

FINAL

**Elimination of Child Labour Practice in South Asia:
Organising Trade Unions and Workers against the
Child Labour in Construction Sector (Brick Industry)**

*A Report for South Asian Regional Trade Union Council
(SARTUC)*

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Executive Summary

Introduction

The International Labour Organization (ILO) adopted a Convention No. 138 (Minimum Age Convention, 1973) directly targeting for abolition of child labour in 1973. Later, the ILO focused its work on worst forms and hazardous child labour by adopting Convention No. 182 (Worst Forms of Child Labour, 1999) in 1999. This Convention urged all member States to address immediately all identified worst forms and hazardous child labour. An estimated 152 million children (64 million girls and 88 million boys) are in child labour globally and 73 million children aged 5-17 are in hazardous work. The South Asian countries have ratified ILO Conventions 138 and 182, and have implemented several policies and development programmes in eliminating child labour from the construction (brick industry). The use of child labour in brick kiln industry is an age-old phenomenon in South Asian countries.

The SARTUC realized the situation and working condition of families and children in construction (brick industry) sector and keeping in view of the impacts of COVID-19 pandemic and the grievances of workers in construction (brick industry) initiated this study to develop guidelines for trade unions to eliminate child labour from brick industry in South Asia.

Objectives

1. Eliminating child labour practice in the construction sector (brick kiln industry) in South Asia;
2. Unionising workers (parents) and organising trade unions to advocate against the child labour practice in the brick kiln industry.

Expected outputs

- Developed guidelines on child labour in brick kilns industry based on existing national legislation on child labour in Afghanistan, Bangladesh, India, Nepal and Pakistan and the construction sector in Sri Lanka;
- Developed strategy to implement the child labour guidelines in the brick kilns industry in Afghanistan, Bangladesh, India, Nepal, and Pakistan and the construction sector in Sri Lanka; and
- The worker (parents) in the brick kiln industry will be informed on different issues of child labour, child rights Convention and unionized in the existing trade for the elimination of practice of child labour in brick kiln industry.

Situation analysis

Millions of South Asian children remain trapped in child labour. The number of children in child labour for the entire 5-17 years age range totals 16.7 million and for the 5-14 years age range totals 10.3 million. Substantial variation in child labour estimates exists across the South Asian countries. In Sri Lanka, the incidence of child labour is lowest in comparison to other South Asian countries.

South Asian Initiative to End Violence Against Children (SAIEVAC) – a SAARC Apex body is also active in addressing the issues of child labour (economic exploitation as violence against children) in South Asia. It recognizes the commonality across the South Asian countries in the forms of child labour, most notably in the areas of children in hazardous child labour, child domestic labour, and child bonded

labour, etc. Out of the six countries, Sri Lanka has included brick industry under construction sector whereas other five countries have brick industry sector. The accompanying children also work along with their parents in laying bricks or drying and transporting raw bricks. The prevalence of bonded labour and debt bondage in brick kiln industry is there in almost all South Asian countries. Various studies have highlighted the prevalence of bonded labour debt bondage (including child bonded labour) in brick kiln industry particularly in Afghanistan, Bangladesh, India, Nepal and the Pakistan. The families including child migrate to brick kiln industry for skilled and unskilled work that are conducted on piece rate basis. The South Asian countries have already enacted legislations to tackle child labour problems. All the countries on study have ratified ILO's two child labour Conventions and implementing various programmes in contributing to eliminate child labour adopting various approaches.

Afghanistan

Government of Afghanistan has established laws and regulations related to child labour. There is a gap in laws and regulations in protecting children from worst forms of child labour including debt bondage; meaning those children engaged in brick kiln industry would not be freed from debt bondage and they would not be protected by the Government. In 2019, labour law enforcement agencies in Afghanistan took actions to combat child labour. The government has established mechanisms to coordinate its efforts to address child labour. There are no sectorial programmes in preventing child labour in all relevant sectors.

Bangladesh

Bangladesh has been identified as having second highest child labour in South Asia. Many children in Bangladesh engage in dangerous work in informal manufacturing sectors and dried fish industry. In addition, some children in Bangladesh work under forced labour conditions producing bricks and drying fish. The sectorial prevalence of child labour is in service (domestic child labour), tea shops and retail shops. There is no data on prevalence of child labour in brick kiln industry of Bangladesh but many studies have been conducted taking a case in brick kiln industry.

In Bangladesh, children are subjected to the worst forms of child labour, including forced labour in the production of dried fish and bricks. The brick kiln industry is categorized under informal sector and it is unregulated. The brick kiln industry of Bangladesh is regulated by the Brick Kiln (Control) (Amendment) Act, 2001. The Labour Act was amended in 2018 with banning of child labour in factories. Minimum age protections in the Bangladesh Labour Act do not cover children working in the informal sector, in which an estimated 93 percent of child labour in Bangladesh occurs, including domestic work, street work, and work on small agriculture farms. Unionization of workers of brick kiln industry would eliminate child labour and promote labour standards in brick kiln industry.

India

Children in India are subjected to the worst forms of child labour, including in garment production, stone quarrying, and brick making. There are 143,704 approximate number of brick kiln industries in India. There is report that debt bondage and worst forms of child labour are prevalent in brick kiln industry in India. The Constitution and other national legislations prohibit bonded labour and worst forms of child labour in India. There is no estimate on number of children working in brick kiln industry in India at a national level.

The Government of India has enacted laws and regulations related to child labour and prohibit hazardous child labour. This actually encourages children to leave school and join work. India has National Policy on child labour, national plan of actions for children and state Action Plan on Child labour. India has been proactive in addressing the issues of child labour but the efforts have been suspended or delayed due to COVID-19 pandemic in many areas. There are key policies related to child labour namely National Policy on Child Labour, National Plan of Action for Children and State Action Plan on Child Labour.

Nepal

Nepal Child Labour Report 2021 also found that among seven million children (total children) between the ages of 5-17 in Nepal 1.1 million children (15.3 percent) were found to be engaged in child labour which is a significant decline in child labour in comparison to 2008 (1.6 million). The second interesting finding is that the child labour prevalence for children between age of 5 and 13 years is 18 percent while it is 10 percent for the children between age of 14 and 17. According to this report, 87 percent of total children engaged in child labour are in agriculture sector and 13 percent are in other sectors. The findings of Nepal Child Labour Report 2021 are similar with other South Asian countries in relation to involvement of marginalized children in child labour.

Despite the importance of the brick industry, it has been criticized for the prevalence of child labour and forced labour practices in Nepal. There are an estimated 17,738 child labourers in the brick kilns industries of Nepal and 15,400 of these children engaged in hazardous work. Nepal has ratified all key international Conventions concerning child labour. Nepal is implementing its Master Plan on Child Labour (2018-2028) to eliminate all forms of child labour by 2025 and its worst forms by 2022. There is gaps and lacunas in enforcement of child labour prohibition and regulation laws.

Pakistan

Children, mostly from poor and deprived communities including migrants from Afghanistan, work as child labour or child bonded labour in Pakistan. Child labour has thrived in Pakistan in various manifestations. The formal sector has been somewhat regulated by anti-child labour legislation and labour inspections; however, large number of children are still involved in the informal sector. The children of the families working at brick kilns have to work with their families. Many children of the families working in brick kiln are working as child labour. UNICEF estimated at least 250,000 children work in brick kilns.

Pakistan has recently constituted National Commission on the Rights of the Child which includes two representatives who are children, giving importance to child participation. Most of the provinces has labour policy that also deals on child labour.

Sri Lanka

Sri Lanka has made good progress in school enrolment and has reduced child labour particularly for children between of 7 and 14 years. Over 539,000 children are in employment in Sri Lanka, most working in agriculture and unpaid family work. This group of children's involvements in employment particularly in designated hazardous sectors is prohibited and if found then it is hazardous child labour.

The Government of Sri Lanka has established laws and regulations related to child labour. However, gaps exist in Sri Lanka's legal framework to adequately protect children from the worst forms of child labour, including protection for children engaged in domestic work. Sri Lanka has also increased the number of labour inspectors from 494 to 588 and 6 labour inspectors are dedicated to inspecting child labour. Sri Lanka has National Policy on Elimination of Child Labour, National Child Protection Policy and Decent Work Country Programme (2018-2022).

