saying for years; that the abolition of child labour and the attainment of EFA are inextricably linked and that policies need to reflect this.

In light of these developments it is imperative that the European Union takes the appropriate steps to create a coherent policy for the elimination of child labour linked to the provision of full-time quality education for all children up to 14 years of age, as stipulated by ILO Convention 138. It is important to remember that in Europe historically child labour was abolished precisely through the imposition of minimum age standards linked to the age of compulsory education. It must be recognised therefore that in order to achieve the crucial education targets set by the international community for developing countries, the EU and its members must ensure that child labour is incorporated as an essential component of all development policies dealing with education. To this end European civil society organisations will need to act in concert in order to put consistent pressure on the European Union to amend its policies in this direction.

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Introduction

The variety of views on the issue of child labour is immense. Positions range from those who believe in the right of a child to work in dignity such as a number of child workers associations¹, to those at the other end of the spectrum who believe firmly that no child should work, and instead promote the right to education.

The MV Foundation falls in with the latter. They believe that *all* child labour is hazardous and interferes with a normal childhood and the healthy development of a child. The elimination of child labour and universalisation of education are thus seen as two sides of the same coin. The link between the two is assumed to be direct and causal. From this perspective one cannot realistically hope to achieve universal education without addressing directly the issue of child labour, nor can one hope to permanently eliminate child labour without formal education. Any other type of education such as non-formal education (NFE) is considered detrimental unless used exclusively as a transitional measure, and any legislation that regulates child labour unacceptable.

Such logic, simple yet powerful, is proving to be extremely efficient and it is for this reason that this paper examines whether such an approach can also be used to promote child rights and education in EU development policy. The inherent value of education will not be questioned here rather it will be simply assumed, not only as a fundamental human right but in the conviction that, in the words of the EU Council, “education... is central for poverty reduction, the achievement of sustainable development and the construction of democratic, prosperous societies”².

Neither the European Union nor any of its members work outside of the framework of international policies and obligations. As such any attempt to reassess EU policy must take into account the existing international legal instruments in place as well as the general international setting in terms of the issues concerned. To this end this introduction will seek to outline the main international instruments concerning child labour and education as well as to assess the positions of some of the major actors concerned with these issues. It is important to note that positions vary depending on the definition given to a child. For the MV Foundation a child is an individual under the age of 14 that is under the age of compulsory education, and this paper will thus aim to concern itself primarily with this group of children. This however is difficult in some instances as most of the agencies discussed in this introduction define a child as under 18 and do not make a clear distinction between the strategies relevant for older and for younger children, in which case it has been assumed that the general strategy is applied to both.

The most important international legal instrument concerning children is the UN Convention on the Rights of the Child (CRC). Adopted by the General Assembly in

¹ NATs (Ninos y Adolescentes Trabajadores) is one such example. This movement, which begun in Peru in the 1970's, has since grown to represent child and adolescent workers worldwide in their fight for the right to work in dignity. See also work of Francophone NGO ENDA and the African Movement of Working Children and Youth (AMWCY).

² Resolution of the Council and the Representatives of the Governments of the Member States on education and training in the context of poverty reduction in developing countries, Brussels, 7 June 2002, 9692/02.

1989 it has since become the most widely endorsed treaty, ratified by all the UN member states save two. On the matters of education and child labour the Convention says the following:

Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:
 - (a) Make primary education compulsory and available free to all;
 - (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
 - (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
 - (d) Make educational and vocational information and guidance available and accessible to all children;
 - (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

Article 32

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

While Article 28 is explicit in the child's right to education the Convention is rather more ambiguous when it comes to child labour as it leaves up to interpretation which kind of work is considered to interfere with the child's development.

During the last decade international interest and activity concerning the issues of child labour and education has continuously grown. According to Alec Fyfe the growth of interest in child labour is due to a combination of two main factors; an increased focus on human rights and children's rights in particular and the movement for social corporate responsibility in the increasingly globalised world economy.

International activity concerning child rights came to the fore in 1979 with the International Year of the Child and the first concrete action appeared in the form of the CRC in 1989. Concerted action on child labour was however slower to evolve. The international community finally came together on the issue at the Oslo International Conference on Child Labour in 1997. The Agenda for action that was the fruit of this conference focuses on the "most intolerable" forms of child labour which are to be given priority while countries are advised to "*progressively* move towards the elimination of all child labour for children of school age"³. However the Agenda strongly refers to education "as one of the principal means of preventing and eliminating child labour" thus it is argued that child labour can be fought "by establishing a system of accessible, relevant, high-quality, universal, compulsory basic education that is free for all". Consequently the Agenda for action states that countries

³Oslo Conference on Child Labour - October 27-30, 1997, Agenda for action - adopted at the conference, (italics by author).

must “integrate working children, *wherever possible*, into the formal education system” and “harmonise child labour legislation and policies with legislation and policies governing basic education”⁴.

International consensus concerning education has in the last few decades united around the crucial role education has to play in both social and economic development. As such the issue has been given new international importance through a series of international conferences and calls for concerted action. The landmark event was the Jomtien World Conference on Education for All (EFA) in 1990 where delegates from 155 countries and 150 organisations came together to reaffirm the right of all people to education and set an agenda for its fulfilment. In 2000 at the World Education Forum in Dakar the vision of Jomtien was reaffirmed and a new framework for action agreed on. The goals set at these two major events have been reflected in a variety of international events, not least in the Millennium Development Goals on Education.

In addition at the World Bank Spring Meetings in 2002 a new scheme was launched entitled the Fast Track Initiative (FTI) which appeared to be a promising step towards attainment of education goals. This initiative seeks to give additional financial and technical support to states which had demonstrated a commitment to reduce poverty and in particular adopted a strong agenda for reform of their education sectors.

However, the sad story of the EFA campaign is that while moving speeches and compelling declarations are made the progress has been much slower than expected, with the donors continually shrinking back from the commitments made at these international events. Furthermore none of the number of documents that have accompanied these conferences make any substantial reference to child labour as a consideration in the achievement of education goals.

In fact this is simply a reflection of the distance that still exists between child labour and education discourses. Despite numerous developments on both fronts, which have provided countless opportunities for a strategy that would link child labour elimination and the universalisation of education and potentially bring us closer to both goals, these two spheres of action have remained largely separate. This can be seen clearly by the diversity of international actors dealing with these two issues, which are discussed individually below.

ILO/IPEC

The International Labour Organisation has the international mandate for child labour. In the first seventy years of its inception ILO concerned itself primarily with setting standards for child labour through a number of regulations on conditions but most importantly on the minimum age for entry into different types of employment. In 1973 the Minimum Age Convention 138 was passed which was to incorporate all previous legislation on the matter and has since become one of the major international legal instruments in the fight against child labour. The Minimum Age Convention 138 obliges the ratifying government to pursue a policy to “ensure the effective abolition of child labour”. To this end Article 2 clearly links the abolition of child labour to the

formal education, stating that the minimum age for entry into employment “shall not be less than the age of completion of compulsory schooling and, in any case shall not be less than 15 years”. In the case of an underdeveloped economy this age limit is lowered to 14. Light work is allowed for children over 13 and 12 in the case of poorer states. Dangerous work which is “likely to jeopardise the health, safety or morals” of children or youth is forbidden to anyone under the age of 18⁵.

In 1992 ILO launched a special department to deal with child labour in the form of the International Programme on the Elimination of Child Labour (IPEC). The initiative for this move came from the German Government which gave ILO a donation of \$30 million for a long-term campaign to combat child labour. This appears to have come as a surprise to the ILO nor was it asked for. At the time the ILO had only one project directly dealing with child labour in the Philippines. Since these humble beginnings however the Programme has expanded rapidly and presently operates in 75 countries where its main role is to provide technical assistance to national programmes.

Since the inception of IPEC a second important legal instrument concerning child labour has come into being. This is Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour which came into force in November 2000 and has since been ratified by 143 countries. It is in fact the fastest convention to be ratified in ILO history. Although this convention does not make the link between the elimination of child labour and compulsory education as explicitly as its predecessor, it is still clearly recognized. In any case it is supposed to complement rather than replace Convention 138 and its accompanying Recommendation “which remain fundamental instruments on child labour”.

The preamble of Convention 182 states that “the effective elimination of the worst forms of child labour requires immediate and comprehensive action, taking into account the importance of free basic education”. The article which refers to education most directly is Article 7.2 which states that “Each Member shall, taking into account the importance of education in eliminating child labour, take effective and time-bound measures to:” amongst others “c) ensure access to free basic education, and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labour”⁶.

The ILO has a rather dubious reputation in terms of its relationship to education and in particular NFE. According to Alec Fyfe, senior advisor on child labour at UNICEF headquarters, “IPEC has become (in terms of direct action for working children) as much as anything, a non-formal education programme” which Fyfe further argues the organisation “had acquired rather than systematically developed”⁷. A recent policy statement on child labour and education by the organisation gives us more to be optimistic about. Following a number of documents produced by the ILO in the context of the Dakar World Education Forum in 2000, a policy statement on child labour and education was issued in 2002 in the form of a fact sheet. It opens by stating that “The international community’s efforts to achieve Education For All (EFA) and the

⁵ ILO Minimum Age Convention No. 138, 1973, www.ilo.org

⁶ ILO Convention 182, Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 2000, www.ilo.org

⁷ Fyfe Alec, Child Labour and Education: Revisiting the Policy Debate , 2001.

progressive elimination of child labour are inextricably linked”. More importantly this link is recognised as a two way mechanism; while on the one hand free and compulsory education up to the Minimum Age for entering employment is seen as a key measure to prevent child labour, at the same time child labour is regarded as “a key obstacle to EFA”. To this end ILO argues that “the prevention and elimination of child labour *should be a key objective for education policy worldwide*” since “efforts to eliminate child labour can make a critical contribution to achieving EFA”⁸.

Recently the ILO has undertaken a revaluation of the position on education which is reflected in the internal document “Combating child labour through Education”, January 2003. Building upon the above document in reference to NFE some of the wording was changed to provide a very clear statement as follows: “Experience has shown that providing basic literacy and numeric skills through non-formal education does not guarantee that children will be permanently withdrawn from work, which is why mainstreaming these children into formal education systems is vital”⁹.

These documents show that there are some positive developments linking child labour directly to education at least in terms of policy (IPEC in fact says of the MVF model “has been most effective in removing children from work and mainstreaming them into formal schools”¹⁰). However a recent document investigating the specific case of indigenous children shows that the ILO position is far from clear. In this working paper of June 2003 entitled “Indigenous and tribal children: Assessing child labour and education challenges” it is argued that “the provision of non-formal education (NFE) has been a common feature in indigenous areas. A number of NFE initiatives have had considerable success in terms of attendance as well as in building literacy and numeracy skills”. Furthermore the working paper is also ambiguous on the long-term role of NFE and perhaps somewhat in contrast to the previous documents discussed it states that: “although NFE is often considered to be a transitional phenomenon, the flexible approaches developed under NFE may very well be institutionalised and adapted as part of a less rigid model of formal education”¹¹. The ILO policy on education therefore remains somewhat incoherent leaving room for interpretation on the level of implementation. For this reason it is interesting to briefly look at how ILO/IPEC works in India.

India

India was in fact one of the first countries to sign a Memorandum of Understanding with the ILO. In India the ILO/IPEC programme on child labour has narrowed its focus on the most intolerable forms of child labour with NFE being one of the main strategies¹². Two major initiatives are being supported at present with three new projects recently negotiated. Of these the most substantial in economic terms is the INDUS project, a joint initiative of the Government of India and the Department of Labour of the United States, with ILO/IPEC as the implementing agency. This 40

⁸ Child Labour and Education- an IPEC perspective. Fact sheet, 2002, (italics by author).

⁹ Combating child labour through Education, ILO/IPEC, internal document, January 2003.

¹⁰ ILO - From Exploitation to Education : Action against the Worst Forms of Child Labour through Education and Training, World Education Forum Dakar, Senegal, 26 - 28 April 2000.

¹¹ Indigenous and tribal children: Assessing child labour and education challenges, Child Labour & Education Working Paper, June 2003.

¹² Wazir Rekha, Child Labour Policies of Selected International Agencies: Review and Recommendations, Internal Document, November 2002.

million dollar project aims to reach 80 000 children in five districts in four states of India. It appears to signal a departure from the norm by considering education as the most appropriate alternative for children withdrawn from child labour and follows a strategy like that of the MV Foundation for their rehabilitation, mainly mainstreaming younger children directly into the formal education system and using NFE as a transitional tool for the older ones. In fact NFE in the context of the INDUS project is constantly referred to as only a transitional measure.

However this project targets only children in hazardous industries. This is a very problematic approach to child labour and one for which the ILO has constantly been attacked by various critics. Convention 182 is also limited in this way, according to Rekha Wazir it is at best an incomplete solution and one which offers no solution for the millions of children outside the four priority areas singled out for immediate attention¹³. An approach that focuses on the elimination of child labour in hazardous industries as a priority is underpinned by the belief that poverty is the main cause of child labour and that as such its effective elimination is a long term process; one which those working in the most intolerable forms of child labour cannot afford to wait for.

Although apparently very logical such an argument is extremely dangerous. The experience of MVF and numerous other organisations shows that targeting children in particular sectors does not provide a sustainable solution to child labour. Without a concerted effort to ensure that all child labour becomes unacceptable in the eyes of all the stakeholders, positions vacated by those withdrawn are often simply filled by other children. In the state of Uttar Pradesh for example an effort to withdraw child labour from the carpet belt has simply led to this activity being transferred to the neighbouring states where a fresh labour-force of children was found¹⁴. The INDUS project unfortunately works on a similar principle.

Staff at the ILO office in the state of Andhra Pradesh where MVF is based also argue that based on their experience projects which target one group of children have limited effectiveness and they have been trying to contribute to INDUS by suggesting a more wholesome approach which would at the very least address the whole communities where a high incidence of hazardous child labour is found. As the project stands at the moment it only aims to deal with the children working in a number of identified industries and whose families will be given monetary incentives.

UNESCO

The United Nations Educational, Scientific and Cultural Organisation (UNESCO) has the official mandate for education. It was one of the principal promoters of Jomtien and Dakar and houses the EFA secretariat that is responsible for the follow-up to the conferences. However, much like the bulk of international discourse on education, UNESCO likewise skirts around the issue of child labour both in policy and action.

¹³ The four types of work defined in Convention 182 as the Worst Forms of Child Labour are: a) slavery and slavery-like practices, including forced labour and forced recruitment for armed conflict; b) the use, procuring or offering of a child for prostitution or pornography; c) the use, procuring or offering of a child for illicit activities; and d) work which, by its nature or the circumstances in which it is carried out, is harmful to a child's health, safety or morals.

¹⁴ Wazir, *ibid*.

Only one of its projects refers to working children, a programme which was set up in 1992 together with UNICEF on “Street and Working Children” as one part of a larger agenda on children in difficult circumstances. Even within this limited initiative there were problems dealing with the issue of child labour, as Wazir points out the terms ‘street’ and ‘working’ appear to have been often confused, sometimes even used interchangeably or as identical categories.

Recently there appears to be some recognition on behalf of some staff at UNESCO of the necessity to incorporate elimination of child labour into any attempt to achieve universal education. In a recent article on child labour found in UNESCO’s own newsletter one of the managers of the department dealing with the Dakar follow-up stated that “if we want to achieve Education for All, the issue of child labour must be taken more squarely into account”¹⁵. This article also uses the MV Foundation strategy as an example.

Unfortunately UNESCO is too weak on the ground and subsequently is often compelled to act as a subsidiary agency to larger agencies such as UNICEF and the World Bank.

UNICEF

As the official United Nations agency for children, UNICEF is one of main actors behind both the drive for universal education and the drive to eliminate child labour. However as Fyfe, one of the organisations own top consultants on child labour points out: “UNICEF mirrors the segregated discourse on child labour and education”¹⁶.

UNICEF’s early experience with child labour was mainly with Brazilian street children to whom the organisation provided basic services. By 1994-5 a Task force was set up at UNICEF headquarters to come up with a more general position on child labour. In 1997 the State of the World’s Children Report focused on the issue and later on in the same year UNICEF’s own stand was clarified in the paper “UNICEF: Towards a Global Strategy on Working Children” as one in which child labour is to be understood in the context of the CRC. However as previously mentioned Article 32 of the CRC on child labour leaves much up to interpretation.

In terms of Education at the time of the first global conference at Jomtien UNICEF did not have a global programme of its own nor even a specific department dealing with the issue. Following the renewed worldwide interest in education UNICEF quickly expanded its activity in this field, coming up with a Basic Education Strategy Paper in 1995 (which does not refer to child labour) and recently turning to focus on Girl Child Education.

