



The Netherlands, 29 September 2006

Prime Minister Matti Vanhanen  
Prime Minister's Office  
Snellmaninkatu 1 A,  
PO Box 23  
Helsinki  
FI-00023 Finland

Dear Prime Minister Matti Vanhanen,

On the occasion of the EU-India Summit 2006 due to take place on the 11th of October 2006, the campaign 'Stop Child Labour – School is the best place to work' would like to draw your attention as acting President of the EU to the related issues of child labour and education.

'Stop Child Labour – School is the best place to work' is a campaign of NGO's and unions from 6 European countries who are co-operating closely with a number of organizations from developing countries, including India. 'Stop Child Labour' has the firm conviction that the abolition of child labour and the realization of the right to education are closely interrelated and that every child has the right to free, full-time, quality education up to at least 15 years of age. Poverty is no excuse for child labour and children missing out on education. Our experience is that child labour perpetuates poverty and that to fight poverty it is imperative to address child labour.

Child labour is still a worldwide problem which, according to ILO's latest Global Report on the issue, still affects the lives of 218 million children. This number is probably higher because many children engaged in domestic or agricultural work at home are not included in this official figure. The global nature of child labour is illustrated by the fact that also in the European Union there are many children being trafficked and/or working in violation of legal standards at the cost of their education. At the same time EU-based companies operating in India are, mostly via their supply chain, still involved in the exploitation of children. This takes place, among other industries, in cottonseed, garment and tea production as well as in stone mining. The products of the latter three also reach the European consumer.

India has the largest number of working children in the world today. Indian official statistics speak about almost 13 million children, but unofficial estimates vary between 60 and 100 million children. This coincides with estimates of NGO's that around 40% of all 250 million children between 6 and 14 are not in school on a given day. At least as worrying is that improvement seems to be stagnating.

Recent research on behalf of India's weekly magazine *India Today* shows that a range of indicators for primary education registered a fall in 20 out of 30 states.

We therefore urge the European Union to discuss the related issues of continuing large-scale child labour and lack of access to education in India at the EU-India Summit in Helsinki. The violation of the human rights of millions of children, the realization of Millennium Development Goals 2 and 3 as well as the strong involvement of the EU itself in development co-operation programmes on education in India are ample reasons to put this issue high on the agenda.

***We call on you to raise the following issues at the upcoming EU-India Summit:***

### **1. Call on India to ratify ILO Conventions 138 and 182**

India has not ratified either of the two ILO Conventions on child labour, while more than 3 out of 4 ILO-members have already done so. In line with the recommendation of the European Parliament which 'calls on India to ratify Convention 138 on Minimum Age [for Employment] and Convention 182 on the Worst Forms of Child Labour', we request you urge for the same during the EU-India Summit.

### **2. Encourage the faster implementation of the 86<sup>th</sup> Constitutional Amendment on the right to education**

India's present Child labour (Prohibition and Regulation) Act 1968 prohibits child labour in a limited a number of occupations and industrial process that are deemed hazardous for a child. In other occupations child labour is limited to six hours a day while there is no limit to the work a child can do at home, even if this is part of an industrial subcontracting chain. The Supreme Court has recently given a preliminary judgement in response to a Public Interest Litigation by NGOs who argued that the present Child Labour Act is in contradiction with the right to education. The right to education has, through the 86<sup>th</sup> Amendment to the Indian Constitution in 2002, become a fundamental justiciable right. It is also very worrying that the Education Bill that is supposed to reflect this new fundamental right which provides for free and compulsory education is still to be presented to Parliament. As a result more than 40 million children who were between 10-14 years in 2002 and not attending schools have become too old to do so. We urge the European Union to express its concern about the slow implementation of this Constitutional Amendment, especially since the EU is strongly involved in supporting education programmes in India.

### **3. Ensure rehabilitation of children under the new ban on the employment of children as domestic servants etc. in EU funded programmes**

India has recently announced a ban on the employment of children as domestic servants and workers in roadside eateries, teashops, restaurants, hotels etc. The reason given is that many of these children, according to the Ministry of Labour and Employment of the Government of India, are 'subjected to physical violence, psychological trauma's and even sexual abuse'. We applaud the decision of the Indian government, even though unfortunately the ban does not include agricultural work and work done at home which prevents children from going to school and growing up healthy.