Guidelines on eliminating child labour in brick kiln industry in South Asia

Based on situation analysis and review of policy and legal framework, following guidelines are suggested in eliminating child labour practices from construction sector (brick kiln industry) in Afghanistan, Bangladesh, India, Nepal, Pakistan and Sri Lanka:

- **Develop common understandings on ill effects of child labour, violation of worker's rights and child rights, and existing provision of penalization of respective countries among all national trade unions, employers of brick kiln industries, government's labour authority and human rights and child rights activists.** Common understanding could be developed through seminar, workshop, interaction and sharing good practices of other countries for which national trade unions have to make effort to conduct events in collaboration with government, employer and activists. These events will develop common understanding on child labour, debt bondage and its consequences in short and long term. The common understanding approach will ease persuasion in making brick kiln industry a formal sector and observing fundamental rights and principles at work through unionizing brick kiln industry workers.
- **Lobby (in coordination with national trade unions) with government and employer for constituting a tripartite committee to explore possibility of implementing labour standards in brick kiln industry in six countries.** In most of the studied countries there is provision of registration of brick kiln industry under prevailing laws however, in these countries brick kiln industry is being treated as informal sector without strict implementation of labour standards and inspection by the competent authority. Hence, the tripartite committee will explore possibilities with series of consultation with brick kiln industry and its workers to recommend specific labour standards for implementation in brick kiln industry.
- **Prepare a fact sheet on prevalence of child labour (based on national survey in these countries) and educate employers, workers and consumers.** The fact sheet is used as an advocating material for raising awareness of government, employer, local communities residing nearby brick kiln industry, workers and their families. This action will avail to access the workers including child labour and assess the situation of the specific brick kiln industry for developing an appropriate strategic plan of educating workers on trade union movement and its benefits.
- **Form joint trade unions coordination committees in each country to realize joint actions against child labour.** Forming joint trade union committee, trade union movement become stronger and it would be easy to eliminate child labour from brick kiln industry by unionizing brick kiln workers and providing an alternative to child labour. This will also enhance collective

bargaining and support in observing world day against child labour and decent work day. Where ever there are joint committee that could be projected as good practice to other countries where it is not formed. Moreover, trade unions could also put the issue of employing sub-contractor or middle man (labour supplier or *Naike*) in controlling supply of children in brick industries.

- **Develop good working relationship with Alliance SDG 8.7 and SAIEVAC and jointly organize seminar, workshop and interactions on child labour, forced labour and human trafficking.** Working with Alliance SDG 8.7 and SAIEVAC, facilitate to cater support of wide array of stakeholders in combating child labour from brick kiln industry as well as provides opportunity to implement programmes in withdrawal, rehabilitation and reintegration of child labour working in brick kiln industry in respective countries. Collect good practices of eliminating child labour from education, mobile school, investment in family enterprises, etc. This will increase visibility of national trade unions in the countries in combating child labour and avail opportunity to educate workers on labour standards and unionization.
- **Advocate in coordination with national trade unions and educationists for compulsory education complying with ILO Convention No. 138.** Trade unions have been campaigning for free compulsory education for children and it has been enforced in a few countries but the age for compulsory education and minimum age of employment is different due to which many children leave school at the minimum age and join work. Hence, complying with ILO Convention No.138 will contribute to reduce general child labour in the respective country and strengthen monitoring and inspection in hazardous sectors.
- **Organize brick kiln workers and support for struggling (with non-confrontational approach/social dialogue) in eliminating child labour from brick kiln industry.** Without organizing brick kiln industry workers, it would be very difficult to conduct campaign for the implementation of labour standards at brick kiln industry. Hence, first priority is to organize workers of brick kiln industry and support them to conduct social dialogue with their employer and negotiate implementation of labour standards, occupational safety and health issues, child labour and later including these in their collective bargaining. Therefore, national trade unions have to organize brick kiln industry workers and educate them about trade union movement, ill effects of child labour, violation of workers' rights and child rights.
- **Conduct campaign with employers in developing and implementing codes of conduct effectively on labour standards including child labour.** National trade unions of six countries have to campaign for developing codes of conduct (one example is in Nepal, the National brick Industry Federation has developed codes of conduct) on child labour, occupational safety and health and other relevant labour standards. The codes of conduct must be enforced and conduct an independent audit of it. The codes of conduct would open way to implement minimum labour standards at brick kiln industry.
- **Lobby with government and employers for effective implementation of Country Decent Work Programme focusing child labour.** Each country has Decent Work Country Programme that has strategy to eliminate child labour either general or worst forms. Hence, national trade

unions have to lobby with government and employers for effective implementation of Decent Work Country Programme and support for its implementation.

- **File case against brick kiln industry violating existing laws and regulations on child labour in each country in collaboration with joint trade unions committee or national trade unions.** National trade unions must file case against individual brick industry that is using child labour as per the provisions of the existing laws of the respective country along with all validated information and evidence or as per the requirements of the laws. This case filing will help in eliminating child labour not only in brick kiln industry but from the country as such. Case filing will bring the laws in implementation and create an environment of justice.
- **Support in conducting National Survey on Child Labour in Brick Kiln Industry and use the findings for advocacy and implementing programmes on child labour particularly focusing on prevention and rescuing identified child and his/her rehabilitation and reintegration.** Most of the countries conduct periodic survey on labour force, living standard and child labour. Trade Unions have to be part of it in providing right information and assist in sampling as well as conducting survey. Once the report is generated, use this report for advocating for the implementation of child labour programme as per the magnitude and nature of it. Lobby for focusing on prevention and rescuing identified child labour for rehabilitation and reintegration.

Strategies to implement guidelines

The strategies to implement the developed guidelines will be based on the country context as some of the guidelines might not be applicable or the country might have already included in their policy and labour law. Therefore, the strategies differ from country to country based on consultation. Hence a few common strategies are presented here to facilitate to identify main strategy for the specific country in South Asia.

- **Coordination and collaboration** – National trade unions have to initiate coordinating with key stakeholders on implementing guidelines for the elimination of child labour in brick kiln industry. A national workshop/seminar is to be conducted on country context and guidelines in collaboration with like-minded organizations that have interest in eliminating child labour in brick kiln industry.
- **Social dialogue** – Social dialogue is very good strategy in bringing the issues on board and seeking their support in addressing the issues whether it is child labour or migrant labour issue. Hence, organize social dialogue with employers of brick kiln industry and consumers including government. The social dialogue would develop a pathway to move ahead with the guidelines. Inviting consumers is good initiative to make aware employer on consumer perspectives on child labour.
- **Use of legal framework** – Always use legal framework of respective country to implement guidelines in close collaboration with national trade unions and the government. Legal framework has provisions on child labour including penalization that actually brings understanding and facilitate in the implementation of the guidelines.

- **Promote good practices** – There are various good practices that have been identified and documented. Use those good practices during social dialogue to convince employers, government and workers in implementing guidelines. It is better to have collection of good practices from brick kiln industry from other regions.
- **Education and training** – Education and training is strong strategy to implementation of guidelines. National trade unions in collaboration with organizations implementing child labour programmes such as ILO, UNICEF, Asian Development Bank, etc. has to conduct training to stakeholders including trade union leaders, community leaders, social mobilizers, etc. Educate on child labour in brick industries and conduct television or radio talk show on guidelines for public awareness.

Abbreviations

BWI	Building and Wood Worker International
CBS	Central Bureau of Statistics
DIEF	Department of Inspectors for Factories and Establishments
DVCs	District Vigilance Committees
DWCP	Decent Work Country Programme
FATA	Federally Administered Tribal Areas
GDP	Gross Domestic Product
ICT	Islamabad Capital Territory
ILO	International Labour Organization
ITUC	International Trade Union Confederation
NCPA	The National Child Protection Authority
PATA	Provincially Administered Tribal Areas
SARTUC	South Asian Regional Trade Union Council
ToR	Terms of Reference
UCW	Understanding Child Work
UN CRC	United Nations Convention on Rights of the Child
UNICEF	United Nations Children's Fund
USA	United States of America
USD	United States Dollar
USDOL	United States Department of Labour

1. Introduction

The International Labour Organization (ILO) adopted a Convention No. 138 (Minimum Age Convention, 1973) directly targeting for abolition of child labour in 1973. Later, the ILO focused its work on worst forms and hazardous child labour by adopting Convention No. 182 (Worst Forms of Child Labour, 1999) in 1999. This Convention urged all member States to address immediately all identified worst forms and hazardous child labour. Similarly, United Nations' Convention on Rights of the Child (UNCRC) was adopted in 1989 by General Assembly of United Nations also prohibits exploitation of children that deprives their rights to education, health, care and protection and put them in a difficult circumstance.

