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Measuring Child Protection: Performance Indicators for Measuring the Impact of Child Labour Urban Interventions in India

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Abstract

The paper elucidates performance indicators for measuring the impact of urban models designed to protect the rights of child labourers in India. The paper is based on learning from Save the Children India's urban intervention on child labour, specifically child domestic workers and child labour in the garment industry in the capital state of Delhi, India. The two said categories of child labour have common characteristic of home-based labour and thus, hidden labour. Where child domestic work thrives in the homes of the employers and begins from the home of the child domestic worker, child labour in the garment industry also begins and thrives in the homes of these labourers. Some of the most significant violations of child rights for these children include the loss of childhood, lack of opportunities to explore their full potential, entrapment in the intergenerational cycle of poverty and exploitation and abuse experienced through labour. Gradual withdrawal from harmful labour and shift towards decent work form the mainstay of the intervention.

The expected outcome of this intervention is 'Home based child labourers, their families, source and destination communities have access to preventive and responsive child protection mechanisms and they are protected by stronger child protection legislation.' To adequately measure the impact of the intervention, five key performance indicators are formulated. The indicators are: (1) Former child labourers who restart their education and retain in formal schools, (2) Adolescent child labourers who have been trained on alternative vocational trades and are pursuing the trade on completion of 18 years of age, (3) Safe and empowered families and communities that are source or destination areas of child labour, (4) Increased access to social protection services for vulnerable families and (5) Stronger child protection legislation and policy change initiatives undertaken and implemented in the best interest of the most vulnerable children.

These indicators are expected to measure the overall impact as well as answer the following questions.

- A. *Whether or not the said solutions for children in urban vulnerability have a strong impact in helping them reach their well-being to the fullest*
- B. *Whether or not the said solutions are sustainable beyond the intervention by development players*

In addition, the proposed performance indicators are also analyzed in the context of the post 2015 sustainable development agenda where focus on child protection as a thematic area and child protection focused goals in the proposed sustainable development goals are key points in discussion.

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***"Young people are the innovators, creators, builders and leaders of the future. But they can transform the future only if they have skills, health, decision-making, and real choices in life."***

Babatunde Osotimehim, Executive Director  
United Nations Population Fund (UNFPA)

India ranks highest in the number of 10 – 24 year old people in the country<sup>1</sup>. 356 million people fall into this age group, accounting for 28% of the country's population. This demographic dividend is expected to significantly contribute to economic growth in the country and end intergenerational cycle of poverty for 363 million<sup>2</sup> of India's poor (people living under the below poverty line). Yet the unemployment rate in the country continues to rise<sup>3</sup>. 40% of the country's population occupies only casual or contract work or stays unemployed<sup>4</sup>. In addition just 7% of the population aged 15 and above is trained on vocational skills, out of which the formally trained workforce forms a mere 3%.

Analysis of Census Survey of India 2011 data revealed an increase in the number of unskilled and semi-skilled labour since the last decade. High influx of rural migrant class in urban areas has rapidly escalated the availability of unskilled and semi-skilled workforce as cheap labour. Likewise, the number of children (5-14 years) engaged as marginal workers and those available for work has also risen (50% increase from 2001 to 2011). This is especially the case of urban industrial and manufacturing hubs such as Delhi.

The upward trend in the number of child labourers working in the informal economy needs to be seen in juxtaposition to the downward trend in the overall number of child labourers, globally and in India. While stricter implementation of laws may have resulted in a decrease in child labourers in the formal 'factory' setup in India, loopholes in child labour laws also need to be highlighted to address the issue of home based labour.

Child Labour Prohibition and Regulation Act (CLPRA) bans child labour up to the age of 14 years in 18 hazardous occupations and 65 hazardous processes. However, prohibition of child labour does not apply to any setup where the occupier undertakes any occupation (whether or not hazardous) with the 'aid of his family' (CLPRA, 1986) This clause allows children (of all ages) to work in a family setup in the name of supporting family income and acquiring traditional skills that may equip them for a future vocation.