A day before the EU-India Summit, on the 10<sup>th</sup> of October 2006, the ban is coming into force. The whole world is watching what will happen to the millions of children for whom domestic work and work in restaurants is now prohibited. There has been a lot of apprehension in the Indian press and among Indian NGO's how this ban will be implemented and what will happen to the children. The Ministry of Labour recently indicated that they are in consultation with other departments to set up 'shelter homes' to rehabilitate the children who will be freed from work. Shantha Sinha of the reputed NGO MV Foundation feels that there has to be a strong co-ordinated effort of all departments concerned with children's rights together with NGO's that goes beyond shelter homes. She says: "The effectiveness of such a decision will be based largely on building a social pressure against those employing children. More importantly it would depend on the governments' own seriousness in enforcing the law and taking action against the employers of children in all sectors while ensuring that children withdrawn from work are given all support to go to schools as a matter of right.

We urge the European Union to discuss this issue at the EU-India Summit and its follow-up with the Indian government and to consider how the programmes the EU is presently funding or possibly new programmes, could contribute to the effective rehabilitation and education of these children.

#### **4. Reach agreement with India on research, monitoring and rehabilitating child labour in operations and supply chain of EU-based companies in India**

Companies that are based in the European Union and are operating in India are expected to abide by the OECD Guidelines for Multinational Enterprises, including in their supply chain. They are supposed to 'contribute to the effective abolition of child labour'. There are still quite a few European companies that are involved in child labour in India, especially in sectors that are 'child labour endemic' like small scale mining, the production of tea and other agricultural products including the production of cotton seed.

We urge the European Union to come to an agreement with India on research, monitoring, rehabilitation of child labour in the operations and supply chain of EU-based companies in India. Looking at the human rights obligations of both the EU and India, we trust that they do not passively wait for violations of children rights to occur but create conditions under which companies are expected to eradicate child labour and be sanctioned if they violate these rights. The same should also apply to other (fundamental) labour rights and Indian labour laws in general.

#### **5. Call for the abolition of all forms of child labour, as enshrined in ILO Convention 138 and 182**

In the context of what was said above, the EU-India Summit 2006 is an important opportunity for the European Union to make clear that it wants to abolish all forms of child labour implied in Convention 138 and Convention 182, as child labour is a serious obstacle to the right to full time education up to 15 years of age. Further we have to go beyond primary education in order to provide every child 8 to 10 years of education which really enables him or her to really have chances to decent work and participate in the present day world. The fact that 147 countries have ratified Convention 138 which says that a child can do no work before it is 15 (or

14 if a government decides so) implies that we have to provide education to the child until it is at least 14 or 15. However, the MDG's now only target at five years of education. This in fact contradicts ILO Convention 138 which has been signed by 147 countries.

In this context it is also worrying that the ILO in its global action plan contained in its Global Report 'The end of child labour – Within reach' primarily aims at the elimination of the worst forms of child labour only. With so many countries having signed both Conventions, a comprehensive approach to tackle all forms of child labour and get every child to school is needed. In November the ILO will decide about its global plan of action. We hope that the EU and India will express at the Summit that it is indeed their aim to see to it that in 2015 every child is in a free and full-time school and stays there until he or she is at least 15.

Besides raising the issues mentioned above at the EU-India Summit, we also request you as acting President of the EU to follow it up in the context of the Strategic Partnership of the EU with India, including in India-EU development co-operation and the dialogue on human rights. In the coming days we will also send this letter with other policy makers in the EU and share it with the public at large. A response to this letter from you would of course be highly appreciated.

Yours sincerely,



Gerard Oonk  
Director India Committee of The Netherlands



Mario van de Luytgaarden  
Policy Advisor of the Dutch Trade Union Federation

On behalf of the campaign 'Stop child labour – School is the best place to work'.

### **The campaign**

The campaign *Stop Child Labour – School is the best place to work* is a campaign inspired by successful programmes in the South, in particular the MV Foundation in India. It is run by 3 Alliance2015 organisations (HIVOS, The Netherlands; Deutsche Welthungerhilfe, Germany; Concern, Ireland, CESVI, Italy; PIN, Czech Republic; IBIS, Denmark ) in co-operation with the Federation of Dutch Trade Unions (FNV), the Dutch Teachers' Union (AOB) and the India Committee of The Netherlands (ICN). The campaign also co-operates closely with the International Federation of Free Trade Unions (ICFTU).

### **Contact address:**

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- See also campaign website: <http://www.schoolisthebestplacetowork.org>