There have been some encouraging moves by UNICEF in the recent years towards a more coherent approach to the related issues of child labour and education. On the policy level UNICEF produced a brochure on child labour entitled “Beyond Child Labour: Affirming Children’s Rights”. This document reiterates UNICEF’s

¹⁵ Education Today: Higher Education for Sale, Newsletter of UNESCO’s Education Sector No.3, October 2002, p8 and 9.

¹⁶ Fyfe Alec, Child Labour and Education: Revisiting the Policy Debate, 2001, p15.

commitment to the principles of the CRC in dealing with child labour thus calling for a multifaceted approach, whilst at the same time promoting the limited focus of the ILO on the most hazardous industries. Importantly UNICEF at least in rhetoric argues that education “is, perhaps, the single most effective solution and is therefore a cornerstone of UNICEF’s approach to preventing child labour”¹⁷. It remains to be seen how well such rhetoric will be put into practice and what exactly UNICEF means by the term ‘education’. Significantly in 1999 a pilot child labour programme was launched in 30 countries which links the prevention of child labour to education, although both formal and non-formal education are part of the strategy.

Child labour however remains low on UNICEF’s priority list, with only a small number of staff allocated and one short page dedicated to the topic on UNICEF’s website where a clear distinction is made between child work, child labour and the worst forms of child labour as defined by the ILO.

World Bank

The World Bank has only recently begun to address child labour directly but due to its immense donor capacity and the vast amount of funds that it operates it has already become one of the key actors. Interest on the issue was shown in the 1995 World Development Report and a Bank position developed by 1998¹⁸.

The World Bank views child labour primarily from an economic rather than a human rights perspective. Child labour reduces human capital and therefore the prospects of sustainable development in the long run. While the Bank feels it had already contributed to the elimination of at least of some of the most harmful forms of child labour through its efforts to reduce poverty and their programmes for social protection including education and health, the policy document “Child Labour: Issues and Directions for the World Bank” outlines the need for the World Bank to take more direct action. Suggestions include integration of child labour considerations into national assistance strategies (CAS), redesigning of lending activities and inclusion of the issue in policy dialogue with countries with bad track-records in child labour. Importantly in response to widespread criticism, it is also suggested that measures be taken to ensure that the Bank’s policies at the very least do not exacerbate the problem.

The World Bank sees child labour as being primarily an outcome of deep poverty. As such they believe that “not all child labour is harmful”¹⁹ since in some cases it helps the sustenance of the family. It is instead committed to “combating the most harmful and exploitative forms”. Total elimination of child labour in the short or even medium term does not appear to be a feasible goal, as such making education compulsory is not seen as desirable, and instead the World Bank proposes policies which would make it “easier for children to attend work and school”²⁰.

A Global Child Labour Programme was launched soon after the Bank’s position was outlined to coordinate the organisation’s activities in this field. Child labour and

¹⁷ Beyond Child Labour: Affirming Children’s Rights, UNICEF, 2001.

¹⁸ Fallon, P. and Tzannatos, Z, Child Labour: Issues and Directions for the World Bank, 1998.

¹⁹ Ibid, p5.

²⁰ Ibid, foreword and p10 respectively.

education however remain separate topics of interest even though, as the world's largest donor for education for well over a decade, the World Bank has a position of enormous influence. India is one of the few countries where the Bank is explicitly supporting a project linking compulsory education and child labour by backing the DPEP (District Primary Education Projects), under which child labourers are a specific target group as a result of a decision by the Indian government. In the state of Andhra Pradesh the World Bank sponsors the MV Foundation through the DPEP and a number of other initiatives based on the MVF strategy which has been adopted by the DPEP itself (see later).

Understanding Children's Work- An Interagency Project

“Understanding Children's Work and its Impact” is a research project launched by ILO, UNICEF and the World Bank at the end of 2000. Based in the Innocenti Research Centre in Italy the project aims to improve data collection and avoid overlap between these major actors in this field. It provides a database both of all the major research on the topic and a projects database for the three agencies. Although only a data collection point at the moment and is so far limited to the ILO, UNICEF and WB this collaboration can be seen as a positive move, and one which can contribute to more concerted international policy and action on child labour. It will be interesting to see how this project will develop and in which direction the collaboration will go.

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PART I The European Union and Child Rights

CHAPTER 1 *The Legal and Policy Framework*

Legal Framework

It is necessary to highlight at the beginning that the European Union does not have a strong legal framework directly related to children's rights in its external policy. Legal instruments within the core EU treaties relating to children are limited and there is as yet no regulation or other binding document dealing explicitly with children's rights.

The EU Treaty and the new Constitutional Treaty which is currently being framed are concerned with establishing the legal framework of the Community; thus they outline the institutional and organisational structure as well as the core values of the Union. Although they relate for the most part to the internal policies of the Union they are also crucially relevant to the Community's development policy due to the enshrined principle of consistency. This principle states that "the Union shall ensure consistency between the different areas of its external action and between these and its internal policies"²¹. According to this principle any internal priority of the union must therefore be reflected in its external policy.

The EU Treaty (Treaty of Nice 2000) does not include a legal base for children's rights. Euronet (the European Children's Network), a Brussels based network of NGO campaigning for children's rights in the EU, issued a paper entitled "Children are European Citizens too" in which it examined the status of children in the EU Treaty. Euronet's assessment concludes that the legal status of the child in the Treaty is unclear and that children are only considered in an ad hoc manner. The only article that specifically refers to children is Article 29 on criminal matters which among numerous other issues refers also to "offences against children"²². Therefore Euronet argues that "the Treaty only gives a very limited competence to work at European level on a whole range of cross border and transnational issues affecting children"²³. This missing legal base is important not only for any policies dealing specifically with children, but also because the lack of it means that children could be negatively affected by EU policies since there is no need to assess them for child impact.

Largely due to the work of Euronet and its members the Constitutional Treaty in its latest version includes several references explicitly to children's rights. It is important to note that this Treaty has not yet been ratified and is therefore not presently in force although the current proposal is vital to the assessment of any potential future policy. The first crucial change in the Constitutional Treaty is the inclusion of a Charter of Fundamental Rights of the Union. Article 24 of the Charter is entitled "The rights of the

²¹ The European Convention, Title V, ch I, Article III-188

²² Consolidated Version of the European Treaty on European Union, 24.12.2002, Official Journal of the European Communities, C 325/5.

²³ Children are European Citizens too, p7, April 2002.

child” which amongst other things states that ““Children shall have the rights to such protection and care as is necessary to their well-being”²⁴ and that “In all actions relating to children, whether taken by public authorities or private institutions the child’s best interests must be a primary consideration”²⁵.

In addition, Article 32 of the Constitutional Treaty deals with the “prohibition of child labour and protection of young people at work” and states clearly that “employment of children is prohibited”. Importantly this article also goes on to link child labour and education along the lines of ILO Convention 138 by stating that “the minimum age of admission to employment may not be lower than the minimum school-leaving age”, and again in dealing with working condition for young people which amongst others must not “interfere with their education”²⁶.

In addition to children’s rights in EU development policy being indirectly covered through the consistency principle, the Constitutional Treaty also includes a specific reference to children in the Community’s external policy. Point 4 of Article I-3 on “The Union’s Objectives” states that “In its relations with the wider world” the Union shall contribute amongst other things to the “protection of human rights and in particular children’s rights”²⁷.

Regulations

These are legally binding instruments of the Union that help to clarify activities outlined in the budget and thus they provide the legal framework for the regional and sectoral budget lines. Existing regulations only cover a limited number of regions and issues and there is not one explicitly on children.

The regulation on Development and Human Rights issued in 1999 is a crucial set of guidelines for EU development policy and yet includes only one explicit reference to children’s rights, whereby children should be regarded as one particularly vulnerable group²⁸.

Taking into account that the majority of the worlds working children are in countries of Asia and Latin America the ALA Regulation appears as a particularly important document for any policy regarding child labour. The original document of 1992 which is currently still in force states that “special attention shall also be given to child protection”²⁹.

The ALA regulation however is currently in the process of being redrafted. The new version proposed by the Commission makes absolutely no reference to children³⁰. The Members of the European Parliament (MEP’s) have made note of this critical absence

²⁴ The European Convention, Title III, Article II-24, 1.

²⁵ Ibid, Title III, Article II-24, 2.

²⁶ The European Convention, Title III, Article II-32.

²⁷ Ibid, Title I, Article I-3, 4.

²⁸ Council Regulation (EC) No 975/1999 of 29 April 1999 laying down the requirements for the implementation of development cooperation operations which contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms, Official Journal L 120 , 08/05/1999

²⁹ Council Regulation (EEC) No 443/92 of 25 February 1992 on financial and technical assistance to, and economic cooperation with, the developing countries in Asia and Latin America, Official Journal L 052 , 27/02/1992

in the original proposal and thus a number of their proposed amendments include specific references to children's rights and even to child labour. Only one however makes reference to child labour as an issue presumably in all its forms. All the others instead shrink back and qualify the term by referring to 'forced child labour' or forms of child labour 'that are hazardous and/or hinder full-time education'. It is important to note that there are also a number of amendments which address the issue of universal education but not as linked to child labour.

Cotonou Agreement

The Cotonou Agreement, which is legally binding, refers only to the African-Caribbean-Pacific (ACP) countries. It has a special article on youth issues which can be found in the section on social and human development. This section states that in the context of policies for "realising the potential of youth" cooperation should also "support policies, measures and operations aimed at" amongst others, "protecting the rights of children and youth, especially those of girl children" and "helping community-based institutions to give children the opportunity to develop their physical, psychological, social and economic potential"³¹.

In Article 50 the Agreement refers explicitly to child labour under the section on trade and labour standards. Although it demonstrates the Union's commitment to internationally recognised labour standards of which the elimination of child labour is one, this article only highlights the elimination of worst forms of child labour³² in line with ILO Convention 182.

The Cotonou Agreement also includes a compendium of texts on specific objectives and guidelines for cooperation but these make no reference to children's rights.

Commission Communication on Education

Commission Communications are not legally binding but are important in setting out the policy objectives of the Community. The Communication on Education, issued in March 2002, aims to "stress the vital importance of education in reducing poverty and in development and to present an overall framework for the objectives priorities and methods of the Community in education and training in developing countries"³³. In this extensive document child labour is mentioned only once where it is argued that "providing the largest possible number of children with access to school is also a way of combating child labour and complying with the Convention 182 prohibiting the worst forms of child labour, which is among the fundamental ILO conventions to whose implementation the Community is committed"³⁴.

Parliament Resolutions

³⁰ Commission Proposal for Regulation of the European Parliament and of the Council concerning Community cooperation with Asian and Latin American countries and amending Council Regulation (EC) No 2258/96, Brussels, 2.7.2002, COM(2002) 340 final.

³¹ Cotonou Agreement, Article 26, www.europa.eu.int/comm/development/body/cotonou/index_en.htm.

³² Ibid, Article 50.

³³ Education and Training in the context of Poverty Reduction in Developing countries, Communication from the Commission to the Council and Parliament, Brussels, 06.03.02, COM(2002)116 final, p1.

³⁴ Ibid, p7.

Resolutions of the European Parliament are not legally binding instruments however they show clear will on behalf of the Parliament in which direction policy may go. Importantly they also serve as suggestions for future instruments some of which may be binding. In the last few years the European Parliament has issued a number of resolutions relating to children and more specifically to child labour and education.

Three resolutions were issued by the European Parliament in the context of the preparations for the recent UN Special Session on Children. The only one of these which has importance specifically in terms of child labour and education is the “Resolution on basic education in developing countries in the context of the United Nations General Assembly Special Session on Children in September 2001”, which makes a link between the two issues by stating that “free, compulsory, quality education should be made available to all children, up to the age of 15 as stipulated by the ILO”³⁵. This link is made more strongly and clearly in a later Resolution on child labour in the production of sports equipment, following the worldwide campaign that accompanied the UEFA World Cup in 2002. This resolution in point 2 “stresses in particular the close relationship between policies to support education and those to combat child labour, and therefore calls on the Commission and the Member States to take action in this field”³⁶.

By far the most important Parliament Resolution to date for the purposes of this paper has been the resolution on education and training in the context of poverty reduction in developing countries issued in May 2003 following a Commission Communication (see above) and a report by Dutch MEP Magreitus van den Berg³⁷. This resolution makes a few specific references to child labour and its link to education. Initially in setting out the background, point L. states that “child labour prevents many children from attending school, since their earnings are essential for the survival of the family”³⁸ explaining child labour therefore as resulting primarily from poverty. Points 47 and 48 of the resolution refer specifically to the link between the two issues, and state that the European Parliament:

“47. Points out that universal full-time education requires an effective ban on child labour as well as an education system that includes strategies to integrate all working and other out-of-school children into full-time schooling; calls on the Community to ensure that all education programmes financed by the Community have far-reaching strategies which include social mobilisation and bridging courses for older children;

³⁵ European Parliament Resolution on basic education in developing countries in the context of the United Nations General Assembly Special Session on Children in September 2001, 06/09/01.

³⁶ European Parliament resolution on child labour in the production of sports equipment, 13/06/02.

³⁷ European Parliament, Committee on Development and Cooperation, “Report on the Commission communication to the Council and the European Parliament on education and training in the context of poverty reduction in developing countries, A5-0126/2003.

³⁸ European Parliament resolution on the Commission communication to the Council and Parliament on education and training in the context of poverty reduction in developing countries, A5-0126/2003.

48. Calls on the Commission, the developing countries and the private sector to establish a system whereby child labour would be discouraged as much as possible and in which provision would be made in every case for part-time education³⁹

It is strange that the wording chosen in these two points makes them rather confusing and almost contradictory. Firstly in point 47 the parliament argues for an “effective ban” on child labour while below it settles for it to be “discouraged as much as possible”. It is also not clear why part-time education should be offered in *every* case, even when it may not be necessary.

Policy Framework

The European Community’s Development Policy is outlined in a Communication from the Commission. The document was aimed at the Council and European Parliament who approved the communication in 2000 thus making it an important framework for procedure although it is not legally binding. The Communication makes no explicit reference to children’s rights. Children are only mentioned where the document deals with gender issues and states that these “are even more important if one considers that in many regions women and children are increasingly and disproportionately affected by poverty⁴⁰, but no conclusions or courses of action specifically regarding children are drawn from this statement.

The council in its response to the above Communication does explicitly refer to children’s rights in order to highlight it as one of the cross-cutting issues which must be mainstreamed when human rights are considered⁴¹. Mainstreaming has in fact been identified by the Commission as the leading approach in the promotion of human rights, under which children’s rights theoretically fall. This is a relatively recent policy direction of the EU and already it has begun to prove problematic mostly since the terminology and definitions surrounding the concept have a tendency to be confusing. In the Communication of the Commission on the EU’s role in the promotion of Human Rights and Democratisation in Third Countries mainstreaming is defined as including the chosen “issues in planning, design implementation and monitoring of policies and programmes, as well as the dialogue pursued with partners both by the Commission and the Council⁴². The definition however gives no indication precisely how this is to be done.

In general the idea of mainstreaming is that human rights and thus also children’s rights should be included, and therefore safeguarded, in every single policy or action of the Community. Since children’s rights are supposed to be everywhere they in fact run the risk of ending up nowhere, as is particularly evident if one looks at the recent

³⁹ Ibid, (underlining by author).

⁴⁰ The European Community’s Development Policy, Communication from the Commission to the Council and the European Parliament, Brussels,.....(DATE).

⁴¹ The European Community’s Development Policy, Statement by the Council, 2304th meeting, 10 November 2000.

⁴² The European union’s Role in Promoting Human Rights and Democratisation in Third Countries, Communication for the Commission to the Council and European Parliament, Brussels, 8 May 2001, COM(2001) 252 final.

developments of the European Initiative for Human Rights and Democratisation (see below).

Organisation

Within the Commission, Development is under the jurisdiction of four different departments. Directorate General (DG) Development is responsible for overall development policy direction but more specifically focuses on the ACP countries and Southern Asia. DG External Relations deals with all policy and programming towards the rest of the third countries, thus covering Europe, Latin America and Asia. It is also officially the department that deals with human rights. EuropeAid is in charge of project implementation and covers all developing countries. Finally ECHO is the unit which deals with EU humanitarian aid and programmes to all regions.