South Asian Countries particularly, Afghanistan, Bangladesh, India, Nepal, Pakistan and Sri Lanka have expressed their full commitment towards international and regional Conventions and Declarations, and has formulated and implemented national policies, plans and legislations related to children and child labour. Despite the decreasing trend in percentage of people living below the poverty line in these countries, incidences of worst forms and hazardous child labour is not reducing even after implementing various policies and programmes.

The ILO has been promoting to end child labour by 2025 that it adopts through collecting evidences particularly on investment in expanding free education of good quality, extending social nets, improving the governance of labour markets and the functioning of family enterprises, and strengthening social dialogue and legal protections. The available evidences provide opportunities to eliminate child labour and offer the key elements of an underpinning strategy for efforts from today until 2025¹. In this context, SARTUC is gearing up its work on contributing to eliminate worst forms of child labour in South Asian countries that have high number of child labour.

An estimated 152 million children (64 million girls and 88 million boys) are in child labour globally and 73 million children aged 5-17 are in hazardous work². According to ILO, among the child labourers in South Asia, more than half (57.5 per cent) is engaged in agricultural work followed by industry and services at 21 per cent each. Similarly, in the survey conducted by ILO, an estimated more than 29 million children in South Asian countries (except Afghanistan) are working. Likewise, the majority of child labourers do not attend school. Furthermore, a substantial share of employment of children among 15-17-year-olds is **hazardous in nature** – 75 per cent in Bangladesh, 72 per cent in Sri Lanka, 41 per cent in Pakistan, 30 per cent in Nepal, 20 per cent in India and 6 per cent in Bhutan³. This shows that the majority of the children of 15-17 years are engaged in hazardous work affecting their physical and mental well-being either because of the nature of work or because of the working conditions. Many studies that are conducted after COVID-19 pandemic have indicate a rise in incidences of child labour due to loss of income and job of the adult workers. Between 2012-2016, child labour showed a downward global trend (ILO, 2017). Recorded child labour is unevenly spread across South Asia, with much higher levels in Afghanistan and Nepal than elsewhere.⁴

¹International Labour Office (2017), Ending Child Labour by 2025: A review of policies and programmes.

²Ibid

³ILO and UCW, (2015). Measuring Children's Work in South Asia-Perspectives from national household surveys

⁴ Haythornthwaite Shavana and Olsen Wendy, (No date). Bonded Child Labour in South Asia: Building the Evidence Base for DFID Programming and Policy Engagement, University of Manchester

South Asian countries are popular for having oldest and traditional (all processes are manual) brick kilns that are unorganized and labour intensive. Brick kiln industry is one of the largest labour-intensive informal sectors in South-East Asia and this unorganized sector is risk prone, informal manufacturing sector in terms of accessibility, information and response relating to work situation, demographics and conditions of workers deployed there at work (Ayesha Aftab).⁵Particularly, Afghanistan, Bangladesh, India, Nepal, Pakistan and Sri Lanka are popular for brick production. These countries have been studied for labour exploitation, poor working conditions that are hazardous and prevalence of debt bondage including child bonded labour in brick kilns in the past. The South Asian countries have ratified ILO Conventions 138 and 182 and have implemented several policies and development programmes in eliminating child labour from the construction (brick industry). The Government, employer and trade union initiatives are also being implemented in these countries to address the issues of workers and child labour in the construction particularly in brick industry sector. The use of child labour in brick kiln industry is age old phenomenon in South Asian countries. Children are not used in kilns but they are cheaper or perceived to be better suited for other work in brick kiln industry.⁶

The South Asian Regional Trade Union Council (SARTUC) is a regional federation of national level trade unions of South Asia and strives to unite and organize the workers in free and democratic trade unions of the South Asia region and seeks to promote consultation and collaboration between member trade unions.⁷The SARTUC is concerned on the grievances of families and children working in construction sector (brick industries in South Asia particularly, Afghanistan, Bangladesh, India, Nepal, Pakistan and Sri Lanka and initiated this study along with guidelines for national trade unions affiliated to it in these countries.

Objectives:

The SARTUC realized the situation and working condition of families and children in construction (brick industry) sector and keeping in view of the impacts of COVID-19 pandemic and the grievances of workers in construction (brick industry) initiated this study to develop guideline for trade unions to eliminate child labour from brick industry in South Asia. The SARTUC has developed a term of reference (ToR) for the study and the guidelines with the following objectives:

1. Eliminating child labour practice in the construction sector (brick kiln industry) in South Asia;
2. Unionising workers (parents) and organising trade unions to advocate against the child labour practice in the brick kiln industry.

⁵Halder Sourav and Patra Uttam Kumar, (2012).Status of Brick Kiln Workers in South -East Asia, Journal of Natural Remedies, Vol. 21, No. 10(1), 2021

⁶ ILO (2011). Buried in Bricks: A rapid Assessment of Bonded Labour in Afghan Brick Kilns

⁷ South Asian Regional Trade Union Council. (2021), [www.sartuc.org/about us](http://www.sartuc.org/about-us), Accessed on October 09,2021

Expected outputs:

As per the ToR, the expected outcomes are supposed to be achieved in six months implementation period and it clearly says these expected outcomes are of the Project. The terms of reference (ToR) mention the same expected outcomes for the study and the guidelines as well that are as following:

- Developed guidelines on child labour in brick kilns industry based on existing national legislation on child labour in Afghanistan, Bangladesh, India, Nepal and Pakistan and the construction sector in Sri Lanka;
- Developed strategy to implement the child labour guidelines in the brick kilns industry in Afghanistan, Bangladesh, India, Nepal, and Pakistan and the construction sector in Sri Lanka; and
- The worker (parents) in the brick kiln industry will be informed on different issues of child labour, child rights Convention and unionized in the existing trade for the elimination of practice of child labour in brick kiln industry.

Methodology:

The study and development of guidelines have been conducted with reviewing and using pertinent secondary sources to achieve the given objectives and expected outputs. The ToR of the study has also emphasized for using various sources adopting desk research approach. The information has been collected from various sources for example articles, research journal, published and unpublished documents of governmental and non-governmental organizations. The information on policy analysis and the situation of existing policies, laws and working conditions have been analysed from the latest articles, research papers and study conducted by various researchers in South Asian countries and beyond.

2. Situation analysis:

It is pertinent to analyse the current situation of child labour, policies and laws in each country in study particularly to find out gaps as well as to identify strategy to implement guidelines on elimination of child labour by affiliated national trade unions operating in the respective six countries. All the six countries that are being studied have ratified United Nations' Convention on Rights of the Child (CRC). Similarly, all six countries have ratified ILO Convention No. 138 and ILO Convention No. 182⁸.

Millions of South Asian children remain trapped in child labour. An estimate for the South Asian countries, based on the ILO global estimates methodology, are reported (except for Afghanistan) as – Bangladesh (5,063,017), India (5,768,367), Nepal (2,034,880), Pakistan (3,375,481) and Sri Lanka (444,540)⁹. The number of children in child labour for the entire 5-17 years age range totals 16.7 million and for the 5-14 years age range totals 10.3 million¹⁰. Substantial variation in child labour estimates exists

⁸ILO DWT for South Asia (work in progress, no date). South Asia Key laws and legal provisions in relation to ILO Conventions No. 138, No. 182 and UN CRC, No date

⁹ILO and UCW, (2015). Measuring Children's Work in South Asia-Perspectives from national household surveys

¹⁰ Ibid

across the South Asian countries. In absolute terms, child labour for the entire 5-17 years age range is highest in India (5.8 million), followed by Bangladesh (5.0 million), Pakistan (3.4 million) and Nepal (2.0 million)¹¹. In Sri Lanka, the incidence of child labour is lowest in comparison to other South Asian countries.