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<sup>1</sup> UNFPA State of World's Population Report 2014

<sup>2</sup> Number of people living below the poverty line revised by Rangarajan Committee in 2014 (INR 27 in rural areas and INR 33 in urban areas)

<sup>3</sup> 'Unemployment levels rising in India, experts say', news report in Times of India, Jan 26, 2014

<sup>4</sup> Fourth Annual Employment & Unemployment Survey Report 2013-14, Labour Bureau, Ministry of Labour & Employment, Government of India

It is important to note that despite having signed the United Nations Convention of Rights of the Child in 1992, India continues to hold two of its most significant legislations, Right to Education Act, 2009 and Child Labour Prohibition and Regulation Act, 1986 and 2006 targeting only children up to the age of 14 years. Further, in May 2015, the union cabinet approved certain amendments to CLPRA wherein all children below the age of 14 years were approved to be banned from working in any occupation except family enterprises and entertainment industry. Fine levied from parents and relatives for employing children at home was also agreed to be reduced. With the cabinet's nod to these amendments, the likelihood of passage of this amendment bill in the parliament has increased manifold. As home based labour becomes legal with this amendment bill, millions of children who work in household set-ups or inside their own homes will be deprived of their right to education, protection, healthy life and meaningful participation – all of which account for quality wellbeing. The proposed amendment is based on the argument that child labour in family enterprises trains children on traditional skills. However, research shows 'that young people with prior involvement in child labour were more likely to be in unpaid family work or in low-paying jobs as adults, while those who had left school at or below the general minimum working age of 15 (in India 14) were at greater risk of remaining outside the world of work altogether.'<sup>5</sup>

Development organizations have been working on the issue of child labour for several decades in India. Save the Children is one of the leading child rights organizations working on the issue of home based labour in source and destination states of India for past several years. This papers focuses on the performance indicators defined for intervention on home based child labour in the capital city of Delhi. Two interventions has been considered to determine the performance indicators. These two interventions target two categories of home based labour (one per intervention), child domestic workers and child labour in the garment industry. Both these forms of child labour can be categorized under home-based labour as they are undertaken inside a household set-up and claimed to be undertaken to support the parent's occupation.

Child domestic work includes full-time and part-time domestic work undertaken by children in middle-class households in an urban area. The child mostly starts working by accompanying his/her mother or female relative working as an adult domestic help. Full-time child domestic workers spent more than 8 hours of work in the employer's house undertaking domestic chores ranging from washing utensils and clothes, cleaning, brooming and mopping the floor to child care. Child domestic work was listed as one of the 18 hazardous occupations in Child Labour Prohibition and Regulation Act in 2006. However, the recent proposed amendments to the Act offers to remove child domestic work along with 11 other occupations from the list of hazardous occupations. This regressive development is also likely to impact the fight of adult domestic workers for recognition as formal economy workers.

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<sup>5</sup> The Guardian quoting ILO 2015 Report on Status of Child Labour. 'Five myths about child labour', 12<sup>th</sup> June 2015 (<http://www.theguardian.com/global-development/datablog/2015/jun/12/five-myths-about-child-labour-world-day-against>)

In the readymade garment manufacturing industry, several processes are outsourced to families and household set-ups, locally known as *addas*, where children along with their family members (mostly women) work. Embroidery, embellishment like stone and sequins pasting and thread cutting of readymade garments including denim jeans are the common processes under ready-made garment manufacturing that are outsourced to families through subcontractors. Since this process follows piece rate system<sup>6</sup>, family members feel children's extra hands can support the family in earning a higher income.

Save the Children's intervention design to address the needs of this hidden form of child labour is based on the approach of gradual withdrawal from labour. Under this model, emphasis is laid upon empowering the child with accelerated learning and vocational training while they work in the existing trade, sensitizing children, parents and employers on long term disadvantages of discontinuing children's education and advocating with local and national government for policy and legal reform and better implementation of child protection schemes and policies.

The expected outcome of this intervention is 'Home based child labourers, their families, source and destination communities have access to preventive and responsive child protection mechanisms and they are protected by stronger child protection legislation.'

The five performance indicators (PI) that have been observed to reflect on the intervention's impact and successful achievement of the expected outcome are as follows:

- 1) Former child labourers who restart their education and retain in formal schools
- 2) Adolescent child labourers who have been trained on alternative vocational trades and are pursuing the trade on completion of 18 years of age
- 3) Safe and empowered families and communities that are source or destination areas of child labour
- 4) Increased access to social protection services for vulnerable families
- 5) Stronger child protection legislation and policy change initiatives undertaken and implemented in the best interest of the most vulnerable children.