There is no department or even official dealing only with children's rights, partially due to the failure of the Community to develop a clear legal framework for this crucial issue. Officially children's rights fall under DG External Relations into the department dealing with human rights where there is one official who is responsible for children's rights amongst other concerns. A similar situation prevails in other departments where issues related to children are covered by an official in charge of a number of issues. In the run up to the UN Special Session on Children in 2001 all these officials dealing with children came together in an informal Inter-service group, which has continued to exist. However, it meets rarely and has little if any outcome on policy.

Child labour does not seem to be dealt with by any department in particular and one can find officials dealing with the issue in three different DGs.

In DG External Relations the above mentioned official dealing with children's rights is also responsible for child labour. Due to the lack of a clear overall policy concerning children, all children's rights issues are addressed on an ad hoc basis following country policies (see below). The main policy remains mainstreaming which at the moment includes general human rights training of all other staff. There is some discussion on the possibility of also training officials in child rights.

DG Employment has an official who is primarily dealing with gender equality but is also responsible for child labour. In dealing with the private sector the Commission has issued a Green Paper to promote a European framework for Corporate Social Responsibility. This document states that, "The European Commission is committed to the active promotion of the OECD guidelines" of which one is the firm's contribution to the effective abolition of child labour; and also to the "observance of the core ILO labour standards" and here refers explicitly to the "elimination of child labour" among others⁴³. Importantly this document also makes a clear link between child labour and education. Arguing that an emphasis must always be a "developmental approach" it uses the following example, "In the case of child labour, companies should not just respect the letter of the ILO conventions by dismissing contractors who use child labour, but should also, for example, help to tackle child poverty by assisting children into education"⁴⁴. However policies aimed at corporate social responsibility only

⁴³ Green Paper Promoting a European Framework for Corporate Social Responsibility, COM(2001) 366 final, the European Commission, Brussels, 18.7.2001, p7.

⁴⁴ Ibid, p15

address European firms and thus do not relate to the millions of children working for the domestic sectors in their countries.

Education in development policy falls under the jurisdiction of DG Development. Essentially DG Dev takes the Commission Communication and the Council Resolution on Education and training in the context of poverty as the framework for EC's development cooperation in the field of education. The Council Resolution of June 2002 primarily reaffirms the Union's commitments to Dakar and the Millennium Development Goals related to education. It makes no mention of child labour.

Amongst a number of other new initiatives DG Development has recently begun to investigate the link between child labour and education under the Department for Social and Human Development, which is in charge of education. Taking the justification from the Commission Communication on Education and the Parliament Resolution that responds to it, officials in DG Development are looking into the different experiences and positions of the various actors working on these issues. To this end they are searching for more intensive partnerships with international organisations such as UNICEF and ILO, but are also particularly keen to learn from the experiences of civil society representatives working in the field. The initiative has recently included a meeting on education with some Brussels based NGO's working with children, including a specific topic on the link between child labour and education. It is however, rather confusing and perhaps problematic for any future policy linking child labour and education that child rights in theory fall under DG External Relations while the Education Department is found in DG Development.

CHAPTER 2 Implementation and Policy Debate

Country Strategy Papers

Country Strategy Papers (CSPs) are the main implementation instruments of the Commission. They outline policy objectives of the partner governments and thus feed into the NIP's (National Indicative Programmes) which outline the concrete course of action to be taken in the given time period.

The case of India is a particularly interesting one to look at, not only since around one quarter of the world's working children are to be found there.

Recently the policy of the Commission, rather than relying upon ad hoc interventions, has been to focus on a few large sectors. Within such a policy an issue such as child labour is always going to be overlooked. Education however, along with health, is among the top priorities in India as in many other developing countries. This is important since these are the two sectors that affect children most profoundly.

The Indian CSP deals with the education sector extensively, and importantly makes the link between this issue and that of child labour. In a discussion on universal elementary education and literacy it is argued that policies addressing these issues "will have a major bearing on the incidence of child labour: good elementary education is the key to raising the opportunity cost of child labour and thus a tool to reduce its incidence"⁴⁵. In this way a relationship is recognised but it works only in one direction. It thus allows for a Commission policy in India which does not need to focus on child labour specifically, as it would in theory be automatically alleviated by aiding the Indian government in the provision of this crucial service, education.

In any case, although the CSP deals extensively with the education and health sectors they are not on the agenda of the first NIP which outlines three other priorities- namely disaster preparedness, macro-economic reform and civil society collaboration. The crucial sectors of health and education are left on the backburner to be addressed in the second NIP 2004-6, which is currently being drafted.

In the most recent CSP in India the Commission decided that instead of attempting to implement nationwide policies it would focus its partnerships initially with one, and if successful two, state governments. Although education and health were to be the main priorities, especially in the second term of implementation, the Commission has found that within its two chosen states there is also a great need for some administrative reform thus this will also be placed on the agenda, presumably at the cost of the other two sectors.

It remains difficult to see from this example how one can ensure that child labour, a crucial issue for India, is included in cooperation policies with the region. The current checklist for inclusion in and assessment of CSP's does not include children's rights. Instead the priority topics at the recent mid-term review were the fight against terrorism

⁴⁵ The EC-India Country Strategy Paper 2002- 2006.

and issues concerning trade, justice and home affairs; thus human rights more generally were also sidestepped.

Policy Dialogue

Policy dialogue is one way for the Commission to bring some of its own objectives to the CSP/NIP's.

The concept of ownership already makes this idea difficult since as one Commission official stated, it is not up to the Commission to impose its objectives on its partners. On the other hand partner countries (or in the case of India, states) often identify diverse priorities that do not include human or children's rights. The guidelines for policy dialogue do include human rights, if not specifically children's. However these guidelines prove difficult to implement in practice with uncooperative governments.

Our example country, India, is renowned for being particularly sensitive when it comes to human rights issues such as child labour. According to the Commission official interviewed Indian Government Officials typically tend to respond in a manner that they already have the adequate domestic instruments and feel lectured to when these issues are brought up by the Commission. For this reason the Commission has decided on a soft approach- as long as the partner government has a reform agenda it prefers to focus on the sector strategy outlined above, helping the countries in their endeavour to reach the Millennium Development Goals rather than attempting to address issues which may only prove problematic.

Political dialogue is a different instrument and refers to the sort of exchange that may occur between two foreign ministers. This can be an important instrument in the promotion of human rights but depends much on political interests and ties to the partner country. There is also a specific instrument of the Commission on human rights that is the Human Rights Dialogue, the guidelines of which include children's rights as one of the many issues that these interactions should address. These dialogues have however only been established with a limited number of developing countries, of which India for example is not one.

Financial Resources

Budget Support

Budget support refers to financial resources that are inserted directly into the partner country's budget based on previously agreed policies. It focuses predominantly on macroeconomic reform and is based on objectives agreed either in the CSP/NIP's but often also on those found in agreements of the partner country with the International Monetary Fund (IMF) and World Bank. Children's rights are not included in the identification sheet used for the projects which receive funding from budget support. The issues included are the three cross-sectoral issues which are poverty reduction, gender and environment.

EU Budget

The EU budget provides funding for projects according to an issue or region. It does so according to specifically designed budgetlines, which have binding definitions as set out in the remarks. In the run up to the 2004 budget a number of Brussels based NGOs', have been working on amendments to these budgetlines, including EEPA (Europe External Policy Advisors) and Save the Children Alliance who drew up amendments specifically relating to children. In a recent sitting the Parliamentary Committee on Development and Cooperation voted on 24 and passed 21 amendments which include or highlight children's issues. One of these is a specific budget line for the "Integration of children's rights into development cooperation". Still, in the "Invisible Children Report" Save the Children argues that there is no guarantee such references will translate into increased spending for children's issues.

In any case, it is impossible to check exactly how much money from the EU budget reaches children since it is not quantified by the Commission.

Specific Programmes

ECHO

ECHO, the specialised department for humanitarian aid has been dealing specifically with children in armed conflict. Their campaign on child soldiers has thrown children's issues into the light but remains focused on this specific issue, in particular in emergency contexts. Importantly however ECHO does include children as a cross-cutting priority, as outlined in the mid-term plans, and this can serve as an example to other Commission departments.

EIDHR

The European Initiative for Democracy and Human Rights (EIDHR) is an important instrument of the Commission for the promotion of and human rights. In contrast to other instruments the EIDHR "can be used without host government consent, or where the main EC programs are not available for other reasons, such as their having been suspended". Furthermore in some regions it can provide "the only legal base for certain activities" concerning human rights⁴⁶.

In 2001 children's rights were one of the twelve priorities identified under the Initiative which led to ten children's projects being funded during that year. In part this was due to the UN Special Session planned for 2001 since one of the considerations in the choice of the priorities were "major international events planned for 2001, such as the General Assembly of the UN on the rights of children"⁴⁷.

⁴⁶The European union's Role in Promoting Human Rights and Democratisation in Third Countries, Communication for the Commission to the Council and European Parliament, Brussels, 8 May 2001, COM(2001) 252 final.

⁴⁷ Priorities and Guidelines for the Implementation of the 2001 European Initiative for Democracy and Human Rights (EIDHR), Programming Human Rights and Democracy – Exercise 2001, Chapter B7-7 of the Budget, Commission Staff Working paper, Brussels, 6 June 2001, SEC (2001) 891.

In 2002, responding to criticism from within the Union, the Commission scaled down the number of EIDHR priorities to four and as the hype of the Special Session died down children's rights were left off the priority list. This was justified by stating that although some groups such as children are acknowledged as being particularly vulnerable "the Community, in highlighting certain human rights and democracy objectives, should focus its action on addressing the root causes of the problems, rather than the symptoms"⁴⁸. The four priorities identified in 2002 are: democratisation, good governance and the rule of law; abolition of death penalty; the fight against torture and impunity and for international tribunals and criminal courts; and racism and xenophobia and discrimination against minorities and indigenous people. It is not however clear how focusing on these issues would amount to addressing the root causes of problems such as child labour and illiteracy.

In any case the Commission insists that priorities should not be chosen in terms of activities or target groups but according to themes and issues whilst children's rights should be promoted by being mainstreamed.

The next opportunity for reappraisal of the EIDHR will come up in 2004.

Policy Debate

Given the lack of a legal framework for children's rights in the EU and in particular in development policy there have been a number of movements by different actors to improve the current situation. According to one Commission official who deals with the issue there is a clear need to do more for children's rights and there is also a clear will to do so.

Of the Community institutions the European Parliament has been most active in this regard. In almost all of its resolutions concerning children it has called for the establishment of instruments which would insure that children's rights are better protected in EU development policy. A number of resolutions call on the Member States to include a legal base in the Treaties that would be based on the UN Convention on the Rights of the Child⁴⁹. Similarly in these documents the Parliament stresses the need for an official who would be explicitly responsible for children's rights ensuring they are safeguarded, and finally for all EU policies and programmes to undergo child impact analysis. The most recent resolution concerning children which focuses on trafficking and child soldiers "calls on the Commission and the Council each to appoint a high-level representative for children's rights in order to ensure overall coordination, monitoring of results and a specific focus on children's rights, and to incorporate a stronger child dimension into all EU policy areas".

⁴⁸ The European Union's Role in Promoting Human Rights and Democratisation in Third Countries, Communication for the Commission to the Council and European Parliament, Brussels, 8 May 2001, COM(2001) 252 final.

⁴⁹ See resolution on EU positions in the Special Session on Children of the UN General Assembly (2001 and 2002), also resolution on Basic Education in developing countries in the context of the United Nations General Assembly Special Session on Children in September 2001, and resolution on Trafficking in Children and Child Soldiers (2003).

Importantly this resolution also takes on the problematic issue of mainstreaming. In an apparent recognition that mainstreaming alone is proving inefficient the Parliament calls for the Commission and Council to commit themselves to “twin-track approach involving both mainstreaming and measures which specifically target children’s rights”, an argument which was also used as justification for the recent budget amendments on children’s rights tabled by some MEP’s.

The Commission also seems to have begun to follow a similar line. In the January 2003 Programming Update of the EIDHR the Commission appears to have made the first step towards supplementing mainstreaming with specific programmes. “Whilst the promotion of children’s rights has been “mainstreamed” in the provision of assistance under the EIDHR, DG External Relations Human Rights and Democratisation Unit has assumed responsibility for the programming of budget line B7-624, in agreement with other services in the Commission. This budget line is designed to fund awareness raising and training in the field of children’s rights at a global and regional level. As it does not fall under the general programming of the EIDHR, directions had been set down for the application of B7-624 in 2002 and applied for any allocation under the 2003 budget, including support for awareness-raising and training in the field of children’s rights, promoting relevant international mechanisms, agreements and instruments, such as the Convention on the Rights of the Child and the Outcome Document of the recent UN General Assembly Special Session on Children”⁵⁰.

The current Italian Presidency appears to be taking a particular interest on children’s rights. It has been one of the actors pushing for the guidelines on children in armed conflict, an initiative launched by the General Affairs Council. If successful these guidelines would be the first relating to children, though unfortunately not to an overall policy on children’s rights. An implementation strategy is being developed simultaneously with the guidelines, a crucial improvement if one considers the example of the guidelines on torture which were outlined two years ago and are still awaiting an implementation strategy.

In terms of child labour in particular there is little debate at present. The most important development has been the interest of DG Development on the issue and its link with education. DG Development has however been clear to point out that they are not searching to change policy. The current policy framework is to remain that given by the various documents outlined in the previous chapter. The focus of DG Development continues to be working with governments in order to strengthen the education system. The prevailing argument appears similar to that of the CSP framework; that once the main channels such as education are established other issues such as child labour would be automatically ameliorated if not solved.

A recent meeting held by DG Development in Brussels in order to discuss this and a number of other initiatives with representatives of European civil society was quite suggestive of the priority given to this issue. The link between child labour and education was one of the three topics for discussion among donor harmonisation on education and the Fast Track Initiative. However while much time was spent discussing the other two issues child labour only merited a brief mention reflecting both the

⁵⁰ European Initiative for Democracy and Human Rights Programming Update 2003, Commission Staff Working Document, 10 January 2003.

interest of the Commission and those of the civil society participants which included some of the largest and most active European NGO's working with on these issues.

PART II European Civil Society

It is assumed that any European policy should aim to broadly represent the array of interests of EU civil society; therefore Chapters 3, 4 and 5 will briefly examine the positions on child labour and education of a number of European NGO's. It is clearly outside of the scope of this paper to examine the full range of positions on these issues within the European Union, thus these three examples were strategically chosen, both for their positions, their scope in Europe and the campaigns they are currently operating.

CHAPTER 3 Save the Children

Save the Children is an extremely important actor to consider, not least due to its size and particular lobbying capacity with the European Union. One of the oldest NGO's, it was founded in London in 1919 and has since grown to boast 29 Member Organisations at present, all belonging to the International Save the Children Alliance. As such Save the Children has become the largest independent global organisation for children with programmes in over 100 countries and one of the strongest voices on children's rights issues in the world.

As the European Community became more powerful a Europe Group of Save the Children was created, which is coordinated by the Save the Children Brussels office. This Group, which includes members in eight EU and four non-EU states and has a particularly strong influence with EU institutions in Brussels, has the responsibility to ensure that children's rights are respected in Union policies and activities.

Save the Children has a very strong position on child labour and yet one which is perhaps the most contrasting to that of the MV Foundation. The organisation's position paper on child labour was in fact revised only recently in February 2003 following a year long consultation with staff and working children around the world. It is intended to be a framework for all Save the Children programmes that deal with this issue.

Save the Children take the UN Convention on the Rights of the Child (UNCRC) as their starting premise and their position on child labour comes from their specific understanding of this Convention. Referring in particular to Article 32, Save the Children maintain that this Article implies that not all types of work are harmful and that children need only be protected from the harmful types. It is from this interpretation of the UNCRC that their understanding of child work is derived. It is this basic difference in interpretation of the Convention which produces such different reactions on the part of Save the Children and MV Foundation- MVF takes the same Article to mean that all child work is harmful since it interferes with the education and development of the child. It is also important to note that Save the Children define a child as under 18.

In light of the above outlined interpretation of the CRC, Save the Children consider some forms of work performed by children as having potential beneficial effects on the

child and thus as having the potential to contribute to the fulfilment of their rights. Specifically Save the Children are referring to work which is seen to enhance the right of survival and development and in this way increase feelings of self-esteem of the child through the knowledge that he/she is contributing to the welfare of the family. Save the Children therefore see some work as being “in children’s best interests”, and such work “can be encouraged”⁵¹.

In light of this position Save the Children do not even like using the term “child labour” since it is assumed to carry negative connotations implying that all work is harmful, which they clearly do not believe to be the case. Instead they prefer to use the term “child work” for all types of work, explicitly referring to different levels of harm where necessary. As such Save the Children neither promotes blanket bans on work nor a “right to work” unconditionally. Following the UNCRC’s focus on children’s participation in decisions which affect them, the organisation believes that each case needs to be assessed individually by listening to the children and their families. Save the Children also support and value the contribution of working children’s organisations.