South Asian Initiative to End Violence Against Children (SAIEVAC) –a SAARC Apex body is also active in addressing the issues of child labour (economic exploitation as violence against children) in South Asia. It recognizes the commonality across the South Asian countries in the forms of child labour, most notably in the areas of children in hazardous child labour, child domestic labour, and child bonded labour, etc. It also emphasizes to monitor Code of Conduct for protecting children in workplaces.

Out of the six countries, Sri Lanka has included brick industry under construction sector whereas other five countries have brick industry sector. South Asia is home to nearly a quarter of total global brick production¹². The brick industries in the study countries host a major concentration of grassroots and semi-urban population and avails employment to many vulnerable and marginalized communities, many of them being migrant or seasonal workers. Actually, whole family migrates to urban or semi-urban areas to work at brick industry. The accompanying children also works along with their parents in laying bricks or drying and transporting raw bricks. The workers in brick industry in South Asian countries are supplied through an agent and the workers rarely interacts with the actual employer of the brick industry, hence there is a lack of relationship of employer and worker in brick industry. Due to its informal nature, there is no investment in developing human capital.

The prevalence of bonded labour and debt bondage in brick kiln industry is there in almost all South Asian countries¹³. Various studies have highlighted the prevalence of bonded labour debt bondage (including child bonded labour) in brick kiln industry particularly in Afghanistan, Bangladesh, India, Nepal and the Pakistan.¹⁴In Sri Lanka, brick industry is gradually converting to cement block industry therefore it has been included under construction sector. Majority of families and children working in brick kiln industry in these countries are migrant either from own country or in a few cases from other neighbouring countries particularly in India, Pakistan and Nepal. The prevalence of worst forms and hazardous child labour in brick kiln industry has been highlighted that actually has raised a need for proper monitoring and evaluation of brick kiln industry including strict implementation of international labour standards with an independent monitoring and inspection mechanism.

The families including child migrate to brick kiln industry for skilled and unskilled work that are conducted on piece rate basis. There is no wage concept in all most all South Asian countries in brick industry though they have relevant policies and laws on international labour standards. The international labour standards on the Minimum Age for work in six countries are from 14-15 years whereas Pakistan

¹¹ Ibid

¹² Eil Andrew, Li Jie, Baral Prajwal and Saikawa Eri, Stacks, High Stakes (2020): An overview of Brick Sector in South Asia

¹³ Ibid

¹⁴ Khan, Kashif Kamran and Shazadi Amber, (2021). Socio-economic Determinants & Dynamics of Debt Bondage: A descriptive Analysis of Brick Kiln in Punjab, Pakistan, Technium Vol. 3, Issue 7, 2021

Nandwani, Ishaan (2020). Interventions for Child Labour in the Indian Brick kiln Industry, Virginia Commonwealth University, 2020

does not have minimum age for work in its federal law but Khyber Pakhtunkhwa province has 15 years. Thus, Afghanistan and Pakistan's province Khyber Pakhtunkhwa has fixed minimum age for work is 15 years and the rest of the South Asian countries that are being studied has 14 years. Similarly, Minimum Age for Hazardous Work is varying in different countries. Afghanistan, Bangladesh, India and Sri Lanka have 18 years whereas Nepal has 17 years and Pakistan's federal law and Punjab province have 15 years (lowest among the South Asian countries).

The South Asian countries have already enacted legislations to tackle child labour problems. Apart from the legislations, many countries have formulated master plan, plan of actions and frameworks in eliminating child labour. All the countries on study have ratified ILO's two child labour Conventions and implementing various programmes in contributing to eliminate child labour adopting various approaches. The approaches along with strengthened capacity of government, employers and workers organizations only can effectively work together and achieve the objectives of ending child labour.

It is interesting to have a glance on some of the labour standards related to child labour of these six countries that are presented in the following Table-1:

Table-1: Labour standards related to child labour in six countries of South Asia

Country/Standards	Afghanistan	Bangladesh	India	Nepal	Pakistan	Sri Lanka
Minimum Age for work	15	14	14	14	Federal - No Khyber Pakhtunkhwa 15	14
Minimum Age for Hazardous Work	18	18	18	17	Federal – 15 Punjab – 15 Khyber-Pakhtunkhwa - 19	18
Identification of Hazardous Occupations or Activities Prohibited for children	Yes	Yes	Yes	Yes	Federal - Yes Punjab - Yes Khyber-Pakhtunkhwa - Yes	Yes
Prohibition of Forced Labour	No	Yes	Yes	Yes	Federal -Yes Punjab - Yes Khyber Pakhtunkhwa - Yes	Yes
Compulsory Education Age	15+	10	15	14	Federal - 16 Sindh - 16 Baluchistan - 16	16

Source: Compiled from Findings on the Worst Forms of Child Labour of respective countries, Bureau of International Labour Affairs, 2018, 2019 and 2020, Washington, USA

The Table-1 shows various variations in labour standards related to child labour in the South Asian countries. Hence, it is necessary to have a short overview of policies and laws on child labour focusing on construction sector (brick kiln industry) in all the six countries.

Afghanistan:

Afghanistan has been struggling with conflict since long time. Naturally, conflict compels many families and children to accept precarious work conditions or hazardous works to make their survival. Children in Afghanistan engage in the worst forms of child labour, including in armed conflict and forced in the production of bricks and carpets, each sometimes the result of human trafficking¹⁵. The major sectors of prevalence of child labour are agriculture, industry, services such as domestic work, repairing automobiles, tailoring in garment workshops, pushing loads on a wheelbarrow, and other worst forms of child labour. Many children are vulnerable to recruitment by armed groups and traffickers. At least a quarter of Afghan children between ages 5 and 14 work for a living or to help their families.¹⁶ Many children in Afghanistan work long hour with little or no pay. Majority of children work in carpet industry and as bonded labour in brick kilns; metal industry as tinsmith and welders; in mins; agriculture; and on the street as vendors, shoe shiners, and beggars.¹⁷In 2019, UNICEF estimated that 3.7 million school-age children were out of school in Afghanistan, 60 percent whom were girls. In Afghanistan, children were subjected to human trafficking to settle their family's debt, sometimes as a result of their parents' drug addiction, by being forced to produce bricks and illicit drugs.¹⁸

There is no official national survey data for Afghanistan, researchers have conducted national and provincial studies on child labour in a number of Afghan regions.¹⁹ Sector wise data ai also not available in Afghanistan. Hence it is difficult to estimate number of children engaged in construction sector (brick kiln industry).

Afghanistan has ratified all international Conventions concerning child labour that includes ILO Conventions No. 138, ILO Convention No. 182 and UN CRC along with two optional protocols. Government of Afghanistan has established laws and regulations related to child labour. The Afghan Labour Law's minimum age provision prohibits those under age 18, 15 for light work, from being recruited as a worker. However, the law defines worker as a person who is recruited based on a definite contract, meaning the minimum age provision does not apply to those in informal employment and Afghan law does not sufficiently criminalize forced labour and debt bondage²⁰. There is a gap in laws and regulations in protecting children from worst forms of child labour including debt bondage; meaning those children engaged in brick kiln industry would not be freed from debt bondage and they would not be protected by the Government. In 2019, labour law enforcement agencies in Afghanistan took actions to combat child labour. The provisions of laws are not applicable to informal sector such as brick kiln industry. Bonded or debt bondage is uncommon in Afghanistan and known to be prevalent only in the brick kilns around Kabul and in the south-eastern Nangarhar province.²¹In Afghanistan, laws and regulations are in place but there are gaps in using authority to implementation, monitor and penalization. Hence, action is required by authorities in eliminating child labour from brick kiln industry.

¹⁵ Bureau of International Labour Affairs (2019), Findings on the worst forms of child labour

¹⁶Government of Afghanistan, Central Statistics Organization (2016). Afghanistan Multiple Indicator Cluster Survey,

¹⁷Human Rights Watch, (2016). "They bear all the pain" Hazardous child labour in Afghanistan,

¹⁸Bureau of International Labour Affairs, USA (2019). Findings on the worst forms of child labour

¹⁹ILO and UCW, (2015). Measuring Children's Work in South Asia-Perspectives from national household surveys

²⁰ Bureau of International Labour Affairs (2019), Findings on worst forms of child labour

²¹Human Rights Watch, (2016). "They bear all the pain" Hazardous child labour in Afghanistan,

The government has established mechanisms to coordinate its efforts to address child labour. However, due to various reasons there is a lack in effective coordination of efforts to address child labour. There are no sectorial programmes in preventing child labour in all relevant sectors. The recent political development in Afghanistan will have implications in eliminating child labour in the future.