The following section looks at each of these indicators to illustrate how it reflects the impact of the intervention. In addition, it also answers the following questions:

- A. Whether or not the said solutions for children in urban vulnerability have a strong impact in helping them reach their well-being to the fullest
- B. Whether or not the said solutions are sustainable beyond the intervention by development players

### ***PI 1: Former child labourers who restart their education and retain in formal schools***

Every out of school child has a strong likelihood of being a child labourer. One of the crucial reasons for child labour is lack of access to quality education. Lack of access to quality

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<sup>6</sup> Piece rate system is defined as payment based on the fixed rate of a unit of output, regardless of time taken to complete the output. Source: Industrial Relations and Labour Laws, 2012, Arun Monappa, Ranjeet Nambudiri and Patturaja Selvaraj

education especially in the urban context can be due to several reasons: insufficient number of schools leading to weak access, lack of infrastructure and child unfriendly teaching curriculum and methodology leading to poor education in government schools, conservative attitude towards girls' education, inadequate understanding of menstrual hygiene management, lack of financial support through schemes and scholarships, lack of safe and cost-effective transportation to schools, especially girls and such like.

Families in which children work consider education as a low priority because of either of the reasons mentioned above. Child domestic workers, whether full time or part time, do not attend school (even if they are enrolled) because it will reduce their opportunities for work. Similarly, children who assist their families in garment manufacturing processes also do not go to school as it will give them less time to work and in effect, result in a lesser number of finished pieces and earned income at the end of the day.

Therefore, when child labour interventions support quality accelerated learning programmes for home based child labourers, the number of former child labourers who are enrolled in formal schools for the first time and who rejoin is likely to increase. A community based accelerated learning programme addresses the multi-level multi-age specific developmental needs of out of school home based labourers in their own community. This way it targets specific needs of home based labourers. In addition, providing accelerated learning has to be complemented by sensitizing parents and employers on children's right to education and enhancing the quality of education offered in government schools to help retention of the enrolled children. Many development organizations focus on supporting learning programmes for child labourers but falter on undertaking strict follow-up to check retention and transition from primary to secondary schools. Developing community based monitoring groups for checking retention of former child labourers and strengthening school and community relationship will immensely help in determining the success of this intervention.

This indicator reflects the impact of the intervention as it achieves three critical outcomes of child labour intervention: increased withdrawal of children from labour, improved access of former child labourers to formal education system and increased rate of students' retention and transition from primary to secondary level of education.

Right to development forms one of the core rights of the children. Access to quality education improves chances of children to perform in their best capacity, skills and interest. It also increases their opportunities to find a vocation, on maturity, that best suits their skills and interest. Therefore, this indicator directly contributes in helping children achieve their well-being to the fullest. Increase in the number of enrolment and retention of former child labourers in formal schools is a quality indicator of child labour intervention in any given country. The role played by community mobilization groups in checking retention creates a value of community accountability. This value generation indicates sustainability because community accountability leads to ownership of a child's responsibility by the community. These groups can be formed as community based child protection committees, CPCs (mandated by the Integrated Child Protection Scheme, 2009) or school management committees, SMCs (mandated by Right to Education Act, 2009). In addition, technical support

provided to government schools in improving the quality of education, especially for out of school children and strengthening the role of SMCs in the school system also contributes in sustaining the impact of the intervention.

***PI 2: Adolescent child labourers who have been trained on alternative vocational trades and are pursuing the trade on completion of 18 years of age***

Skill deficiency amongst adolescents and youth who join the informal economy poses a major hindrance for them in entering gainful employment. Intergenerational cycle of poverty characterizes informal workers, including child labourers. At least 80% of the child domestic workers targeted through Save the Children's intervention in Delhi enter this trade by supporting their mothers or relatives who also work as adult domestic workers. Children working in the garment industry are given work or hired by contractors who were once child labourers in the same trade. In this context, training adolescents (15-18 years) and youth (18-21 years) on competitive vocational skills offer a strong exit for many of the existing child labours from the exploitative and low paying work in their current occupation. However, inadequate vocational opportunities for the vast majority of adolescents and youth deprives them of a skilled employment. National Sample Survey Organization (NSSO) under Ministry of Statistics and Programme Implementation, Government of India (GoI) in its 68<sup>th</sup> Round of Employment and Unemployment survey (2011-12) found that while a mere 3% of the working age group (15 and beyond) was formally trained on vocational skills, hereditary learning continued to top the source of needed skills. In addition high disconnect with job market and unemployment rates characterized the 3% formally trained working age group. This is the vocational training scenario despite 30% growth in the number of Industrial Training Institutes (ITIs) and polytechnic institutes offering certified craftsman and industrial skills in the last five years.