In reference to education the Position Paper states that education can be a useful way to prevent child labour. However, considering the organisation’s position on beneficial types of work Save the Children also urge governments to take measures which ensure that children are able to combine work with education. In terms of Non-Formal Education (NFE) for Save the Children this can be a viable option for those children who have been “alienated” by the formal system but state that it should not be viewed as a sustainable alternative. It is not clear from this Paper what the organisation’s position is exactly on working children who are under the compulsory age of schooling.

Towards the end of the year Save the Children hired a consultant to review this position and look at how it was being received by member organisations and partners working on the field. It appears that there may be some minor changes but in general it was felt that the Save the Children position is quite in line with the general position of the major international actors on the issue. Unfortunately the results of this study were unavailable at the time of writing.

⁵¹ Save the Children’s Position on Children and Work, published 02/02/2003.

CHAPTER 4 *Mani Tese*

Mani Tese, founded in 1964, is an Italian NGO based in Milan. Focusing on development in their own words they work to “to further justice, solidarity and respect among peoples”, through projects both in developing countries as well as lobby and development education projects in Italy and the EU.

Working towards the elimination of child labour in developing countries Mani Tese intervenes with “integrated projects” which address not only working children but also their families, the community and local authorities. The primary beneficiaries are children under 14 who work full time and have abandoned their studies, where one of the goals is their reinsertion into schools, *if possible* the formal schooling system. From rural Benin to street-children in Bolivia the child labour projects of Mani Tese all stress the importance of education. A number of project outlines nonetheless state poverty as the primary reason for child labour arguing that the children work out of necessity. Despite this Mani Tese say that “even without a structural short term solution for the poverty which forces children to work, the project seeks in any case to keep children in school”⁵². However, although the final aim of Mani Tese is clearly formal education, within this perspective it is uncertain whether it will be the solution which is found viable or desirable in all cases.

Since the year 2000 Mani Tese has been acting as the European Co-ordinator for India-based Global March Against Child Labour, which is one of the largest worldwide civil society movements against the mistreatment of children. Since its inception in 1998 when a march was organised across the world to draw attention to child labour, the Global March has now become established as an international movement with a presence in over 140 countries. In the beginning Global March was focused primarily on the worst forms of child labour, having been one of the strongest supporters of Convention 182, the ratification and implementation of which still remains high on the organisations agenda. However Global March has also been a member of the Global Campaign on Education since 1999 and more recently the organisation has turned much more squarely onto the issue of education, promoting access and quality. This year’s annual campaign “From Exploitation to Education” is in fact specifically focused on the link between child labour and education.

In line with this recent increase in interest Global March has recently issued a “Policy Statement on Child Labour and Education”. In it Global March argues that “to eliminate child labour, it is imperative that we establish free, compulsory, equal, quality education for all children”. It is furthermore acknowledged that “the critical link between Education for All and the elimination of child labour should be similarly recognised and implemented in all discourse and action on the subject”⁵³. In this document the two issues are in fact presented as two sides of the same coin, whereby one cannot be achieved without the other, and Global March ask that all stakeholders take “this inseparable relationship” into account. It is much the same argument as that of the MV Foundation.

⁵² Mani Tese Project No. 1598, Camiri, Bolivia.

⁵³ “Policy Statement of Child Labour and Education”, Global March Against Child Labour.

The campaign “From Exploitation to Education” is being organised in Europe by Mani Tese and proposes action on a number of fronts. These include a petition to the President of the European Commission asking that:

- the EU and member states increase development assistance to 0.7% of GNP ensuring that at least 20% is allocated for access to universal education;
- full support for the Fast Track Initiative under EFA is given by all member states;
- Europe stands firm on the exclusion of education from sectors to be liberalised under GATS.

The campaign also involves a number of initiatives for the sensibilisation of European civil society on the linked issues of child labour and education, with Mani Tese being responsible for these programmes in Italy.

One of the key events in the campaign is to be the Children’s World Congress on Child Labour in Florence, Italy in May 2004. This Congress will bring together around 500 children from all over the world, many of whom are ex-child labourers, with the primary aim of giving children the voice to express their ideas and grievances on this issue. The overall goal is “to empower children to lead worldwide efforts to end child labour and to ensure free, quality education for all children”. The Congress is to produce fruitful discussion by the children and will also include an opportunity to present their opinions to representatives of some of the main international actors in the field of child labour and education. This Congress, which is intended to be only the starting point for concerted action to eliminate child labour and provide all children with a basic education, will include a declaration by the children and the establishment of a standing children’s committee to follow the implementation of decisions made at the Congress.

This campaign which Mani Tese is coordinating provides a great opportunity for raising both public and institutional awareness of the link between child labour and education and for encouraging collaborative European action on these combined fronts. The campaign “From Exploitation to Education” however is focused primarily on girl child education with the aim of evening out the disparities in primary education in support of this particular Millennium Development target, and it will be interesting to see how the campaign will develop and contribute to the inclusion of *all* child labour into the formal education system.

CHAPTER 5 HIVOS

HIVOS (Humanist Institute for Co-operation with Developing Countries) is a Dutch NGO working towards a just and sustainable world. Focusing on the poor and marginalized the ultimate aim of HIVOS is the improvement of their condition. Set up in 1968 by members of the humanist movement in The Netherlands the organisation has grown rapidly, in 1978 receiving the status of co-financing agency giving HIVOS entitlement to funds from the Dutch Ministry of Development Cooperation.

As part of their development activities HIVOS have been supporting the MV Foundation since 1995. It was one of the first and remains one of the Foundation's most consistent foreign donors. So much has HIVOS been impressed by the strategy of the MV Foundation that in 2002 a European Campaign was launched based exclusively on this model. The campaign, entitled "Stop Child Labour- School is the Best Place to Work", is being run together with two other Alliance 2015 members: Concern (Ireland) and Deutch Welthungerhilfe (Germany), and is being partially financed by the European Union. In addition the campaign is also supported by a number of trade and teachers unions; in the Netherlands for example it is a joint initiative of HIVOS together with the India Committee of the Netherlands, the Dutch Teachers Union, and FNV Mondiaal.

"Stop Child Labour - School is the Best Place to Work" is a campaign that seeks to eliminate all child labour through the provision of full-time quality education. Envisaged initially to run for three years the campaign calls on the European Union, and the governments of Netherlands, Ireland and Germany to:

- 1) Create a coherent policy on the elimination of child labour linked to the provision of full-time, formal education for all children up to 14 years of age.
- 2) Ensure that European Union members work together to allocate at least 8% of Overseas Development Aid to formal primary education, including strategies to integrate all out-of school children into the education system.
- 3) Make provisions in Overseas Development Aid to ensure that girls and young children from vulnerable groups (including those living in absolute poverty) are integrated into the formal school system.

The Campaign members work closely to achieve these aims both in their own countries and at the Union level. At the European level campaign members have already been involved in the drafting of the European Parliament resolution on education and training in the context of poverty reduction in developing countries which includes two specific points on child labour (see previous chapter on the EU). In the Netherlands the campaign has been very active lobbying local politicians and raising public awareness on the linked issues of child labour and education including programmes in schools and in the mass media.

One of the key events of the campaign will be an International Conference on Child Labour which is being organised in Hyderabad, India where the MV Foundation is based with the help of the government of Andhra Pradesh. This conference which is

being proposed for Winter 2004 will include the participation of a number actors active in these the fields of child labour and education and importantly envisages the presence of several Members of the European Parliament.

PART III The MV Foundation

CHAPTER 6 Background

India in absolute terms has the largest number of working children. These children make up over a third of the total number of children estimated to be working in the world today. Official sources estimate the actual number to be 17 million while other estimates range from 40 to 110 million according to the definition given to child labour. There is a mismatch between the numbers of children found to be involved in labour related activities and the number found to be out of school which has led to a number of analysts to be concerned about the fate of these “nowhere children”. According to MVF, particularly in the Indian context, any child out of school is sooner or later put to some form of work, thus they tend to rely on the latter figures.

Child labour in India is an age-old problem and one which the Indian government has been grappling with since independence. The prevalent approach has been to explain child labour using the ‘poverty argument’ with subsequent implications for policy. In this view children work because their families are so poor that their wages are crucial to the survival of the household. As such child labour was viewed as a “harsh reality”⁵⁴. If its elimination is the goal then it is one that can only be achieved once poverty is sufficiently tackled; a very lengthy process indeed. In the meantime outright prohibition of child labour is neither feasible nor desirable, it will only punish the already suffering poor and put an enormous burden on the already strained education system.

The solution given in the present is to safeguard children from the most dangerous forms of work and regulate all other kinds so that the rights of children who “must” continue working are at least protected in some way. Over the years many different acts were passed referring to various sectors and issues⁵⁵. All of these were incorporated into the Child Labour (Prohibition and Regulation) Act passed by the government of India in 1986. A year later the National Child Labour Policy was adopted to implement the Act. Importantly the 1986 provides a clear and uniform definition of a child, which had varied among the previous acts, as “a person who has not completed 14 years of age” (which is also how a child is defined in the Indian Constitution).

The Child Labour (Prohibition and Regulation) Act divides child labour into hazardous and non-hazardous. The types of work deemed dangerous are listed in a Schedule at the end of the document and any child under 14 is forbidden to work in these occupations or in workshops where dangerous processes are carried out. Other work is simply regulated in Part III of the Act by specifying work conditions. This Act, which is still the main legal provision for child labour in India today, does not in fact abolish child labour. Some forms are forbidden while others are simply regulated and thus condoned. In this way it does little for the vast numbers of children working in the agricultural

⁵⁴ Govt. of India, Ministry of Labour, Report of the Committee on Child Labour (1979).

⁵⁵ The Children Pledging Labour Act 1933; Employment of Children Act 1938; Factories Act 1948; Plantation Labour Act 1951; Motor Transport Workers Act 1961; Merchant Shipping Act 1958; Apprentices Act 1961; Beedi and Cigarette Workers (Condition of Employment Act) 1966; Shops and Establishment Act; Contract Labour (Regulation and Abolition) Act 1970.

sector who make up the great majority of India's child labourers. It furthermore excludes any workplace where work is carried out with the aid of the family.

It is important to note that, despite numerous discussions by the government, India has not yet adopted either of the two ILO Conventions on child labour.

The main legal framework for education was until recently Article 45 of the Indian Constitution which is one of the 'Directive Principles' and instructs the state to provide education that is free and compulsory to all children under 14. Despite this provision and a number of comprehensive Five Year plans it remained an ideal far from reality. This was the predominant Indian framework within which MVF began its work.

In the meantime the past decade has seen a resurgence in discussion and debate on education, reflecting also greater international focus on the issue. A significant review of previous policies, involving also the Indian civil society, has led to a greater emphasis on all children out of schools. This is particularly reflected in the *Sarv Shiksha Abhiyan* (Education of All Campaign) a government programme launched in 2001 to help implement the tenth plan of UEE (Universalise Elementary Education) which includes the specific targets: "All children in school by 2003; all children to complete five years of schooling by 2007".

Concurrently an intensive lobbying campaign was launched for the inclusion of education as a 'Fundamental Right' in the Constitution of India. This campaign was led by nation-wide Networks such as the National Federation for Right to Education (NAFRE), and also the Campaign Against Child Labour (CACL). It followed two Supreme Court judgements⁵⁶ which clearly stated that every citizen has the right to education under the Indian Constitution. This right was in fact enshrined in the Constitution in December 2002. The Constitution was amended to include Article 21A which makes education compulsory under the age of 14⁵⁷ making this right legally enforceable rather than merely desirable as it was previously.

The amendment is only the beginning though, it leaves many ends untied. While legislation giving flesh to the amendment still needs to be worked out, it also conflicts with the existing child labour legislation namely the Child Labour (Prohibition and Regulation) Act outlined above.

In response to this predicament the National Commission on Labour has recently proposed a comprehensive Law on Child Labour to replace existing provisions. The Commission "views the elimination of child labour and the universalisation of elementary education as inseparable processes"⁵⁸, and the proposed legislation defines any child out of school as child labour. Seeking to ensure child labour legislation is in line with the new Constitutional provisions on education, the Draft proposes to abolish all forms of work by children including agricultural and family based activities.

⁵⁶ Miss Mohini Jain vs. State of Karnataka and others AIR 1992; Unnikrishnan, J.P and other vs. state of Andhra Pradesh AIR 1993.

⁵⁷ "21A. Right to Education.- The State shall provide free and compulsory education to all children of the age of six to fourteen years in such a manner as the State may, by the law, determine" – The Constitution (Eighty-Sixth Amendment) Act, 2002.

⁵⁸ Indicative Law on Child Labour, the Child Labour (Prohibition and Rehabilitation) Act 2002, Report of the National Commission on Labour.

Although the recent developments and above mentioned proposal suggest an improvement in the current situation, it remains to be seen how this will be translated into action. In the meantime the present legal framework, not to mention continuing problems in funding of government sponsored education and child labour programmes as well as the limits of their implementation, remain the constraining context within which the MV Foundation carries out its programmes and work.

CHAPTER 7 MVFoundation - History and Approach

The MV Foundation was established in 1981 when it began working on research of social change and transformation in the state of Andhra Pradesh in the south of India. Early work involved looking at such issues as land, housing and minimum wages. Their work on child labour began in the early 1990's, more specifically in 1991 when the Foundation was successful in releasing 30 bonded labourers in three villages in the Ranga Reddy district of Andhra Pradesh. Presently the primary purpose of the MV Foundation is the elimination of child labour through the universalisation of education, although they also run a couple of subsidiary projects concerned with the empowerment of girls and women and a recent pilot programme on health.

Since their humble beginnings MVF's work on child labour has expanded rapidly, and the organisation has become one of the loudest voices in the fight against child labour in India and beyond. One of the greatest strengths of their position and strategy is precisely that it has developed over time. There was no ready-made formula, this "unique and powerful approach"⁵⁹ which has now become crystallised in a charter of Non-negotiables and a number of specific strategies, was developed by a trial-and-error method through years of experience.

Below the distinctive and uncompromising position of the MV Foundation is explained by taking each of the non-negotiable principles in turn to describe how it was arrived at and develop the logic behind them. In the subsequent chapters the specific strategies employed to put these principles to work will be described.

The Position

Over the years the MVF position on child labour has been formalised into a "Charter of basic principles for emancipation of children" which is also known as "Non-negotiables for children 6-14 years of age". These are the guiding principles of the organisation which give direction to all its work concerning child labour.

1. All children must attend full-time formal day schools

Non-formal schools should only be a bridge to formal education and not a substitute for night schools.

For the MV Foundation mainstreaming children into full-time formal schools is the only way to keep them out of work. This inference has been arrived at through experience; like many others in the field MVF originally began by providing child labourers with part-time non-formal education, mainly in the form of night schools, as a means to provide the children with at least some possibility of learning. However they found that not only was NFE not a sustainable solution in the long run but it also did not guarantee that children stopped working: it was simply not successful in retaining the children in class.

In taking on the above position MVF have to confront a number of biases, particularly a long-standing argument that formal education is simply inappropriate to children in the rural context. Although varied, such arguments generally suggest a stronger focus on vocational training that would enable the child to become a productive entity in the context in which it lives. Instead the MV Foundation believes that there is no reason why a formal school should not be fitting to children from all walks of life. Moreover they have proven it by enrolling children from agricultural, fishing, tribal and even migrant backgrounds (see later).

From the perspective of the MVF a school is in fact the only modern institution designed especially for children and as such is the most apt to safeguard children's rights. By being enrolled into formal schools children are placed into a public space where their welfare can be safeguarded. According to the organisations volunteers, arguing that some types of education are more suited to some types of children than to others implies a deterministic view; that a child must remain in the context in which it is born. Furthermore it often reflects a class bias. Instead the rightful place of any and every child is in school. It is in this way that the school also takes on "the role of a democratising institution, where it says that we are here for uniting the village and not for bringing out inequalities"⁶⁰.

*"In the MVF model therefore, securing to a child his/ her right to childhood, elimination of child labour and universalisation of education are all part of the same process"*⁶¹.

2. Any child out of school is child labour

The definition of child labour encompasses every non-school going child irrespective of whether engaged in wage work or non-wage work, self-employed or working for others, employed in hazardous or non-hazardous occupations, employed on daily wage or on contract basis as bonded labour.