Bangladesh:

Bangladesh has been identified as having second highest child labour in South Asia. Over 6.3 million children in Bangladesh are in employment, many in agriculture and paid work. Overall 17.5 percent of Bangladesh children between 7-17 years of age are in employment. Bangladesh has the highest employment rate of 7–14-year-old and 15–17-year-old children of any South Asian nation reporting comparable data.²² Many children in Bangladesh engage in dangerous work in informal manufacturing sectors and dried fish industry. In addition, some children in Bangladesh work under forced labour conditions producing bricks and drying fish.²³ The sectorial prevalence of child labour is in service (domestic child labour), tea shops and retail shops. There are reports that argue for increase of incidences of child labour in forced labour and commercial sexual exploitation as a result of the COVID-19 pandemic.

Reports of violence against child workers in various sectors, including in domestic work, have also been documented. In 2018, a survey by an international organization found more than 400,000 children in domestic work in Bangladesh²⁴. According to one report there are about 7000 brick kilns operating in Bangladesh as of the end of 2016, producing an estimated 27 billion bricks annually that contribute 1 percent to the national GDP and employ nearly 1 million people.²⁵ Many researchers agree on rapid growth of brick kilns but not meeting the pace of advance technology in Bangladesh. As many as 82 percent of the workforce in Bangladesh is in the age group of 18-40 years in brick kiln industry.²⁶ The workers in brick industries are mainly migrant people from north-western part of the country. A total of 2,298 with a mean of 128 workers per industry, were employed in brick industries in the production season, of which 98.5 percent males and 1.5 percent females, while 60.7 percent skilled and semi-skilled.²⁷ There is no data on prevalence of child labour in brick kiln industry of Bangladesh but many studies have been conducted taking a case in brick kiln industry.

The government extended implementation of the National Plan of Action on the Elimination of Child Labour from 2021 to 2025 focusing on the ILO target. The Ministry of Labour and Employment also

²²ILO and UCW, (2015). Measuring Children's Work in South Asia-Perspectives from national household survey,

²³Bureau of International Labour Affairs, USA, (2018). 2018 Findings on worst forms of child labour,

²⁴ Ibid

²⁵Eil Andrew, Li Jie, Baral Prajwal and Saikawa Eri, Dirty Stakes, (2020). Dirty Stacks, High Stakes: An overview of brick sector in South Asia

²⁶Srivastav, Ravi S., and Sutradhar Rajib, Abrar, C. R. and Reza Md Selim, Adhikari Jagannath and Gurung Ganesh, (No date). Internal Labour Migration to the Construction Sector in South Asia and its Impact on Poverty and Wellbeing, JNU and IHD, New Delhi, RMMRU, University of Dhaka, Nepal Institute of Development Studies, Kathmandu

²⁷Raihan Sarkar, A. H. M., Suza Ma, Roskaft Ervin, (2020). Status of the brick industries in Bangladesh: A case study from the Rizan Subdistrict of Chittagong district, International Journal of Arts Humanities and Social Sciences Studies, Vol. 5 Issue 7, 2020

adopted an update to the hazardous work list, which if adopted, would add drying fish²⁸. In Bangladesh, children are subjected to the worst forms of child labour, including forced labour in the production of dried fish and bricks. Children also perform dangerous tasks in garment and leather goods supply chains²⁹

The brick kiln industry is categorized under informal sector and it is unregulated. The brick kiln industry of Bangladesh is regulated by the Brick Kiln (Control) (Amendment) Act, 2001. This Act control the pollution level of the brick kiln industry. The Labour Act was amended in 2018 with banning of child labour in factories. However, the Act allowed to perform “light work” for children age 14-18 years. Minimum age protections in the Bangladesh Labour Act do not cover children working in the informal sector, in which an estimated 93 percent of child labour in Bangladesh occurs, including domestic work, street work, and work on small agriculture farms³⁰. Children in informal sector are often found to be working in marginal activities, for long hours or more per week.³¹

In Bangladesh, the Government has established institutional mechanisms for the enforcement of laws and regulations on child labour. However, gaps exist within the operations of the Department of Inspectors for Factories and Establishments (DIFE) that may hinder adequate enforcement of the Child labour laws effectively³². DIFE conducts routine inspections in assigned areas based on a checklist that includes child labour. In response to complaints, DIFE also conducts unannounced visits. The lack of routine unannounced inspections in all sectors allows employers to hide child labourers³³. The existing Factory Inspectors are inadequate to cover formal sectors hence it is unlikely to inspect and monitor informal sector such as brick kiln industry in Bangladesh by Factory Inspectors that has also become barrier for eliminating child labour from brick kiln industry.

The main challenge is to categorized brick kiln industry as formal though its operations are seasonal. In addition, Trade unions have not organized the workers of brick kilns due to the seasonality and migrant workers in Bangladesh. Unionization of workers of brick kiln industry would eliminate child labour and promote labour standards in brick kiln industry.

India:

India is known as the home to the largest number of child labour in South Asia. In absolute terms, child labour for the 5-17 years age range is highest in India (5.8 million), followed by Bangladesh (5.0 million), Pakistan (3.4 million and Nepal (2.0 million).³⁴ Therefore, the problem of child labour in India is high in magnitude as well as in nature. In addition, child labour was socially accepted phenomenon in the past and it was not regarded as social crime. The total child population in India in the age group 5-14 years is 259.6 million. Out of these, 10.1 million (3.9 percent of the total child population) are working either as a

²⁸ Bureau of International Labour Affairs (2020), Findings on worst forms of child labour

²⁹ Ibid

³⁰ Bureau of International Labour Affairs (2020), Findings on Worst forms of child labour

³¹ ILO (2014). Health Hazards of Child Labour in brick kilns of Bangladesh

³² International Bureau of Labour Affairs, USA (2018). 2018 Findings on the worst forms of child labour

³³ Ibid

³⁴ ILO and UCW, 2015. Measuring Children’s Work in South Asia, Perspectives from national household survey

“main worker” or as a “marginal worker”.³⁵Over 12.9 million children in India between 7-17 years old, 5.1 percent of the total, are in employment, primarily working in agriculture and unpaid family work.³⁶ More than 88 percent of all children ages 7-17 in India attend school, with children in employment less likely to do so than elsewhere in South Asia and children in rural areas in India are more likely to be employed, less likely to attend school and more likely to be inactive.³⁷Children in India are subjected to the worst forms of child labour, including in garment production, stone quarrying, and brick making. Children also perform dangerous tasks in the production of thread and yarn. Hazardous work prohibitions do not include all occupations in which children work for long periods of time in unsafe and unhealthy environments, and penalties for employing children are insufficient to deter violations.³⁸ There are several barriers to educational access in India. Children from marginalized groups face additional barriers to accessing education. The situation varies from state to state depending upon education facilities and social safety nets of the respective states.

Various researcher argue that the achievement made between 2001 to 2011 (during the period, child work in India decreased, both in terms of magnitude and percentage of incidences) in eliminating child labour in India has been reversed due to COVID-19 pandemic as many adult workers lost their job and income. The ILO study has also concluded same finding globally.

With respect to brick production, India is the largest producer of bricks globally after China, accounting for an estimated production of 250 billion brick annually and employing approximately 15 million workers.³⁹There are 143,704 approximate number of brick kiln industries in India.⁴⁰There is report that debt bondage and worst forms of child labour are prevalent in brick kiln industry in India. The situation of workers and children is in difficult circumstances in Bihar, West Bengal, Orrisa, Andhra Pradesh, Karnataka and Maharashtra. The Constitution and other national legislations prohibit bonded labour and worst forms of child labour in India. Majority of brick kiln workers are from minority group and come from traditionally marginalized/excluded castes and classes. 65 to 80 percent children between the ages of 5 to 14 that live in the brick kilns, are working between seven to nine hours a day.⁴¹ Interstate migrant workers are more vulnerable; they take a higher advance (loan), are hired through a labour contractor and face challenges in assessing support.⁴² There is no estimate on number of children working in brick kiln industry in India at a national level.