Thus, to break the cycle of intergenerational poverty owing to participation in unskilled labour force and bridge the gap between vocational training and job market, better opportunities for the unskilled workers and adolescents nearing the working age have to be created. To ensure an improved connection between offered vocational courses and the job market, new and improved courses need to be offered in sync with the demands of the growing industries.

Improved means towards sustainable livelihoods possible through achievement of this indicator will contribute significantly towards the well-being of the family in which a child thrives. Save the Children's experience of offering vocational training courses to home based labourers has not only resulted in withdrawal of trained adolescents from their existing labour but has also brought about a positive change in their personality with increased self-confidence and self-respect. The value addition owing to skill development ensures a sustainable impact in the lives of trained adolescents and youth as the acquired skills results in their withdrawal from existing labour to avail gainful and decent employment opportunities.

***PI 3: Safe and empowered families and communities that are source or destination areas of child labour***

While working with home based child labourers, it is equally important to work with their families and employers. Ministry of Women and Child Development, GoI seminal study on Child Abuse in 2007 reported that the abuser was known to the child or in a position of trust and responsibility in 50% of the cases of sexual abuse. In addition, children at work (child labourers) reported highest incidents of sexual abuse. While 50% of the study sample were child labourers, it also reported that 89% of the children were physically abused by their parents itself.

In destination areas of child labour, home based labourers working in the garment industry spend maximum amount of their time with their parents, family relatives and siblings. In addition, child domestic workers spend a minimum 3-4 hours in the employers' house and an equal amount of time working in their house. Where the parents feel compelled to make their children work to support the family income, the employer may not even think of the child domestic worker as someone whose rights are being violated. In source areas of child labour, the traffickers are likely to be natives of the same community with economic condition similar to that of a child labourers' family. They may also be ex-child labourers who have now taken up the role of trafficking children from rural source areas to destination cities. The parents of the child labourers in source areas are likely to be unaware of protection risks to their children in the destination cities. Thus, interventions focusing on child labourers, especially home based child labourers need to engage with adult stakeholders (parents, employers, community in which the children live and work). The developmental growth focused through PI 1 and 2 may turn ineffective if psychosocial growth is being hampered owing to any form of abuse and/or violence in the child's family or workplace.

Efforts focused on making communities safe and empowered are critical components in ensuring sustainable impact for child labourers by ending exploitation at work place or withdrawal of children from labour itself. Safe communities not only indicate less number of children involved in labour but also contribute in successful achievement of child well-being. Successful achievement of this indicator will reflect upon increased awareness of the child's native and destination community, parents and employers towards the importance of a safe and protected environment for children's healthy growth and development. It will also reflect improved capacity of children to prevent themselves from child abuse and how to respond in a situation of abuse or exploitation. In addition, access to child friendly psychosocial counseling and psychotherapy for child survivors of abuse and trauma (and their families) can significantly contribute in positively dealing with the trauma of an abusive or exploitative experience.

#### ***PI 4: Increased access to social protection services for vulnerable families***

In the urban context, access to social protection schemes is a huge challenge to underserved communities. Street living families and migrant slum communities form the majority of underserved communities in urban cities. They often lack necessary documents for accessing social protection schemes as street families have no identity or residence proof and slum communities are primarily unregistered resettlement colonies facing similar issues in regard to documentation. Ignorance of affidavit documents for serving eligibility results in massive underutilization of social protection schemes by vulnerable families.

Therefore, supporting these families in improving their access to social protection schemes by building their awareness on the variegated schemes, eligibility criteria and application process can contribute a long way in strengthening the family's economy. Save the Children's recent study on child labour in the garment industry, *The Hidden Workforce* (2015) stated that 60% of the sampled children reported to be working to support the household income. Thus, efforts focused at improving a family's economic condition can directly or indirectly impact the children's future. Social protection schemes targeting children – education scholarship for girls, scheduled castes, scheduled tribes and other backward classes, nutrition and early education for 0-6 year old children adolescent girls, disability pension, food security benefits – if properly availed can offload certain degree of financial pressure on families and children. It also builds the resilience of families in crisis situations – therefore, reducing possibilities of adversities resulting in harmful coping mechanism of child labour. Sustainability of this intervention can be seen in knowledge creation within community and lifelong benefits that can be availed by families irrespective of existence of INGOs or NGOs in the community. Further, social security benefits create a social safety net for the family where children have better means of accessing their rights and fulfilling the state of well-being.