The MV Foundation does not make a distinction between hazardous and non-hazardous forms of labour, between child labour and child work (see Non-negotiable no.3). Instead they define child labour as any child who is out of school providing a direct challenge to much of the international status-quo with its focus on the worst forms of child labour.

This approach and definition of child labour is again a direct outcome of the organisation's own experience in the field. The MV Foundation itself began by focusing on bonded child labour which was prevalent in the district of Ranga Reddy where they were working. In fact one of the first actions MVF took against child labour was the release of thirty children who had been bonded into labour in this district.

They found however that there were many limitations in focusing on this group of child labourers alone. Most importantly it did not prevent new children from becoming bonded labourers since, without a more inclusive strategy and a change in the mentality of the various stakeholders, the positions of the children taken out of bonded labour were simply filled by other children. Furthermore a focus on bonded labour excluded a vast number of children engaged in various other types of work including those working

⁶⁰ Shantha Sinha (Secretary Trustee of MVF) speaking at an Andhra Pradesh Government conference on NFE in 1998.

⁶¹ "Some frequently asked questions", MVF internal document.

within their own families of which girl children constitute a major part. At the same time other working children based in the mandals⁶² where MVF was working began to put pressure on the organisation to be included in its projects.

Consequently MVF adapted their position to one according to which any child out of school becomes a child labourer by definition. Wazir argues that this approach clearly reflects the situation on the ground. Children who are not attending full-time school are sooner or later put to some form of work, where even domestic or family- based work can often take a full-time basis. “These children constitute a reserve pool of labour waiting to be absorbed into the wage labour market as and when the opportunity arises. The child worker of today can easily become the child labourer of tomorrow”⁶³. There is also an added advantage to this simple definition provided by MVF for it at the same time implies a solution – namely getting all children into school, and in this way serves not only to eliminate all forms of child labour but also to further the goal of universal education.

3. All work/ labour is hazardous and harms the overall growth of the child

As a consequence of their definition of child labour, any distinction between the different types of child labour is set aside by MV Foundation as meaningless. For MVF the right to childhood is a guiding principle, a right which they believe is indivisible and can only be ensured when a child is in full-time formal school. Any form of work that keeps a child out of school is therefore seen to interfere with this right by denying that child the right to education and development equal to that of his school-going peers. From this perspective debates on what kind of work constitutes child labour may be valuable as academic discussion but are quite useless in the context of realities in the field.

4. There must be total abolition of child labour

Any law regulating child work is unacceptable

This non-negotiable is primarily a response to the position of the Indian government, though it is one which can also be found all over the world including within some European NGO’s and international organisations. It is a criticism of the view that child labour is a “harsh reality” which while it cannot be immediately eliminated should at least be regulated to provide decent working conditions. Far from providing an adequate solution MVF believes that such an approach merely endorses the existence of child labour and thus renders more difficult its total abolition.

The MV Foundation believes that child labour can be eliminated in the present. Subsequently the organisation does not believe that there is a need to regulate child labour whilst waiting for other conditions, such as poverty or the bad quality of schools, to improve. Notwithstanding the long-underlying causes of child labour and the need to work towards their eradication, the organisation has found that many of the explanations for the existence, and in some way necessity of child labour, fall in the face of a demand for education once awakened (see below).

⁶² In India states are divided into districts, and districts subdivided into mandals.

⁶³ Wazir, “Getting Children out of work and into School- MV Foundation”, Monograph 1, 2002, p6.

5. Any justification perpetuating the existence of child labour must be condemned

Arguments such as the ones listed below are all anti-child and go against their real development: (a) 'harsh reality' of the family (b) Poverty (c) Child earnings and income is necessary for the family (d) Unwillingness of parents (e) Teachers and schools are bad (f) Education is useless and does not provide employment (g) Children lose skills and become irrelevant to their surroundings once educated.

In their fight to eliminate child labour the MV Foundation has to fight a number of biases and assumptions or even norms which help to keep this practice in place. Perhaps the most important of these is the so called "poverty argument" which the MV Foundation has been trying to dispel for a number of years. This line of thinking broadly encompasses points (a), (b) and (c) above.

The 'poverty argument' assumes a sense of inevitability in the incidence of child labour; it is explained ultimately as a result of extreme poverty and the necessity of the child's earnings for the family's sustenance. It is precisely this assumption which leads to policy prescriptions of the kind seen at a number of international organisations and leading agencies dealing with this issue (see background) and importantly also by the government of India (see Chapter 7), which in the absence of a short term solution chose to focus on the worst and most visible forms of child labour.

The MV Foundation has simply not found poverty to be the main determinant of child labour. Instead in over ten years of experience in working on this issue the organisation has and continues to find poor parents more than willing to send their children to school. This is not to say that MVF denies poverty as one of the causes, it simply regards it as one of many and in this way rejects the premise that it is the primary reason for engaging children in work. In 1997 a study was conducted by MVF in Mominpet Mandal to construct a profile of school going and non-school going children and their families in ten villages for the purpose of comparison. One of the most important findings of that study, linking both previous research and experience from the field, was precisely that "households of school going children and non-school going children are economically in a similar position"⁶⁴, implying that there are a number of other factors, both social and cultural, which encourage parents to send their children to work instead of to schools.

The MV Foundation regards established norms as one of the main causes for the persistence of child labour. The majority of poor parents are illiterates themselves and education has simply never been part of their economic agenda. While it may never cross the mind for a middle class parent to make their child work in a similar way it is much simpler and more automatic for a poor parent to do that rather than send their child to school. There are a number of reasons for this, not least due to the complex situation that parents must face in order to enrol their child into school. A whole set of unfamiliar procedures have to be passed and various things obtained such as birth and health certificates as well school dress and books.

Moreover procedures are sometimes complicated and all the more so for illiterate parents. In one mandal visited, eleven different certificates needed to be obtained and stamped by the relevant official before a child could be admitted into a government

Mandal", Research and Development Society Hyderabad for MVF, 1997.

hostel. Many of the rules which presumably exist to maintain quality in schools are in fact entirely unfavourable to the enrolment of children who come from families with no tradition of going to school.

These rules appear to be constructed on the simple assumption that sending a child to school is an easy and automatic task and as such make no distinction between a family of multiple generation literates and one which has absolutely no background knowledge of the education system.

One such example are admission deadlines, a rule which stands in order not to disturb the teaching calendar but which in reality acts as a dire hindrance to the task of enrolling working children. In many cases these children are refused admission simply on the basis that it was being asked at the wrong time of year. Furthermore until recently older children seeking to enrol were provided with no opportunity to catch up and join classes appropriate to their age but were instead automatically be placed in class I with the youngest children, irrespective of their age.

According to Wazir “the education system gives out a clear message that it is not serious about enrolling and teaching poor children”⁶⁵. In this sense the alien nature of the education system and related institutions becomes another disincentive to enrolment. For an illiterate parent the whole system is foreign, and simple issues such as the handling of the child’s homework or dealing with teachers is, for them, a mystery. In addition to an absence of measures to aid parents and children in these situations, one often finds that the system works to the contrary. For example, teachers are frequently reluctant to have large numbers in a class and MVF have found that they may use a number of methods to keep these numbers down thus discouraging retention.

In the eyes of the MV Foundation the fight of the poor to ensure their children’s future is rather like their general struggle to gain access to institutions and resources. According to the organisation “child labour and illiteracy is just another example of the poor not being heard because they are not important enough. It arises out of an inability on the part of the poor to access the right quarters and to articulate their demand effectively and has little to do with lack of income or affordability. It is an entitlement that the poor have been denied”⁶⁶. To this end MVF see that the role of NGO’s is to help recognise and articulate parental demand for education and give them confidence to send their children to school. In the Foundation’s experience once parents were presented with a realistic opportunity to educate their children they grasped it with both hands. Families have reorganised spending and work patterns, some sold cattle that they had been keeping as savings having recognised that their children’s education is a more practical investment. Parents who had previously argued that they were too poor to send their child to school now contributed parts of their income to the wages of an additional teacher. This is one of the most dangerous aspects of some of the prevailing explanations for the existence of child labour, that they too often become internalised precisely by those they are supposed to serve.

For the MV Foundation explanations such as poverty, parental unwillingness, irrelevance of formal education or the quality of teaching and institutions serve to justify and perpetuate child labour rather than explain it. According to Shantha Sinha,

⁶⁵ Wazir, “Getting Children out of work and into School- MV Foundation”, Monograph 1, 2002, p5.

⁶⁶ “Some frequently asked questions”, MVF internal document.

Secretary Trustee at MVF, “the fact that 50% of the children in our country *are* going to government schools, which do not have sufficient teachers, buildings, quality education, is in itself a demonstration of the fact that parents want their children to go to school”⁶⁷. Despite all odds, poor parents have found ways to send their children to school.

To this end the MV Foundation also repudiates the use of incentives on the grounds that they serve as a disincentive and thus undermine the efforts of those who are already sending their children to school in spite of their poverty. The best incentive is simply the creation of an environment where all concerned support and encourage parents to send their children to school.

*“Poverty is not a limiting factor for the education and development of children. The only limiting factor is the way we think and the way in which we teach our children to think”*⁶⁸.

⁶⁷ Sinha Shantha, speaking at an Andhra Pradesh Government conference on NFE in 1998.

⁶⁸ Poonam Sharma, Prologue to “Profile of school going and non school going children and their families- A Study of Mominpet Mandal”, Research and Development Society Hyderabad for MVF, 1997.

CHAPTER 8 Strategies of the MV Foundation

In their endeavour to achieve the *total elimination* of child labour the MV Foundation has developed a highly integrated approach which seeks to address the multiple factors that operate to keep a child at work and out of school. In line with the organisation's non-negotiable principles this approach combines a number of precise strategies with a broad set of shared assumptions. This chapter will first seek to outline some of these more general aspects of MVF's approach to child labour while the second part will elaborate on some of the more specific policies used.

General Strategies

Creating demand

According to the MV Foundation in order to ensure that all children complete at least compulsory schooling the demand and supply of education must come as parallel processes. While getting the education system right is of crucial importance it will be of limited consequence if demand factors are not taken into account. For example although it is clearly expedient to set up schools and improve quality, if parents are unable to express their demand and if institutions remain alien and admission procedures complicated, the overall effect on enrolment is likely to be only partial.

Instead the MV Foundation seeks to aid the communities where they work to articulate their demand for education. The universalisation of education is then initiated by first creating demand and then supporting the community in accessing the school, through which they can also begin to take ownership of the education system.

In order to have a permanent impact MVF aims to include all parents and not just those of working children, as a consequence of which it becomes possible to exert a constant pressure on the education bureaucracy. In this way the government school stops being an alien institution and instead becomes one which responds to the needs and aspirations of the community⁶⁹.

Consensus building

The MV Foundation's approach is based on the fundamental understanding that the elimination of child labour can only be possible once there is a change in the social norms that render this practice acceptable. Consequently the crux of MVF's strategy becomes the establishment of the norm that no child should work and that all children should be in full time formal school. (See 'Specific Strategies' below for more information about how the MVF goes about achieving this)

In the endeavour to achieve this change in the existing norms and the internalisation of fresh values, consensus building emerges as a natural strategy. To this end the emphasis is placed on inclusion rather than confrontation with the aim of building alliances

among all the stakeholders. Negative stereotypes are avoided even of those employing children since this ultimately results in cynicism and discourages them from joining the programme. Instead MVF aim to convince participants “that their contribution is indispensable to the successful accomplishment of restoring to children their right to education”⁷⁰ and of the necessity of bringing everyone in to the agenda. For example employers who chose to release child labourers, instead of being chastised are given recognition by having their names given to newspapers or by having them perform the release at a public function. Another very useful means and one often utilised by the MVF is to try and win the support of local leaders or other influential persons in the community who then help persuade others.

Children’s rights are in any case by their very nature an inclusive issue. Since MVF concern themselves with all out of school children building consensus becomes a straightforward issue, no child is excluded and there is no group in society that needs to be an opponent.

However the MVF has also consciously chosen not to politicise any issue that may come up during the implementation of their programme. In India caste divisions run very deep and it is important to note in the context of MVF programmes that the majority of out-of-school children come from lower castes. Thus MVF have had to find the most effective way to deal with caste tensions which have at times caused some rather unpleasant incidents. In such situations the organisation has found taking on this issue of caste simply ineffective and limiting in terms of long-term social transformation. Instead they chose to keep focus exclusively on the child rights issue, never steering from their chosen path. A caste beating for example is therefore not treated as an issue of caste but as a violation of the child’s right. In this way such obstacles are turned into additional opportunities to push the organisation’s agenda. Furthermore this approach, which seeks to include all scheduled castes, tribes and minorities, also contributes to the amelioration of any existing tensions in the long run, as the various groups in a community gather around the common issue of improving the future of their children.

Negotiation and compromise

The MV Foundation’s early campaigns on bonded labour were in fact characterised by much violence, an experience which has taught the organisation that retaliation only serves to alienate the village community. Instead MVF volunteers chose to exercise restraint in the face of hostility and never to respond to adversity with the same. As one volunteer explained, “if we bow our heads before a hostile person and say, beat us if you wish to, the assaulter is often shamed and retreats”⁷¹. Patience, they say, comes easily when one is convinced in the righteousness of the cause.

MVF thus believes very strongly that negotiation and compromise are the only means with which to achieve consensus. However they do not prescribe any ready made formula, the process varies from one village to the next. Solutions are negotiated at each location with each community finding its own innovative means to overcome opposition. Strategies range from motivation to social boycott; in one village for

⁷⁰ “Strategies”, Internal Document, MVF.

⁷¹ Mahajan Sucheta, “MVF India- Education and Empowerment”, in *Mainstream*, 16th August 2003.

example the villagers denied an employer of a bonded child access to the local water well. In another example a mandal officer threatened to deny benefits to employers of children and parents who did not send their children to school.

Peer-to-peer counselling is one specific strategy that has proved particularly effective. For example children who go to bridge camps (see specific strategies) often share their experiences when they go home and other working children are inspired to go to school, some even run away to go to the camps. Similarly parents who have already made the adjustments to send their children to schools are often in the best position to convince other parents to do the same. One also finds that former employers of children end up becoming supporters if nothing else since they do not want their competitors to profit from child labour! Peer-to-peer counselling is an immensely valuable method since it transforms consensus building into a process that comes from within the community itself, generating momentum and making it possible to create a permanent change.

Ownership

The MV Foundation strategy is highly participatory and the organisation pays great attention to local ownership which is regarded as crucial to the sustainability of the programme. Once a consensus on children's rights is built, ensuring that children go to school becomes shared responsibility and the community takes on an active role in the management of the programme.

To aid the development of ownership the MVF functions through a system of decentralised management. It is understood that this process would nurture creativeness and innovation without compromising on the fundamental principles of the organisation. Local branches are therefore given a degree of freedom in decision making to come up with their own solutions and in this way give shape to the programme at the local level.

Formation of local pressure groups

In an MV Foundation programme every mobilisation effort must culminate in the building of permanent institutions at the local level. In this attempt to ensure that the initial euphoria does not simply die out, MVF seeks to revitalise existing or consolidate any new support structures which arise as a result of the mobilisation activities. In this way the participation of the community is formalised and given additional recognition. Depending on local specificities different organisations are set up. These may be Child Rights Protection Committees (CRPC's), Youth Forums for the Liberation of Child Rights, Mothers Committees and so on. The new coalitions cut across the village to include anyone interested in the issue irrelevant of any other affiliations they may have.

These bodies take on the role of permanent watchdog for children's rights in the community and serve as a link both between the household and the school, and between these and the gram panchayat institutions (local elected self-government). They may also come together with similar bodies formed in other villages when an issue arises which needs resolving beyond the village level.

Strengthening Existing Institutions

The MVF does not believe that setting up parallel institutions is an effective or sustainable solution. Instead their policy is to revitalise and strengthen those which already exist. According to the MV Foundation education is primarily the responsibility of the state. The organisation's self-image therefore is not that of a provider, it sees itself instead as a facilitator helping the people access the existing structures. Neither does the MVF place itself in opposition to the government; it instead chooses to occupy a middle ground acting as a link between the bureaucracy and the community.

Therefore local institutions such as gran panchayats (elected local self-government) and Parent Teacher Associations (renamed School Education Committees- SEC's in 1998) are rejuvenated by the MV Foundation to become instruments in the hands of the people. Mahajan argues that such a policy becomes all the more important in the context of declining governmental institutions and the apathy of most institutional structures⁷². In this way the MVF programmes also contribute to building good governance and democracy by restoring agency to the people.