The Government of India has enacted laws and regulations related to child labour and prohibits hazardous child labour. Code on the occupational safety, health and working conditions was passed in parliament in 2020 and the provisions of this code has not yet come into force.⁴³ India has also minimum age for work that is lower than the compulsory education age. This actually encourage children to leave school and join

³⁵ Kaur Navapreet and Byard Roger, 2021. Prevalence and potential consequences of child labour in India and the possible impact of COVID-19 – a contemporary overview

³⁶ ILO and UCW, 2015. Measuring Children’s Work in South Asia, Perspectives from national household survey

³⁷Ibid

³⁸ Bureau of International Labour Affairs (2020), Findings on worst forms of child labour

³⁹Eil Andrew, Li Jie, Baral Prajwal and Saikawa Eri, 2020. Dirty Stacks, High Stakes: An overview of Brick Sector in South Asia, World Bank

⁴⁰Ibid

⁴¹ Anti-slavery International, 2017. Slavery in India’s Brick Kilns and the Payment System

⁴²Ibid

⁴³Bureau of International Labour Affairs, USA, 2020. 2020 Findings on the worst forms of child labour

work. The Government of India has established institutional mechanisms for the enforcement of laws and regulations on child labour. Still there is gaps and lacunas in the operations and within the agencies for protection of children particularly it varies from State to State. The enforcement of labour laws is overseen by the state governments' labour ministries, while criminal law enforcement is overseen by the state police. Labour law enforcement officers typically coordinate with the state police on cases through the Office of the District Magistrate⁴⁴. The mechanisms for coordination and collaborations are in place such as Task Force to implement the Child Labour Act, Central Advisory Board on Child and Adolescent Labour. India has National Policy on child labour, national plan of actions for children and state Action Plan on Child labour. India has been proactive in addressing the issues of child labour but the efforts have been suspended or delayed due to COVID-19 pandemic in many areas. There are key policies related to child labour namely National Policy on Child Labour, National Plan of Action for Children and State Action Plan on Child Labour.

Nepal:

Nepal has respected rights of the child and has enlisted child rights as fundamental rights under the article 39 of the Constitution. Sub article 4 of article 39 of the Constitution prohibits employment of children in factories, mines and similar hazardous works. In Nepal, the overall trend of child labour is in decreasing order (from 1.6 million in 2008 1.1 million in 2017/18).⁴⁵

Nepal Child Labour Report 2021 also found that among seven million children (total children) between the ages of 5-17 in Nepal 1.1 million children (15.3 percent) were found to be engaged in child labour which is a significant decline in child labour in comparison to 2008 (1.6 million). The second interesting finding is that the child labour prevalence for children between age of 5 and 13 years is 18 percent while it is 10 percent for the children between age of 14 and 17. Nepal Child Labour Report 2021 also analyzed the prevalence at provincial levels and reported that the highest prevalence is in Karnali (24.6 percent) followed by Sudurpaschim (20.9 percent), province 1 (17.6 percent), Gandaki (16.1 percent), Lumbini (15.8 percent), Province 2 (11.5 percent) and the lowest in Bagmati (8.9 percent). Like in other South Asian countries, Nepal also has highest prevalence at rural areas (20.4 percent) than that of urban areas (12.1 percent). According to this report, 87 percent of total children engaged in child labour are in agriculture sector and 13 percent are in other sectors. The highest child labour prevalence is found among Dalit (19.4 percent), followed by Janjati (18.1 percent), Brahmin/Chhetri (14.5 percent), Terai caste (12.7 percent), Muslim and other caste categories (12.8 percent) and the lowest is among Newar. The findings of Nepal Child Labour Report 2021 are similar with other South Asian countries in relation to involvement of marginalized children in child labour.

Brick kilns are known as traditional occupation in Nepal. The kilns were small and local fuel (cow dung and wood logs) was used to cook it. Later the brick kilns were using chimney and coal to cook it. It is reported that there are about 1000 brick kilns in Nepal.⁴⁶ The investment in the brick sector is reported to be at tune of 37 million USD. Brick industries were set up in a traditional way and slowly they are being modernized with introduction of semi-mechanical process within the manufacturing cycles of bricks and

⁴⁴ Ibid

⁴⁵ Government of Nepal, Central Bureau of Statistics and ILO, 2021. Nepal Child Labour Report 2021

⁴⁶ Federation of Nepalese Brick Industries and MinErgy, 2017. Brick Sector in Nepal: National Policy Framework

recently a few has been established with full mechanization, reducing hazards and environmental impacts. Though brick industries are registered under Industrial Enterprise Act, 2017 but still it is being treated as informal sector from labour management perspectives. The existing brick kilns are providing employment to about 140,000 individuals (the recent survey reports 200,000) from the poorest and marginalized segment of the country (Premchander et al. 2015). After the devastating earthquake in April, 2015, the demand for bricks increased for reconstruction and brick industries importance was realized. Despite the importance of the brick industry, it has been criticized for the prevalence of child labour and forced labour practices in Nepal.⁴⁷ Majority of the brick kiln workers are migrant from India and other districts of Nepal mainly Rolpa, Slayan, Dang, Kalikot, Jajarkot, Surkhet, Sarlahi, Saptari, Siraha, Dhanusha, etc., Majority of the workers in brick kiln come from the disadvantaged and highly vulnerable population and do not have capacity in diversifying livelihood opportunities, hence they are highly vulnerable to exploitation including trapping into debt bondage.

According to ILO/CBS report on employment relationship survey in the brick industry in Nepal, 6,229 workers were found to be in forced labour which is 3.5% of total estimated number (176,373) of workers working in brick kilns in Nepal. The report also highlights that the proportion of girls/women in forced labour is 34.5%. It also reveals that more than 75.7% of the workers receive an advance payment from the Nikes that is an indicator of being trapped into debt bondage. Many children in Nepal are engaged in the production of bricks, which exposes them to hazardous working conditions, including carrying heavy loads, using dangerous machinery, and working in extreme heat.⁴⁸ There are an estimated 17,738 child labourers in the brick kilns industries of Nepal and 15,400 of these children engaged in hazardous work.⁴⁹

Nepal has ratified all key international Conventions concerning child labour. The minimum age to hazardous work is not consistent with international standards as it does not prohibit children age 17 from engaging in hazardous work.⁵⁰ Nepal has identified sectors of hazardous works for children but it has not come out with processes and occupations that are hazardous to children. Nepal is implementing its Master Plan on Child Labour (2018-2028) to eliminate all forms of child labour by 2025 and its worst forms by 2022. There is gaps and lacunas in enforcement of child labour prohibition and regulation laws. The Labour inspectors are few in number and cannot cover all sectors in their designated areas. Moreover, the existing child labour prohibition and regulation Act was supposed to be amended but still the process has not been initiated.

Pakistan:

Children, mostly from poor and deprived communities including migrants from Afghanistan, work as child labour or child bonded labour in Pakistan. It is reported that child labour is one of the burning and critical problems of Pakistan, whereas it has been struggling to eliminate it since long time back in collaboration with various development partners including ILO and United State Department of Labour

⁴⁷Government of Nepal, Central Bureau of Statistics, ILO and UNICEF, 2020. Report on Employment Relationship Survey in the Brick Industry in Nepal

⁴⁸Bureau of International Labour Affairs, USA 2020. 2020 Findings on the worst forms of child labour

⁴⁹ Government of Nepal, Central Bureau of Statistics, ILO and UNICEF, 2020. Report on Employment Relationship Survey in the Brick Industry in Nepal.