While supporting vulnerable families in accessing social protection schemes can certainly help in building their resilience, advocacy for increased focus of social protection schemes on homeless families like street living families need to be undertaken by civil society. Following section elucidates policy and legislative reform.

***PI 5: Stronger child protection legislation and policy change initiatives undertaken and implemented in the best interest of the most vulnerable children***

A child friendly society is governed by policies and legislations that are fully cognizant of children's rights, respects children as significant contributor to society and offers equal opportunities to children from the most vulnerable and marginalized communities. While working for the rights of home based labourers, one critical advocacy initiative is recognition of home based labour as child labour by the state. Current child labour legislation in India (Child Labour Prohibition and Regulation Act, CLPRA 1986 & 2006 Amendment Act) exempt children supporting their families or working in a family enterprise from the definition of child labour. Despite ratification of UNCRC, CLPRA prohibits children only till the age of 14 years from working in hazardous occupations and processes. In addition, the Right to Free and Compulsory Education Act, 2009 also ensures free and compulsory education for children in the age group of 6 to 14 years and even within that age – group. Recent proposed amendment in the Act that has received a nod from the Union Cabinet is likely to further reduce the minimum age of children working with families or family enterprises below 14 years. The proposed amendment is feared not only to de-recognize child domestic workers (who are often seen as supporting their mothers in domestic work) and children working in the garment industry (supporting their families at the household level in embroidery, embellishment and finishing work) as child labourers but also likely to increase the number of children entering this work.

Therefore, advocacy efforts aimed at protecting the rights of home based labour need to begin with their recognition as child labour and advocating to the government to retrieve amendments such as the recent proposed amendment to CLPRA. In addition to child protection legislations, focused social protection schemes through legislative and policy reform need to better address the most vulnerable communities, especially in the urban context, such as street living families and families that live in non-notified and non-recognized slums. These are the communities where 90% of the informal workers reside, children and adult. And these are the communities that suffer from the inability to produce required documents and ignorance to produce affidavits (alternate to required documents) to access the available schemes. In addition, the incentives offered through the schemes also need to be revised as per the rising cost of living. Further, studies on child budgeting have shown that child protection is the thematic area where least amount of funds have been spent in comparison to health and education – 0.034% of the Gol Expenditure Budget for 2005-05 which has witnessed marginal increase in 2006-07. Although state specific budget analysis is unavailable for the state of Delhi, budget analysis of source states of migrant population such Jharkhand (0.05), West Bengal (0.04) and Uttar Pradesh (0.03) reveal comparatively high than national average expenditure on child protection. However, in comparison to rising need on child protection funding, the expenditure stands dismally low.

Positive legislative changes and increased budgetary resources by child friendly governments with support through advocacy, evidence and technical support by the civil society and social research agencies amongst others can ensure sustainable impact in the lives of the children.

### **Child Protection and Post 2015 Sustainable Development Goals**

The progression from Millennium Development Goals (MDGs) to Sustainable Development Goals (SDGs) is reflecting an increasing recognition of child protection – child labour, abuse and exploitation and child trafficking in the global development agenda. Where the MDGs indirectly addressed child protection issues by targeting universal education, gender equality and improved health outcomes, the proposed SDGs by UN Open Working Group have introduced two new goals directly addressing critical child protection issues: eliminating worst forms of child labour and ending abuse, exploitation, trafficking and all forms of violence against children.

With increasing focus on viewing child labour and child trafficking as global phenomena violating fundamental rights of the children, it is equally important to set specific indicators, means of implementation and verification of indicator achievement to measure the successful achievement of the goals at a global level. The proposed indicators for child labour in urban context although specific to the urban socio-economic challenges are also designed keeping into consideration universal adoption and replication in different geographies. Their universality is envisaged in the fundamental rights targeted in each of the indicators: education, meaningful employment opportunities for youth, safe and protection environment for children to grow and develop in their full potential, a secure social safety net for most marginalized families and legislative and policy reform for stronger state government child protection mechanism.

In addition to setting specific targets and indicators for outcomes, creation of valuable data and knowledge on child protection issues that provides strong evidence in a child friendly and confidential nature can also strengthen the intervention efforts by civil society and government.

With a view to achieving sustainable development for all, children and youth who form the majority of India's population need to be adequately protected, offered equal opportunities to cultivate their skills to full potential and social security offered to their families and protection by national government. Performance indicators proposed in this paper targeting home based labour are aiming at achieving these sustainable development goals – critical to the development of a growing nation and economy.