The strong focus on ownership placed by the MV Foundation in its strategy is crucial to the sustainability of the programme and its results. In recent years MVF have in fact begun to successfully withdraw from around 150 villages in the Shankarpally mandal where they have been active the longest. In these communities the locally established structures such as the CRPC's continue to function and run the programme on their own, conducting review meetings and organising their own motivation drives in the endeavour to safeguard children's rights.

Specific Strategies

Mobilisation

Once a village has been identified by the programme the first step is often to identify a core group of grassroots leaders who are willing to take on the MVF position. This is an essential group which on the one hand supports the MV Foundation but which also functions independently to achieve its own objectives. The members of this group are volunteers who are not paid but who receive training on social mobilisation and consensus building from MVF and some of whom may go on to be employed by the organisation as the project continues.

MVF have found that village youth are often their best allies since many of them are first-generation learners themselves and thus clearly understand the difficulties that have to be faced. Importantly these volunteers are always local people and as such are the best qualified to be the protagonists of MVF programmes since they have first-hand knowledge of the particular context. Their intervention is also more likely to be accepted since they come from the community itself.

There are several entry points which may be used by MVF to introduce themselves in the community. For example they may put on a street-play, organise a public meeting or

⁷² Mahajan Sucheta, "MVF India- Education and Empowerment", in *Mainstream*, 16th August 2003, p39.

cycle or foot rally, or chose to approach the community through door-to-door visits. In all these instances local dialect is used to portray real life incidents in songs and plays and these events often encourage an immediate commitment from some of those present. Both these initial and any subsequent actions of community mobilisation would typically include the active participation of the core group identified previously by MVF in both the organisation of the campaign and advocacy.

The entry point chosen often depends on the local context. For example public meetings and rallies are often used in larger communities. MVF tries to utilise all public functions to highlight the issue of child rights. Holidays such as Independence Day and the Republic Day are used to hold meetings as are other occasions such as May Day, Child Rights Day, International Women's Day and so on. Theatre is often used for public meetings in which MVF often involve children as resource persons.

In smaller habitations door-to-door campaigns are sometimes more appropriate. Through these MVF staff and volunteers visit families and employers and try to convince them of the need to free children from work and place them into formal schools. In the case of drop-outs these visits can also serve for family counselling.

Usually after MVF enters a village a door-to-door survey is conducted of all the children in the community. If a small habitation is targeted the survey may also be used as an entry-point. It is not only an occasion to make first acquaintance with the parents but also a way to establish contact with all the groups in the village and provoke open dialogue on children's rights. This door-to-door survey, conducted with the purpose to establish the number of children in and out of school, becomes a crucial means to estimate the magnitude of the problem as well as to provide concrete examples of parents who have not been prevented in sending their children to schools.

Enrolling children into schools

The MV Foundation employs a variety and combination of strategies in their endeavour to enrol children into school and into classes appropriate to their age. The different means available to the organisation are applied in a number of ways depending on the context and according to what is most appropriate for the child. The main distinction made is that between older and younger children. While younger children under 9 years of age are generally enrolled directly into regular schools for those between 9 and 14 particular strategies have been devised to make sure these older children are given the opportunity to catch up with their peers⁷³.

⁷³ For an overview of the different strategies employed by MVF see Annex 1.

Bridge Camps

The core of the MV Foundation strategy are the MVF Bridge Camps. These are residential camps in which children spend between three to eighteen months depending on their need. In the camps the children are given intensive and accelerated tuition in order to ease their enrolment in formal schools into the class appropriate for their age.

However the camp is much more than just a place where the children catch up on missed education. The Bridge Course also essentially acts as a bridge between work and school. It provides an adjustment period for both the child and family. Children are given the opportunity to interact with others of their own age, an experience often lacking in the life of a working child, and can finally share experiences with their peers. It is at the camp that the children begin to regain their childhood while their parents are given the opportunity to adjust to the changes in the child and their role as parents of a student. Children in the camps are also a vital resource for the MV Foundation as the camps become instruments in the motivation drive through exposure visits by members of neighbouring communities or of local or state government.

Recognising that time is needed by the children to adjust to their new life, they are given the full freedom in the camp to adjust at their own pace. To this end children are not obliged by the camp staff to go to class immediately upon their arrival in the camp but with the majority of their peers spending their days learning often simply asking “don’t you have class?” is motivation enough.

Teachers in the camps are trained on an ongoing basis by the MV Foundation and they employ simple teaching methodologies utilising concepts already known to the child, such as the use of stories and poems told by the children themselves to teach reading and writing. In addition the camps are run like a big family with an emphasis on participation and shared responsibility. Children organise themselves into various committees which take care of food, health, learning materials and so on, and meet on a regular basis to discuss and raise any problems that may come up.

Short Term Camps

Short Terms Camps are one additional strategy used by the MV Foundation. These are camps which are run only for a few days in which children and parents who are not yet fully convinced are brought together to interact and gain confidence. They can also serve to give access to the children since it is often difficult for the organisation to interact with working children.

Motivation Centres

Motivation Centres have a variety of purposes. In some cases a Motivation Centre may be used like a short term camp, in others it may take on more the role of a bridge camp (although a Motivation Centre is never residential). The role varies according to local needs. The primary purpose of a Motivation Centre is to give children and their parents the possibility to visualise that children have the option of stopping work.

Motivation Centres usually run for an average four to five months, and serve as a transit for those who need the additional support. In this time they provide an opportunity for children, parents, teachers and volunteers to meet and exchange their fears and

experiences. Although the primary aim of the Motivation Centre is not formal teaching, some basic literacy and numeracy skills are taught.

The Centre normally functions part-time, in some cases in the school building, and can be used as an adjustment period for the working child. Timings begin in the morning for example and are gradually extended to slowly transform the child's working day into a school day. In cases where Bridge Camps are missing (as is the case in a number of districts at the moment due to a shortage of funds) the Motivation Centre can be used as a day-time form of bridge course, providing more intensive learning as the means to enrol children directly from the centre into formal schools.

Revitalising and setting up schools

In many cases schools are simply not ready or do not even exist for the children to be enrolled. However the MV Foundation does not believe that it is necessary to sit and wait for the school system to improve. Instead their policy is to utilise the demand which has been generated in the communities in order to put pressure on the government to improve these schools.

In all the various activities undertaken it is the community which has the primary role, taking ownership both of the rejuvenation and the education system in the process.

Firstly the communities are encouraged to do a number of things for themselves. Through the institutions generated during the mobilisation process such as the revitalised SEC's or CRPC, the villagers are supported in finding ways to organise themselves and generate additional resources for their school. In some cases MVF would offer a small grant of "seed money" which is to be used by the SEC and the school headmaster, who keep the money in a joint account, to generate additional resources in cash or kind which far exceed the original amount donated by the organisation. In a similar way if MVF offered a volunteer to teach in the school the community would be expected to come up with the second one. Each village finds its own innovative solutions to support extra teachers and resources for the school: in some cases a tax was levied on all the trucks carrying cotton-seed out of the village and in others an amount asked for on each ration card used in the government shops.

In the more desperate cases where no school exists, which is still the case in many smaller habitations, MVF helps by providing some temporary solutions while the community begins the task of pressurising the government for a school. Ordinarily the village will be given an MVF volunteer to start with, who given the lack of infrastructure will often teach under a tree. Seeing the MV Foundation do so much work the community is also inspired to mobilise, and often they quickly provide some construction in the form of a thatched shed or warehouse. In the meantime the villagers are encouraged to use all the means available to them to put pressure on the authorities for a school. This includes approaching all kinds of local government officials such as the MRO, the MDO, the MEO or even the local MLA⁷⁴. Petitions of their demands are presented and government reach-out programmes such as the Janmabhoomi are utilised

⁷⁴ These are the Mandal Revenue officer; Mandal Development Officer; Mandal Education Officer; and Member of Legislative Assembly, respectively.

to present the request for a government school to the local government officials who come to hear their grievances.

Keeping children in school

Once children are enrolled into schools the difficult task of keeping them there begins. The primary aim is to prevent children from being pushed-out of the school system by the same biases that excluded them in the first place. One of the major mechanisms is the monitoring of all school going children by MVF volunteers, or members of local bodies which were set up or revitalised as a result of the motivation drives such as the School Education Committees (SEC's) or the Child Rights Protection Committees (CRPC's).

Children are monitored through a number of mechanisms such as:

- the regular verification of attendance registers
- the motivation of irregular students and drop-outs to rejoin schools
- constantly updated surveys and student lists in the villages and schools.

The verification of registers is a particularly useful mechanism. Detailed surveys revealed a number of children whose names were on the registers due to a rice distribution scheme of the government to encourage enrolment. The over-reporting of children in schools further distorts the real picture and the preparation of effective plans to ensure all children go to school. The verification serves to make sure children attend as well as to identify those out of school in order to encourage their enrolment into schools or bridge camps.

The MVF assigns at least one volunteer to each school who works together with the community in order to ensure that children are retained in schools and that their needs are adequately addressed. In addition Children's Committees are formed in each school to give teachers feedback on any problems they face in the classroom, including issues such as corporal punishment and insults or even child marriages in the case of girls.

MVF volunteers are also appointed in Government Hostels which are free residential houses for school-going children for what the government of India defines as the vulnerable sections of society such as scheduled castes and tribes. Conditions in these hostels are often rather poor thus MVF appoints tutors and counsellors who help the children with their studies and address any problems that may come up.

An important aspect of the MVF strategy for retaining children is the examination of existing rules that may work to push children out of schools. In India traditionally these rules that govern the functioning of schools have been totally ignorant of the needs of first generation school-goers. Most pedagogical tools used in schools actually assume that they are dealing with children who are familiar with the system and have strong academic support at home. From this perspective quality is also defined differently. In the context of first generation learners, however, quality would in fact mean a system which takes into account the forces that operate on the children outside of the school. MVF being fully aware of these forces have attempted to improve existing practices and regulations, a number of which have been successfully challenged. Examples of some such initiatives are given below:

Class I Khali Karo

In a number of schools where they have a presence MVF discovered that Class I was being overcrowded due the retention of older children. In fact research showed that around fifty percent of all children in primary schools were found to be in Class I! This was seen to be adversely affecting the teacher-pupil ratio and thus contributing to a low quality of teaching. In addition the persistence of this situation contributed to the demotivation of the older children and ultimately their drop-out from school entirely.

In order to address the problem MVF launched the *Class I Khali Karo (empty Class I)* programme involving a campaign to get older children promoted to higher classes. Through the campaign MVF organised a number of summer schools and special classes in order to enable the children to catch up and be inserted into classes appropriate to their age. Targeting mainly children between 7 and 9 years of age these schools are run by local youth volunteers but supported by the schools headmaster and members of the SEC. Importantly this campaign was followed by a government order against the detention of children in lower classes (see Annex 2).

School Transfer

It was brought to the MV Foundation's attention that many children were dropping-out of school after Class V and Class VII. Since these classes are the points at which children move to Upper Primary Schools and High Schools it was recognised that cumbersome transfer procedures were behind these drop-outs. In addition to the filling out of a number of different forms the parents of the child were responsible for obtaining all the relevant transfer certificates from the previous school and for producing them at the new school. To counteract the drop-outs resulting from these insensitive regulations MVF have set up a system of nodal and satellite schools, whereby primary schools were linked to upper primary and high schools in the area.

In the new system headmasters take on the responsibility for the transfer certificates and make the necessary arrangements with the other schools. In addition MVF's advocacy work has led to a recognition of this problem by the Education Department of Andhra Pradesh which has subsequently also undertaken steps to reform the procedures (see Annex 2).

Learning Guarantee Programme

The Learning Guarantee Programme is a recent initiative of the MV Foundation in cooperation with the District Primary Education Programme (DPEP). The programme follows an assessment made by the Government of Andhra Pradesh on the learning levels of children in the Chittoor district. This assessment undertaken in April 2001 concluded that in fact over 60% of the children in Class V did not even reach the standard expected in Class I. These shocking results started a general debate on the quality of schools. Parents in the Shankarpally mandal for example complained that despite the enormous sacrifices they were making to send their children to schools they did not appear to be learning much. The same questionnaire that was used in Chittoor was applied to assess learning levels in Shankarpally where it was found that the children were not any better if not worse.

As a result a pilot project was begun in October 2001 within the mandal covering 8 villages. In all the schools in the project area teachers undertook a detailed analysis of

the achievement levels of the children. With this information classes were merged and regrouped by order of competency. Teachers drew up daily and weekly plans for each child and a six week remedial course was given with the aim of helping the children catch up.

Following the widespread success of this pilot programme the experiment was shared with a number of headmasters. Consequently the “learning guarantee” programme has been established functioning in the form of remedial courses in the summer initially in 150 villages and later in 200 schools covering 20 000 children. The programme additionally includes both:

- a transformation of teaching methods with a renewed focus on learning rather than merely delivering the syllabus, and
- a transformation in the culture surrounding the school with an emphasis on making it more participatory by means of parents being constantly updated on the progress of their child, and both families and the whole community being involved in the running of the programme.

The involvement of the DPEP in this initiative has led to forty additional teachers being trained to implement the programme and importantly to a government order whereby “it has been decided to introduce the programme of “Learning Guarantee by teachers” in all the Primary, Upper Primary and High Schools with immediate effect”⁷⁵.

It is important to note that even once the government has recognised some of the issues highlighted by the MVF and taken appropriate action, the organisation continues to follow developments in order to ensure that all the circulars issued to retain children in schools are internalised by the department and the local bodies.

⁷⁵ Government of Andhra Pradesh, Education Department, Government Order number: GoM.No-300, 21st May 2002.

CHAPTER 9 Impact

From its humble beginnings in 1991 when thirty children were released from bonded labour MVF's child labour elimination programme has expanded rapidly. With its uncompromising stand and strong focus on community ownership the MV Foundation appears to have taken on some characteristics of a social movement, sparking of a ripple effect that has taken the programme way beyond the original project base in the Ranga Reddy district. The programme has in fact grown to cover eight districts, 62 mandals and over 4300 habitations.

Over the years the MV Foundation has successfully mainstreamed 263 553 children into formal schools and has grown to include over 81 000 members of various locally formed networks and alliances fighting for children's rights in the project area. In the Ranga Reddy district bonded labour has declined 40% in four years between 1996 and 2000, showing that the organisations inclusive approach is no less effective in the fight against the worst forms of child labour. In addition there are now over 400 villages where every child in the 5 to 11 age group is in school. In addition following the success of the child labour elimination programme MVF has been in a position to start expanding to a number of related issues such as girl-child marriages and the quality of education. These figures clearly challenge conventional thinking that poverty is the main cause of child labour demonstrating that even without monetary incentives parents are not only willing to send their children to school but also to make enormous sacrifices in order to do so.

In actuality the number of beneficiaries who have been affected indirectly by the MVF programmes far exceeds the above numbers. By using an entirely participatory approach MVF projects reach out to a variety of community members outside the circle of working children and their immediate families. By teaching people their rights and how to fight for them as well as how to access government institutions entire communities are empowered. Village youth for example who are engaged as volunteers by MVF gain confidence and a feeling of self-worth realising that they have an important role to play in the community. In addition the effect of their involvement in the programme is an improvement in their capacities to negotiate with authority, as well as to manage and organise people, events, campaigns. Often it may also lead to an improvement in their own formal qualifications.

School teachers provide another good example. MVF believe that in fact only once all the children are in school are teachers empowered to teach. Through the growth of parental and community interest in the running and efficacy of their local school, the teacher becomes an important figure in the life of the village contributing also to the individuals dignity and self-esteem. In addition this enhanced interest in schooling provides teachers with additional motivation and a sense of responsibility to the community to provide quality teaching and ensure that their children's rights are safeguarded.

In 1996 a group of teachers were so inspired by a talk given by an MVF volunteer that they formed the *Bala Karmika Vimochana Vedika* (BKVV), that is the Teachers Forum for the Liberation of Child Labour. Following the MVF approach, members of the forum question the traditional role of the teacher to address only children in school but

instead seek to expand this role beyond the school into the family and community. Since its inception the BKVV has grown and now includes over 2000 government teachers in Andhra Pradesh. The forum works closely but separately from the MV Foundation and acts as a particularly important link between the organisation and the government; one of its principal activities being the sensitivisation of local government officials on the child labour issue.

Nonetheless, by far the most important in terms of effect and sustainability has been the direct cooperation of the MV Foundation with the government of Andhra Pradesh, facilitating the application of the MVF approach in the entire state. It is to this response by the state government to the organisation's programmes that the remainder of this chapter is dedicated to.