⁵⁰ Bureau of International Labour Affairs, USA 2020. 2020 Findings on the worst forms of child labour

(USDoL). In recent years, child labour is increasing throughout Pakistan, but due to certain social factors, it is in the high emerging scale in the Khyber Pakhtunkhwa and its Federally Administer Tribal areas (FATA) and Provincially Administered Tribal Areas (PATA).⁵¹ Millions of children in Pakistan are employed, primarily in the agriculture sector and in unpaid family labour.⁵² Pakistan's 2010-2011 Labour Force Survey reveals that 5.7 million 10–17-year-olds, representing 19.9 percent of all children in the age group, are in employment.⁵³

According to UCW estimates from a 2011 national survey, 13 percent of children in the 10-14 age group, almost 2.5 million children in absolute terms, are in employment in Pakistan. In addition, the study also revealed that 33.3 percent among Pakistani children aged 15-17 years are involved in employment. Child labour has thrived in Pakistan in various manifestations. The formal sector has been somewhat regulated by anti-child labour legislation and labour inspections; however, large number of children are still involved in the informal sector.⁵⁴ The increasing informal sectors in Pakistan is becoming places for worst forms and hazardous child labour particularly in brick kilns, coal mines and the fishing/prawn industry⁵⁵. The situation is poorer in rural area where the poverty-stricken families rely on their children to have to share the burden of entire family by getting them involved in child labour.⁵⁶

In Pakistan, brick making is one of the most ancient industries just like in other South Asian countries. The brick making industry in Pakistan hosts a major concentration of grassroots and semi-urban population and provides a source of livelihood to some of the most vulnerable and poorest sections of the society, many of them being migrant or seasonal workers.⁵⁷ According to a report, 90 percent of brick kilns are functioning at rural areas. Migrants in general and traditional “low caste” family labour in particular, continue to characterize labour in the brick kilns.⁵⁸ The network of brick kilns is throughout the country in urban and rural areas. It is reported that about 5000 brick kilns are located only in Punjab province of Pakistan and about 7000 brick kilns are in Pakistan⁵⁹. The children of the families working at brick kilns have to work with their families. Many children of the families working in brick kiln are working as child labour. UNICEF estimated at least 250,000 children work in brick kilns.

Pakistan has recently constituted National Commission on the Rights of the Child which includes two representatives who are children, giving importance to child participation. Pakistan consists of the Islamabad Capital Territory (ICT), which is governed by federal law, and four provinces-Baluchistan, Khyber Pakhtunkhwa, Punjab, and Sindh – each of which is responsible for all social services, including those related to labour, within their areas.⁶⁰ Research found that in Sindh, Punjab, and Baluchistan,

⁵¹ Shah, Mohammad Iqbal; Dr. Alam Anwar and Muhammad Shabbir, 2020. Problems of Bonded Child Labour in Brick Kilns Industry at Peshawar, Pakistan, *Pakistan Social Science Review*, September 2020, Vol. 4, No. III

⁵² ILO and UCW, 2015. *Measuring Children's Work in South Asia*, perspectives from national household surveys,

⁵³ Ibid

⁵⁴ SPARC, No date. *Child Labour in Brick Kilns of Hyderabad*

⁵⁵ Ibid

⁵⁶ Ashfaq, Asia; Ali, Rabia; Habiba Ume and Ashfaq Maryam. 2017, *Child labour in Pakistan: consequences on children's health*, *International Journal Human Rights and Constitutional Studies*, Vol. 5, No. 1, 2017

⁵⁷ Aftab Ayesha, No date. *Rights of Bonded Labourers at Brick Kilns: A Social Protection Perspective from Pakistan*

⁵⁸ Iqbal, Muhammad Javaid, 2006. *Bonded Labour in the Brick Kiln Industry of Pakistan*, *The Lahore journal of economics*, 11:1 (Summer 2006)

⁵⁹ Ibid

⁶⁰ Bureau of International Labour Affairs, 2020. *2020 Findings on Worst Forms of Child Labour, Pakistan*

agriculture, brick kiln, fisheries, poultry, mining, construction, domestic labour and carpet making industries oftentimes failed to follow labour laws with no or little government oversight.⁶¹ Pakistan has ratified most key Conventions related to child labour that includes ILO C. 138, C. 182 and UN CRC. There are many laws and regulations that the Government of Pakistan has established to regulate child labour. However, gaps exist in Pakistan legal framework to adequately protect children from the worst forms of child labour, including the minimum age for work and for hazardous work.⁶² Hazardous work prohibitions for the federal government and the four provinces do not cover brick making, for which there is evidence that children are exposed to environmental health hazards. Punjab province has functioning District Vigilance Committees (DVCs) whereas in other provinces the number is low and many of them are not active. Provincial governments are responsible for enforcing labour laws in Pakistan. However, there are not adequate labour inspector to enforce in combating child labour. Most of the provinces has labour policy that also deals on child labour.

Sri Lanka

Sri Lanka has made good progress in school enrolment and has reduced child labour particularly for children between of 7 and 14 years. According to a report, school attendance rates in Sri Lanka are the highest in South Asia.⁶³ However, many children are engaged in a range of production and service activities in the agriculture, construction, mining, fishing, food processing, etc. Over 539,000 children are in employment in Sri Lanka, most working in agriculture and unpaid family work. The employment ratio for children between 7 to 17 in Sri Lanka is 14.6 percent. Among employed children in the 7-17 age group, 59.1 per cent work in agriculture, 16.8 percent in manufacturing and 14.4 percent in commerce.⁶⁴ Involvement of young children aged 15-17 years in employment rises to 24.5 percent as minimum age for employment of children is 14 years in Sri Lanka. This group of children's involvements in employment particularly in designated hazardous sectors is prohibited and if found then it is hazardous child labour.

Brick kiln industry though a few in number comes under construction sector in Sri Lanka and most of them are home based industry. In Sri Lanka, most of the construction works are being made using cement blocks that are replacing bricks in construction. The number of cement block industries are increasing and brick industries are decreasing drastically. The total employee involved in in the brick industry in Sri Lanka in 2000 was about 60,000. Majority of brick industries are concentrated in few specific areas in Sri Lanka, where the raw materials are mostly available.⁶⁵ The recent data was not accessible from internet surfing for Sri Lanka. According to 2003 report produced by Asian Institute of Technology, there were about 10,000 brick manufacturers and most of them were restricted to small scale operations with kiln capacities ranging from 15,000 to 24,000 bricks per kiln. In 2003, these manufacturers were manufacturing about 800 million bricks per year.

In Sri Lanka, the hazardous list of occupations prohibits for the children under 18 years clearly mentioning "*Any type of work near, or around a kiln for the manufacture of bricks or tiles*". However,

⁶¹Ibid

⁶²Ibid

⁶³ILO and UCW, 2015. Measuring Children's Work in South Asia, perspectives from national household surveys

⁶⁴ Ibid

⁶⁵ Asian Institute of Technology, 2003. Brick and Ceramic Sectors

there are report of prevalence of child labour in construction sector including brick kiln industries which is 0.6 percent for children between 7-14 years and 5.0 percent for young children between 15-17 years.

Sri Lanka has ratified all key international Conventions including ILO Convention Nos. 138 and 182 and UN CRC. The Government of Sri Lank has established laws and regulations related to child labour. However, gaps exist in Sri Lanka's legal framework to adequately protect children from the worst forms of child labour, including protection for children engaged in domestic work.⁶⁶ Recently, The Government of Sri Lanka has increased the minimum age for employment from 14 to 16 years complying with the compulsory education age. In Sri Lanka, institutional mechanisms for enforcement of laws and regulations on child labour are set up however, there is gaps in its operations among agencies responsible. Several ministries, departments, and agencies have legal authority for the enforcement of criminal laws against child labour. The National Child Protection Authority (NCPA), the Criminal Investigations Department of the Sri Lankan Police, and the Attorney General's Department are responsible for the enforcement of criminal laws against child labour⁶⁷. Sri Lanka has also increased the number of labour inspectors from 494 to 588 and 6 labour inspectors are dedicated to inspecting child labour. Sri Lanka has National Policy on Elimination of Child Labour, National Child Protection Policy and Decent Work Country Programme (2018-2022).

3. Guidelines on eliminating child labour in brick kiln industry in South Asia

The document review of the six countries, particularly on child labour in construction sector (brick kiln industry) including reviewing existing policies and legal framework, indicates prevalence of child labour in different magnitude in each study country. In addition, there is gaps and lacunas in existing laws and regulations and the review clearly indicates there is a need to regulate child labour in construction sector (brick kiln industry) implementing key labour standards.