On the government

“The Government of Andhra Pradesh is committed to the schooling of all children by identifying all children who are out of schools as Child Labour, getting them released from work and enrolling them into schools”⁷⁶

Perhaps one of the greatest tributes to the MVF position on child labour has been the huge impact it has had on the government of Andhra Pradesh. It is no small achievement that in the state today it is no longer debated what child labour is and what should be done, but how to enrol all children into schools. Crucially the adoption of the MVF perspective by the Andhra Pradesh government has also created a state-wide environment conducive to policies which link child labour and education, thus contributing towards the building of a consensus among the various actors working on this issue be it government, international or NGO's.

The MVF has had a decisive role to play in this development. Firm in their belief that the government alone is responsible for providing education MVF consider working with the government the only way to have any permanent effect on child labour. Consequently the organisation involves itself in a number of advocacy activities such as seminars and workshops, training programmes and exposure visits to MVF projects. It is no small feat; in 2001-2002 alone 667 government officials were trained by the organisation⁷⁷.

The following section will seek to describe the impact of the MV Foundation on the state bureaucracy, providing an overview of the Andhra Pradesh government position on child labour and a number of programmes where the MVF approach has been used.

Policy of Government of Andhra Pradesh

⁷⁶ “Every Child in School; Reaching the Unreached – Our Commitment”, Department of School Education Andhra Pradesh, July 2003, p10.

⁷⁷ Van der Kaaij Sanne, “Working with the Government; The MV Foundation and one of their basic principles of fighting child labour (1991-2003)”, April- August 2003

Although the government of Andhra Pradesh is obliged to act within the framework of Indian policies it also has a number of prospects for independent action. Child labour and education have been such areas where the government of Andhra Pradesh has clearly gone beyond the provisions given at the national level. According to the Andhra Pradesh government the elimination of child labour and the universalisation of education are interlinked goals that need to be addressed accordingly. As early back as 1999 this link was made in the “Vision 2020” document issued by the Education Department of Andhra Pradesh in which the elimination of child labour by 2005 is presented as one of the indispensable goals for the achievement of “Swarnandhrapradesh” which is to not just “be literate but a knowledge society capable of meeting the challenges posed by the 21st century”⁷⁸. This document also reaffirms the right of every child to education and states that “it is the paramount duty of the State Government to guarantee the realisation of this right”⁷⁹.

Subsequently the government of Andhra Pradesh has adopted the MVF definition of child labour as all children out of school, declared by the Legislative Assembly in what is known as the “Suryapet Declaration”. Accordingly the government endorses policies which “recognise that planning for enrolling children is also a plan for their withdrawal from work and universalisation of elementary education also implies elimination of child labour”⁸⁰. To this end, and in a clear vindication of the MVF approach, “the basic premise on which the State Policy on education for all is based is the following:

Parents **can** and are **willing** to send children to school

- This implies that we need not wait for elimination of poverty before universalising education
- Economic support to parents, compensation for child’s income and other aspects are of secondary importance as compared to motivation and provision of adequate infrastructure and facilities including trained manpower at the school level
- It also implies that the role for any alternative forms of schooling, if any is only temporary and the ultimate objectives of any policy is to make use of the formal school mechanism
- Formal school education is relevant to all children including children of the poor”⁸¹.

In recent developments the Government of Andhra Pradesh has launched an initiative to include the link between child labour and education in the state legislation. Following a legislative Assembly Resolution on the Elimination of Child Labour in March 2001, the “Andhra Pradesh Child Labour Abolition and Compulsory Education Bill 2003” has been drafted and is currently in the process of being adopted by the state government. This legislation defines a child as a person under 15, and child labour as “any child employed or working in any employment, occupation process or activity which interferes with her or his full time formal schooling”⁸². The Bill makes it illegal for any child to “be employed or permitted to work in *any form of child labour*”⁸³. To this end it

⁷⁸ “Vision 2020: Draft Approach on Education- an agenda for Swarnanhra Pradesh”, Education Department Government of Andhra Pradesh, December 1999.

⁷⁹ Ibid, p1.

⁸⁰ “Annual Work Plan & Budget 2001-2, State Component Plan”, DPEP, Government of Andhra Pradesh, p17.

⁸¹ Ibid, p16, (bold in original).

⁸² “The Andhra Pradesh Child Labour and Compulsory Education Bill” 2003, Chapter 1, p3.

⁸³ Ibid, Chapter 2, Clause 3, p6, (italics by author).

is stated that the government shall provide free and compulsory education up to class X and liabilities are imposed on employers of children and parents who do not send their children to school. A Child Labour Abolition Authority is to be established to implement the Bill.

Implementation –some examples

Balajyothi (The Hyderabad District Child Labour Project Society)

The Balajyothi programme was launched in Hyderabad city in November 1995 in order to enrol all out of school children into schools and create a city free of child labour. The project began with a door-to-door survey in order to assess the existing situation and develop strategies to mainstream children. The survey found 70 000 children not going to school and found that the main causes to be a lack of motivation and access.

The Hyderabad District Child Labour Project Society which was responsible for the project was originally sanctioned for a project whose main components were economic incentives and mid-day meals. However following the findings of the survey variations were brought into the programme based on the Project Society's belief that there is no need for incentives as there exists a community demand for schooling. Similarly although two NFE based projects had previously been sanctioned, the Project Society states that "as part time education has proved not practical we have decided to run the programme as part of the Balajyothi programme that is to create education access to children i.e. full time school facility to every child"⁸⁴.

Based on the MVF strategy the Balajyothi project involved the active participation of the local community and employed Bridge Course Camps as well as a number of strategies to strengthen schools in order to enrol children into schools and keep them there.

This programme which reached 22 871 children is a vital example of the replicability of the MVF approach and of its successful applicability also in the urban context.

Back to School Programme

The Back to School programme is an initiative of the Department of Social Welfare of the government of Andhra Pradesh which originally began as a pilot project for two months in April 1997 and which is still implemented today together with the Education Department.

Based on the strategy of the MV Foundation this project uses Social Welfare Department Hostels to run Bridge Course Camps for out of school children between the ages of 9 to 14 during the summer holidays. During his time the programme provides teaching and housing facilities with the aim of reinserting the children into regular schools in a class appropriate to their age. At the end of the course the children sit a test to assess their academic ability and are either admitted directly into school or in the rare case that they have not reached the appropriate academic level are enrolled in Long

⁸⁴ "Report on Balajyothi Activities", 1997.

Term Residential Bridge Camps run by the DPEP and Department of Education (see below).

The Back to School initiative originally aimed to reach 42 000 out of school children and has since been expanded to target an additional 100 000 children.

DPIP

The Andhra Pradesh District Poverty Initiatives Project is a programme implemented in six districts of the state by the Society for Elimination of Rural Poverty (SERP) and is funded by the World Bank. The programme includes a Child Labour Eradication as a vital component of its strategy to alleviate poverty.

Listed as the first objective of the Child Labour Eradication programme is building a “consensus on the total abolition of child labour through the Universalisation of Elementary Education”⁸⁵. In agreement with the MV Foundation the DPIP together with DPEP (see below) uses the organisations innovative strategy including Bridge Camps in order to withdraw children from work and enrol them into schools to classes appropriate to their age.

The present agreement covers a period of three years from 2001-4 is being applied in thirty mandals of five districts covering 1230 villages.

Education Department and DPEP

Following an earlier Legislative Assembly Resolution for the abolition of child labour by 2004 and having recognised the inextricable link between child labour and education, in 2000 the government of Andhra Pradesh entrusted the elimination of child labour to the Education Department along with the Labour Department. The Education Department employs a number of initiatives to achieve these twin objectives.

One such initiative is run through the District Primary Education Programme by the Department of Education and it uses both Residential and Non-Residential Bridge Course Camps to enrol working children into schools. In line with the MVF approach this strategy is applied to older children in the 9-14 age group, while the younger ones are mainstreamed directly into schools. A second programme is the Chaduvula Panduga (meaning the “Festival of Education”) which is a yearly mobilisation campaign run in the month of August. This is an intensive campaign run over ten days seeking to sensitivise communities on child labour and education. This programme also involves the use of Bridge Camps for the rehabilitation of child labourers who are reached by the campaign.

In the attempt to achieve education for all the Andhra Pradesh Education Department has undertaken the reform of a number of admissions procedures and school rules that were seen as being unconstructive to enrolment and retention. A list of some recent examples, a number of which had been brought to the government’s attention by the MV Foundation, is given in the table in Annex 2.

⁸⁵ “Andhra Pradesh District Poverty Initiatives Project Progress Report, June 2000- March 2002”, Society for Elimination of Rural Poverty, p21.

In addition to the examples given here it is important to note that there are also a number of other government departments and programmes which apply the MV Foundation strategy either in part or in total. These include: the Police Department and Rehabilitation of Child Labour, the National Child Labour Project (NCLP) through the Labour Department, the “Janmabhoomi” programme, and the Integrated Girl Child Labour Rehabilitation Programme (IGCLRP).

Conclusion

Replicability

In order to assess the relevance of the MVF approach to EU policies on child labour and education it is necessary to establish its applicability outside of the context in which it is presently implemented. In fact there appears to be no reason why the successful strategy of the MV Foundation could not be replicated elsewhere to combat child labour and increase enrolment. It is important to note that through the expansion of MVF and the endorsement of their approach by the government of Andhra Pradesh, the scope of this strategy has already been expanded from a few select mandals in the district of Ranga Reddy to cover the entire state of Andhra Pradesh. This means that the MVF approach is currently being successfully applied in an area with the population size and geographic coverage larger than the average European state.

The approach is therefore already being implemented across an extensive range of populations, situations and contexts, including all types of labour from the most exploitative to the mildest forms, and covering children from urban, rural, fishing, tribal and even migrant backgrounds in areas with a varied climate, industries and levels of development.

In addition, as a result of the extensive advocacy provided by the MV Foundation, their approach has also been exported to other parts of India and has recently also begun to cross international borders. A few examples are given below.

Assam

Assam is a state in the North East of India. Having learnt of the success of the MVF approach to child labour, staff of the government District Primary Education Programme (DPEP) in Assam requested technical assistance from the organisation in the implementation of the Universalisation of Elementary Education (UEE) programme in the Darrang district. To this end two key resource persons from the MV Foundation joined this programme in Assam on a full time basis in September 2002. On this basis MV Foundation is providing constant advice and training to the DPEP department in Darrang on how to incorporate the MVF strategy into their efforts to universalise education.

As a result in the first six months village task forces were formed in every village in the project area as well as a district level Youth Forum for Child Rights Protection. In the meantime mobilisation campaigns and several trainings of local youth took place resulting in over 1000 children in the 6 to 9 age groups being enrolled into formal schools. A number of other children have been mobilised and begun attending 'mobilisation centres' set up with the help of MVF while waiting for the approved bridge camps to be established by the government.

A year since the inception of this cooperation MVF's involvement in Assam is still going strong. The positive response both from the local authorities and the communities

involved has proved particularly rewarding since Assam is a state far from and altogether different to Andhra Pradesh with an entirely diverse history, language, culture and religion.

CINI-ASHA

CINI (Children in Need Institute) was set up in 1989 and works with street and slum children in Calcutta, India. Having started work on child labour in 1992 CINI-ASHA found that there was a “culture of work”, a number of social norms rendering the practice acceptable. Parents felt that skills learnt on the job would be more useful than school and employers felt that they were in fact helping the child and the family.

CINI-ASHA’s interventions originally took on the form of NFE which provided the children with two hours of basic education. However this was found to have only limited impact since children continued to work and “nowhere children” who were neither in school nor working were excluded. Following these insights CINI-ASHA reorganised its approach around the principle that all children should be in formal school and that all out of school children must be targeted. Since 1994 the organisation has begun to use a strategy that seeks to build a culture of education and mainstream children into formal schools through the use of Bridge Camps to accelerate the children’s learning in order to enable their enrolment into classes appropriate to their age.

All of CINI-ASHA’s child labour projects now seek to eradicate the practice by bringing these children to formal schools and the organisation’s work on the issue is guided by the following five non-negotiable principles which are almost identical to those of the MV Foundation:

- All children out of school should be considered as child labour
- The aim should be elimination and not regulation of child labour
- All children should be kept in formal school
- All kinds of work that keep children out of school are hazardous
- Any law which supports child labour should be eliminated.

The example of CINI-ASHA’s applied strategy to combat child labour is of particular importance for the replicability argument since it shows that the approach of the MV Foundation is also successful in the urban context.

Nepal

Aasaman in Dhanusha is a Nepalese NGO which has been working in two Nepalese districts for the last four years. The organisation is focused on activities related to the

survival, growth and development of children. Having received technical support from the MV Foundation, Aasaman Nepal have recently begun a project on child labour based on the organisation's successful approach. The project, entitled "Get children out of work and into school", will run for five years and is being funded by Save the Children Japan.

The main objective of the project is the establishment of social norms that no child must work and that all children must be in schools. Aasaman works on the basis of MVF's non-negotiable principles to which they have also added a sixth principle of their own, that "Any form of discrimination against children should be condemned"⁸⁶. Similarly to MVF, Aasaman's specific strategy will consist of: building processes for community mobilisation to withdraw children from work; strengthening the school system; and the retention of all children in schools. The described project by Aasaman is the first example of the MV Foundation's strategy being successfully replicated in its entirety outside of India's borders.

Concluding Remarks

This paper has sought to demonstrate the inextricable link that exists between the challenge of universal education and efforts to eliminate child labour, and to ascertain the strengths of an approach which takes this link into account.

Education is one of the main priorities of the international community's development agenda and is recognised as one of the key instruments in the fight against world poverty. The current international framework on education however makes little mention of child labour. Even if one was to accept the dubious argument that by getting education right the child labour situation will in some way be automatically ameliorated, there is clear evidence that international efforts concerning education are failing. Indeed, there is growing widespread recognition that current policies to universalise education are proving inefficient and falling well below set targets.

A recent report on the progress of the Fast Track Initiative (FTI) by the Global Campaign for Education is highly critical of world efforts in the sphere of education. The main criticism of the "No Progress Report" is the lack of willingness on the part of the developed countries to back their promises. The report is full of examples of poor states, which have made great sacrifices to reform and improve their education systems, having their financial requests firstly downsized and then not honoured by the donor states. This lack in the supply side was clearly evident in India. Field visits revealed numerous instances of communities desperate to provide their children with a quality education who, despite enormous sacrifices made on their part, continue to be denied the resources to do so.

Furthermore the failure of the international community to include the eradication of child labour in the strategy to achieve universal education remains another obstacle in the achievement of this goal. The MVF experience has shown that one cannot be improved without the other and it appears that the tide of international opinion is moving in the same direction. The ILO in particular appears to have recognised the link

⁸⁶ Aasam Nepal, "Get Children out of Work and into Schools", Project proposal submitted to Save the Children Japan, 18th May 2003.

and is currently in the process of finalising a new position paper on “Combating Child Labour through Education” (see Introduction).

In addition ILO have also started a project entitled “Action against child labour through education and training” which is testing out a model strategy in nine countries in the attempt to improve education as a tool against child labour and build strong national alliances to support it. This project includes three main components:

- the mobilisation of teachers and society in general to launch campaigns against child labour;
- capacity building aimed at testing and replicating successful education strategies to prevent child labour, and
- activities to increase national capacities to fight child labour through education including the harmonisation of legislation on the two interrelated issues.

The strength of the relationship between child labour and education appears to also be recognised by a number of other international actors. Recently an important international event took place on these issues. A panel discussion entitled “From Exploitation to Education for the Children Left Behind: The Role of the International Community in Achieving Education for All” was held in New Delhi, India in November 2003. This round table conference was organised by ILO, UNESCO, the World Bank and the Global March Against Child Labour, and included representatives from all major actors and donors working on child labour, including a representative of the European Commission and a number of government officials from a number of European and developing states. The outcome of this international event is the “New Delhi Declaration” agreed on by all the participants at the conference. The Declaration states clearly that “The international community’s efforts to achieve Education for All and the progressive elimination of child labour are inextricably linked”.

Furthermore the limiting nature of the current prevailing approach is recognised since it is acknowledged that policies which focus exclusively on education without taking into account the realities of working children “will be insufficient to reduce child labour and achieve EFA over the long term”. In order to promote the link between child labour and education participants of the conference agreed that it is necessary to have greater coordination between education initiatives and programmes to combat child labour as well as poverty reduction measures. To this end the Declaration includes a proposal for the formation of a “Global Task Force on Child Labour and Education” to consist of the major international agencies concerned with these issues as well as governments, teachers organisations and civil society groups. The Brazilian government has invited the panel for a second meeting in a years time which will also provide an opportunity to report on any progress made in the achievement of the above goals.

Recommendations

In a fact sheet on the “Education’s role in combating child labour” the ILO states that “the prevention and elimination of child labour should be an objective for education policy worldwide, with free compulsory education up to the minimum age for entering employment as defined by the ILO Minimum Age Convention 1973”⁸⁷. It is therefore

⁸⁷ “Facts on Education’s role in combating child labour”, www.ilo.org/childlabour

clear that a major reassessment of the international policy to achieve universal education and safeguard the children's rights is necessary.

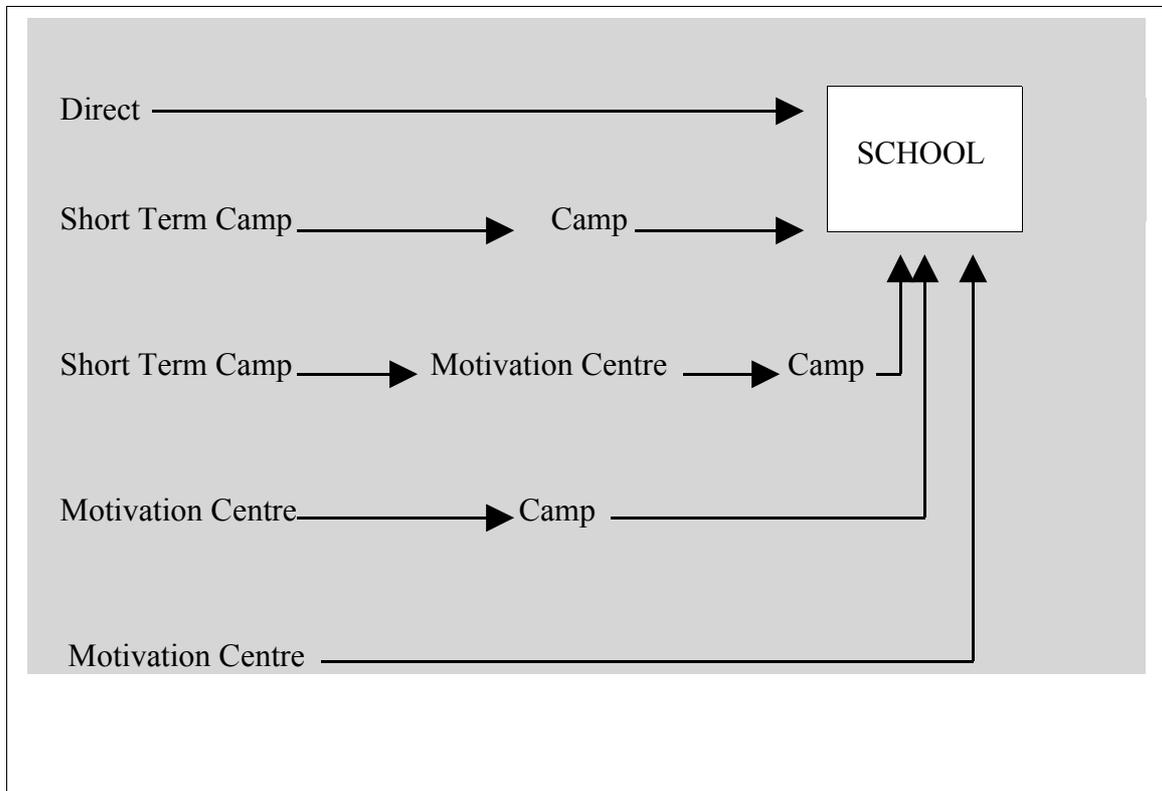
The European Union has a crucial role to play in this process and much to contribute both as a major donor and policy setter. European history has shown that education is crucial in the fight to abolition of child labour. It was through compulsory age laws such as those now being asked for by the ILO that universal education was achieved and child labour banned in Europe. Despite obvious differences in the present situation of many developing countries there is no reason to suggest that the same principle cannot be applied to universalise education in these states.

To this end it is imperative that as part of development activities a clear and coherent policy is created by the European Union for the elimination of child labour linked to the provision of full time formal education for all children up to 14 years of age as specified by ILO Convention 138. It is furthermore important that child labour be incorporated as an essential component into all education policies, including efforts to incorporate *all* out-of-school children in the effort to reach education targets. Such steps are both desirable and feasible in light of the growing international consensus on the link between child labour and education and on the need to re-evaluate current approaches. To this end the European Union should also use its influence and strength in international and multilateral organisations, and both with major donors and member states to promote such an approach.

European Civil society also has a vital role to play in these processes. In any subsequent efforts to put pressure on the European Union to adopt the above recommendations it is crucial that civil society in Europe galvanise concerted action. It is clear even from the limited examination of civil society actors presented in this paper that a huge variety of different positions exists among the various European NGO's. Despite this there are some priorities and principles where agreement may be possible. There is no debate on the primacy of education in efforts to alleviate poverty and achieve dignity for all. Similarly there is widespread consensus on the need to establish a minimum age for employment in line with the age of compulsory education as done in Convention 138 of the ILO. It is around these issues that a coherent strategy to lobby the European Union should be launched.

Annex 1

Different Enrolment Strategies of the MV Foundation to Mainstream Working Children



Annex 2

Government Orders of the Education Department of the Government of Andhra Pradesh

Date and GO number	Title	Content
Rc.No.4006/NF E/SCERT/95 04/12/1997	NFE- Conversion of all the existing centres to day time	This is one of the first in a number of moves by the AP government to abolish Non Formal Education as an alternative to the formal system. The Government Orader states the following: “The Director of School Education while reviewing the implementation of the scheme in the districts observed that he functioning of the NFE centres is not effective, if the centres are run in the evening hours, the children who go to work during the day time may not be able to pay attention to the studies in the NFE centres in the evening hours. Hence, it is desired to change the timings of the centres from evening to daytime.”
Rc.No.4990/DP EP/ B4/2000 02/08/2000	Literacy Campaign- Difficulties Pointed out by District Collectors	<ol style="list-style-type: none">1. Collectors pointed out that a number of children were being denied entry into school due to the lack of transfer certificates. “Since the primary purpose of the department is to ensue Universalisation of Elementary Education the delay in enrolling a child to school should be reduced to an absolute minimum”. The order therefore recommends that “the child should be given admission immediately pending production of a transfer certificate”2. In Andhra Pradesh an attendance quota exists which is not fulfilled requires a child to be detained in the same class. The Department of Education however recognised that “in respect of children who have joined the school for the first time late in the year it is not possible to complete their attendance quota even if they attend all days”. Therefore henceforth children who reach the academic standard required at the end of year test are to be automatically promoted to the next class while in all other cases “the percentage of attendance of the children should be computed from the date of their joining the school and not the total number of working days”3. In the case of illness schools often ask for official medical certificates for exemption. Recognising the difficulties faced by illiterate parents in the obtaining of such documents the Department of Education recognises the validity of certificates issued by the sarpanch or SEC chairman

<p>Rc.No.272/B4-1/ 2001 19/04/2001</p>	<p>Education- Primary and Secondary- Transfer certificates</p>	<p>Having noticed large numbers of children dropping out after class V due to complicated transfer procedures this order moves the responsibility of the transfer from the parents to the schools and headmaster. Thus the headmaster is instructed to make detailed lists of all the children due for transfer which he has the responsibility to personally communicate to the next school. The headmaster and the Primary school are to be responsible for the provision of all the necessary transfer certificates. Children in addition are to be automatically admitted into upper Primary Schools, irrespective of whether all the certificates are provided or not.</p>
<p>Rc.No.272/B4-1/ 2001 20/04/2001</p>	<p>Education- Primary and Secondary- Retention of Children in same class</p>	<p>The Education Department was made aware that in many schools children were being detained in the same class each year without valid reasons. Therefore the order requests that:</p> <ol style="list-style-type: none"> 1. "As a general rule all children will be promoted to the next class" 2. "No child will be detained in the same class merely on the grounds that he/she has not achieved the appropriate standard" 3. "Every teacher shall prepare and submit to the Mandal Education Officer, through the Headmaster a list of all children detained in his/her class along with reason"
<p>09/2001</p>	<p>Education (Service-V2) Department – Admission Procedures</p>	<p>Recognising the limits of a system which only allow for admission one time a year and that it contributes to dropout rates, the government of Andhra Pradesh issued this order to liberalise admission procedures. Therefore:</p> <ol style="list-style-type: none"> 1. "For admission into class I to V is open throughout the year..." 2. "... For admission into classes VI to VII of private candidates or those who studied in Residential Camps are Bridge Courses in the middle of the academic year, the Headmaster concerned can conduct admission test at school level and provide admission to class in which he/she sought admission."

Bibliography

General Literature

EFA, *Education For All: Meeting Our Collective Commitments Text*, adopted by the World Education Forum, Dakar, Senegal, 26-28 April 2000.

EFA, *Asia and Pacific Regional Framework for Action: Education for All Guiding Principles, Specific Goals and Targets for 2015*, adopted by the Asia-Pacific Conference on EFA 2000 Assessment, Bangkok, Thailand, 17-20 January 2000

Fyfe Alec, *Child Labour and Education: Revisiting the Policy Debate*, 2001

Global March Against Child Labour, *Policy Statement of Child Labour and Education*, www.globalmarch.org

ILO, Minimum Age Convention No. 138, 1973, www.ilo.org

ILO, Convention 182, Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 2000, www.ilo.org

ILO/IPEC, *Child Labour and Education- an IPEC perspective*, Fact Sheet, 2002.

ILO/IPEC, *Combating child labour through Education*, ILO/IPEC internal document, January 2003.

ILO/IPEC, *From Exploitation to Education : Action against the Worst Forms of Child Labour through Education and Training*, World Education Forum Dakar, Senegal, 26 - 28 April. 2000

ILO/IPEC, *Indigenous and tribal children: Assessing child labour and education challenges*, Child Labour & Education Working Paper, June 2003

Mani Tese, *From Exploitation to Education*, Campaign Kit.

Oslo Confernece on Child Labour, *Children and Work - Agenda for action*, adopted at the conference October 27-30, 1997.

Reisen, Mirjam, van, *Invisible Children*, Save the Children Europe Group, 2002.

Save the Children, *Save the Children's Position on Children and Work*, published 02/02/2003.

Sutton, Diana and Schuurman, Mieke, "Children are European Citizens Too: Children in the EU Treaty", EURONET (The European Children's Network), April 2002.

UNCIEF, *Beyond Child Labour: Affirming Children's Rights*, 2001

UNESCO, Education Today: *Higher Education for Sale*, Newsletter of UNESCO's Education Sector No.3, October 2002

UNHRC, Commission on Human Rights resolution 2003/86, *Implementation of the Convention of the Rights of the Child and other instruments*, 63rd meeting, 25 April 2003

World Bank, *Child Labour: Issues and Directions for the World Bank*, Fallon, P. and Tzannatos. Z, 1998.

Documents European Union

Consolidated Version of the European Treaty on European Union, 24.12.2002, Official Journal of the European Communities, C 325/5.

The European Convention, *Draft Treaty establishing a Constitution for Europe*, CONV 850/03, Brussels, 18 July 2003.

Commission Documents

Communication from the Commission to the Council, the European Parliament and the Economic and Social Committee, *Promoting Core Labour Standards and Improving Social Governance in the context of Globalisation*, Brussels, 18.7.2001, COM(2001) 416 final

Communication from the Commission to the Council and Parliament on “*Education and Training in the context of Poverty Reduction in Developing countries*”, Brussels, 06.03.02, COM(2002)116 final

Communication from the Commission to the Council and the European Parliament, *The European Unions Role in Promoting Human Rights and Democratisation in Third Countries*, Brussels, 8 May 2001, COM(2001) 252 final

Commission of the European Communities, *Green Paper Promoting a European Framework for Corporate Social Responsibility*, Brussels, 18.7.2001, COM(2001) 366 final

EIDHR, *Priorities and Guidelines for the Implementation of the 2001 European Initiative for Democracy and Human Rights, Programming Human Rights and Democracy – Exercise 2001, Chapter B7-7 of the Budget*, Commission Staff Working paper, Brussels, 6 June 2001, SEC (2001) 891

EIDHR, *European Initiative for Democracy and Human Rights Programming Update 2003*, Commission Staff Working Document, 10 January 2003

Commission Proposal for Regulation of the European Parliament and of the Council concerning Community cooperation with Asian and Latin American countries and amending Council Regulation (EC) No 2258/96, Brussels, 2.7.2002, COM(2002) 340 final

Council

Council Regulation (EEC) No 443/92 of 25 February 1992 on financial and technical assistance to, and economic cooperation with, the developing countries in Asia and Latin America, Official Journal L 052, 27/02/1992

Council Regulation (EC) No 975/1999 of 29 April 1999 laying down the requirements for the implementation of development cooperation operations which contribute to the general

objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms, Official Journal L 120 , 08/05/1999

Resolution of the Council and the Representatives of the Governments of the Member States on education and training in the context of poverty reduction in developing countries, Brussels, 7 June 2002, 9692/02.

European Parliament

European Parliament Resolution on basic education in developing countries in the context of the United Nations General Assembly Special Session on Children in September 2001 (2001/2030(INI)), Minutes of 06/09/2001 - Final Edition, [A5-0278/2001](#).

European Parliament Resolution on the EU positions in the Special Session on Children of the UN General Assembly, Minutes of 05/07/2001 - Final Edition, B5-0483/2001.

European Parliament Resolution on the EU position in the Special Session on Children of the UN General Assembly, Minutes of 11/04/2002 - Final Edition, A5-0035/2002.

European Parliament Resolution on child labour in the production of sports equipment, Minutes of 13/06/2002 - Final Edition, A5-0147/2002.

European Parliament Resolution on the Commission communication to the Council and the European Parliament on education and training in the context of poverty reduction in developing countries (COM(2002) 116 - C5-0333/2002 - 2002/2177(COS)), A5-0126/2003.

European Parliament Resolution on trafficking in children and child soldiers, Minutes of 03/07/2003 - Provisional Edition, B5-0320/2003.

Draft report (PE 326.729), on the proposal for a European Parliament and Council regulation concerning Community cooperation with Asian and Latin American countries and amending Council Regulation (EC) No 2258/96, Committee on Development and Cooperation, 26 May 2003 PE 326.729/70-203, AMENDMENTS 70-203

Rapporteur Max Van den Berg, *Report on the Commission communication to the Council and the European Parliament on education and training in the context of poverty reduction in developing countries*, Committee on Development and Cooperation, A5-0126/2003

Documents MV Foundation

Impact of child labour eradication programme on the individual households and agriculture, a study of Shankarpally mandal, Research and Development Society Hyderabad for MVF, 1997

Profile of school going and non school going children and their families- A Study of Mominpet Mandal, Research and Development Society Hyderabad for MVF, 1997

Report on Balajyothi Activities, 1997

Some frequently asked questions, Internal document

Strategies, Internal Document.

Mahajan Sucheta, *MVF India- Education and Empowerment*, in *Mainstream*, 16th August 2003

Mathew Babu, Aziz Abdul, Alpa Vora, *M. Venkatarangaiya Foundation –An Evaluation Study*, for HIVOS, July 2000.

Sinha Shantha, *Schools as Institutions for the Elimination for Child Labour: The experience of the MV Foundation in the Ranga Reddy district*, in *Child Labour and the Right to Education in South Asia*, ed. N. Kabeer, G.B. Nambissan, R Subrahmanian, 2003.

Van der Kaaij, Sanne, *Working with the Government; The MV Foundation and one of their basic principles of fighting child labour (1991-2003)*, April- August 2003

Wazir Rekha, *Child Labour Policies of Selected International Agencies: Review and Recommendations*, *Internal Document*, November 2002.

Wazir, Rekha, *Getting Children out of work and into School- MV Foundation*, Monograph 1, 2002

Documents Government of Andhra Pradesh

Andhra Pradesh District Poverty Initiatives Project Progress Report, June 2000- March 2002, Society for Elimination of Rural Poverty

Annual Work Plan & Budget 2001-2, State Component Plan, District Primary Education Program (DPEP).

Every Child in School; Reaching the Unreached – Our Commitment, Department of School Education, July 2003

The Andhra Pradesh Child Labour and Compulsory Education Bill 2003

Vision 2020: Draft Approach on Education- an agenda for Swarnanhra Pradesh, Education Department, December 1999

Other

Government of India, *Report of the Committee on Child Labour*, Ministry of Labour, 1979.

Government of India, *Indicative Law on Child Labour, the Child Labour (Prohibition and Rehabilitation) Act 2002*, Report of the National Commission on Labour 2001.