National trade unions in these countries have been lobbying and implementing sector specific programme/projects to eliminate child labour as well as advocating for effective implementation of decent work agenda through Decent Work Country Programme (DWCP) in each country. Trade union's role and responsibility has been recognized for child labour elimination and there is common understanding among most national trade unions on relation between child labour and adult rights to work for which trade unions are lobbying with their respective governments to implement compulsory education that is coherent to ILO's Convention on minimum age of employment. ILO, International Trade Union Center (ITUC), Building and Wood Worker's International (BWI) and SARTUC are combating child labour in general and in specific sector such as agriculture, tea garden, carpet factory, brick industry, etc. Most of the prevalence of child labour is in informal sectors where trade unions presence is negligible. Unionization and trade union education are not conducted hence the workers of these sectors such as brick kiln industry are exploited and trapped in debt bondage.

⁶⁶ Bureau of International Labour Affairs, USA, 2020. 2020 Findings on worst forms of child labour

⁶⁷ Ibid

Based on situation analysis and review of policy and legal framework, following guidelines are suggested in eliminating child labour practices from construction sector (brick kiln industry) in Afghanistan, Bangladesh, India, Nepal, Pakistan and Sri Lanka:

3.1 Develop common understandings on ill effects of child labour, violation of worker's rights and child rights, and existing provision of penalization of respective countries among all national trade unions, employers of brick kiln industries, government's labour authority and human rights and child rights activists. Common understanding could be developed through seminar, workshop, interaction and sharing good practices of other countries for which national trade unions have to make effort to conduct events in collaboration with government, employer and activists. These events will develop common understanding on child labour, debt bondage and its consequences in short and long term. The common understanding approach will ease persuasion in making brick kiln industry a formal sector and observing fundamental rights and principles at work through unionizing brick kiln industry workers.

3.2 Lobby (in coordination with national trade unions) with government and employer for constituting a tripartite committee to explore possibility of implementing labour standards in brick kiln industry in six countries. In most of the studied countries there is provision of registration of brick kiln industry under prevailing laws however, in these countries brick kiln industry is being treated as informal sector without strict implementation of labour standards and inspection by the competent authority. Hence, the tripartite committee will explore possibilities with series of consultation with brick kiln industry and its workers to recommend specific labour standards for implementation in brick kiln industry.

3.3 Prepare a fact sheet on prevalence of child labour (based on national survey in these countries) and educate employers, workers and consumers. The fact sheet is used as an advocating material for raising awareness of government, employer, local communities residing nearby brick kiln industry, workers and their families. This action will avail to access the workers including child labour and assess the situation of the specific brick kiln industry for developing an appropriate strategic plan of educating workers on trade union movement and its benefits.

3.4 Form joint trade unions coordination committees in each country to realize joint actions against child labour. Forming joint trade union committee, trade union movement become stronger and it would be easy to eliminate child labour from brick kiln industry by unionizing brick kiln workers and providing an alternative to child labour. This will also enhance collective bargaining and support in observing world day against child labour and decent work day. Where ever there are joint committee that could be projected as good practice to other countries where it is not formed. Moreover, trade unions could also put the issue of employing sub-contractor or middle man (labour supplier or Naike) in controlling supply of children in brick industries.

3.5 Develop good working relationship with Alliance SDG 8.7 and SAIEVAC and jointly organize seminar, workshop and interactions on child labour, forced labour and human trafficking. Working with Alliance SDG 8.7 and SAIEVAC, facilitate to cater support of wide array of stakeholders in combating child labour from brick kiln industry as well as provides opportunity to implement

programmes in withdrawal, rehabilitation and reintegration of child labour working in brick kiln industry in respective countries. Collect good practices of eliminating child labour from education, mobile school, investment in family enterprises, etc. This will increase visibility of national trade unions in the countries in combating child labour and avail opportunity to educate workers on labour standards and unionization.

3.6 Advocate in coordination with national trade unions and educationists for compulsory education complying with ILO Convention No. 138. Trade unions have been campaigning for free compulsory education for children and it has been enforced in a few countries but the age for compulsory education and minimum age of employment is different due to which many children leave school at the minimum age and join work. Hence, complying with ILO Convention No.138 will contribute to reduce general child labour in the respective country and strengthen monitoring and inspection in hazardous sectors.

3.7 Organize brick kiln workers and support for struggling (with non-confrontational approach/social dialogue) in eliminating child labour from brick kiln industry. Without organizing brick kiln industry workers, it would be very difficult to conduct campaign for the implementation of labour standards at brick kiln industry. Hence, first priority is to organize workers of brick kiln industry and support them to conduct social dialogue with their employer and negotiate implementation of labour standards, occupational safety and health issues, child labour and later including these in their collective bargaining. Therefore, national trade unions have to organize brick kiln industry workers and educate them about trade union movement, ill effects of child labour, violation of workers' rights and child rights.

3.8 Conduct campaign with employers in developing and implementing codes of conduct effectively on labour standards including child labour. National trade unions of six countries have to campaign for developing codes of conduct (one example is in Nepal, the National brick Industry Federation has developed codes of conduct) on child labour, occupational safety and health and other relevant labour standards. The codes of conduct must be enforced and conduct an independent audit of it. The codes of conduct would open way to implement minimum labour standards at brick kiln industry.

3.9 Lobby with government and employers for effective implementation of Country Decent Work Programme focusing child labour. Each country has Decent Work Country Programme that has strategy to eliminate child labour either general or worst forms. Hence, national trade unions have to lobby with government and employers for effective implementation of Decent Work Country Programme and support for its implementation.

3.10 File case against brick kiln industry violating existing laws and regulations on child labour in each country in collaboration with joint trade unions committee or national trade unions. National trade unions must file case against individual brick industry that is using child labour as per the provisions of the existing laws of the respective country along with all validated information and evidence or as per the requirements of the laws. This case filing will help in eliminating child labour not only in brick kiln industry but from the country as such. Case filing will bring the laws in implementation and create an environment of justice.

3.11 Support in conducting National Survey on Child Labour in Brick Kiln Industry and use the findings for advocacy and implementing programmes on child labour particularly focusing on prevention and rescuing identified child and his/her rehabilitation and reintegration. Most of the countries conduct periodic survey on labour force, living standard and child labour. Trade Unions have to be part of it in providing right information and assist in sampling as well as conducting survey. Once the report is generated, use this report for advocating for the implementation of child labour programme as per the magnitude and nature of it. Lobby for focusing on prevention and rescuing identified child labour for rehabilitation and reintegration.

4. Strategies to implement guidelines

The strategies to implement the developed guidelines will be based on the country context as some of the guidelines might not be applicable or the country might have already included in their policy and labour law. Therefore, the strategies differ from country to country based on consultation. Hence a few common strategies are presented here to facilitate to identify main strategy for the specific country in South Asia.

4.1 Coordination and collaboration – National trade unions have to initiate coordinating with key stakeholders on implementing guidelines for the elimination of child labour in brick kiln industry. A national workshop/seminar is to be conducted on country context and guidelines in collaboration with like-minded organizations that have interest in eliminating child labour in brick kiln industry.

4.2 Social dialogue – Social dialogue is very good strategy in bringing the issues on board and seeking their support in addressing the issues whether it is child labour or migrant labour issue. Hence, organize social dialogue with employers of brick kiln industry and consumers including government. The social dialogue would develop a pathway to move ahead with the guidelines. Inviting consumers is good initiative to make aware employer on consumer perspectives on child labour.

4.3 Use of legal framework – Always use legal framework of respective country to implement guidelines in close collaboration with national trade unions and the government. Legal framework has provisions on child labour including penalization that actually brings understanding and facilitate in the implementation of the guidelines.

4.4 Promote good practices – There are various good practices that have been identified and documented. Use those good practices during social dialogue to convince employers, government and workers in implementing guidelines. It is better to have collection of good practices from brick kiln industry from other regions.

4.5 Education and training – Education and training is strong strategy to implementation of guidelines. National trade unions in collaboration with organizations implementing child labour programmes such as ILO, UNICEF, Asian Development Bank, etc. has to conduct training to stakeholders including trade union leaders, community leaders, social mobilizers, etc. Educating on child labour in brick kiln and guidelines through television or radio talk show.

