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CODE OF CONDUCT ON CHILD LABOUR (REVISED)

ACCELERATING ACTION TO ERADICATE CHILD LABOUR IN SADC

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ARTICLE 1: PREAMBLE

AWARE of the commitment to eliminate child labour in line with International Labour Standards, in particular the International Labour Organisation (ILO) Convention No. 138 on Minimum Age and ILO Convention No. 182 on the Worst Forms of Child Labour; the United Nations Convention on the Rights of the Child; and the African Charter on the Rights and Welfare of the Child, which have been ratified by all SADC Member States;

NOTING the African Union's Ten Year Action Plan to Eradicate Child Labour, Forced Labour, Human Trafficking and Modern Slavery (2020-2030), adopted during the AU Summit held in February 2020;

RECALLING the objectives of SADC as spelt out in Article 5 of the SADC Treaty;

FURTHER RECALLING the provisions contained in the Charter on Fundamental Social Rights in SADC, and the strategic directions outlined in the Regional Indicative Strategy Development Plan (RISDP), SADC Employment and Labour Policy Framework (2020-2030) and the SADC Decent Work Programme;

ACKNOWLEDGING that child labour, including its worst forms, remains a serious developmental challenge in the Region;

FURTHER RECALLING the adoption of the SADC Code of Conduct on Child Labour (2000);

NOW THEREFORE, Member States hereby adopt this Revised Code of Conduct on Child Labour (hereinafter called the Code) to accelerate action to eradicate child labour in the Region:

ARTICLE 2: DEFINITIONS

In this Code, unless the context indicates otherwise, the following terms shall have the meaning indicated below:

“Child labour” refers to work by children below the official minimum age for employment for a given type of work, which deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. It refers to work that is mentally, physically, socially or morally dangerous and harmful to children; and/or interferes with their schooling.

“Worst forms of child labour (WFCL)” includes:

- All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;

- The use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- Work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children ("hazardous child labour", see below);

“Commercial sexual exploitation of children” refers to the exploitation by an adult with respect to a child or an adolescent (female or male) under 18 years old, accompanied by a payment in money or in kind to the child or adolescent (male or female) or to one or more third parties.

“Hazardous work” entails work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

ARTICLE 3: PROGRESS AND CHALLENGES IN SADC

The SADC Code of Conduct on Child Labour was formulated and adopted by Member States in the year 2000. A review of implementation of Member States’ commitments revealed that significant progress had been realised since 2000, while a number of challenges continue to be faced, as follows:

- 3.1 Member States have ratified all the key international and continental conventions and standards concerning child labour, thereby demonstrating commitment to ensure that every child, everywhere in the region, is free from child labour including the worst forms of child labour. There are, however, gaps in the domestication and implementation of the conventions and standards;
- 3.2 All the Member States have adopted various laws to protect children from child labour and other forms of exploitation and abuse. Further, all Member States have established and strengthened institutional mechanisms for the enforcement of laws and regulations on child labour that include labour inspection, police and other law enforcement agencies. However, key challenges and discrepancies in law enforcement. The gaps include low capacity, under resourcing, weak coordination among responsible agencies, and low coverage of the informal and agricultural sector, among others;
- 3.3 Member States have developed various policies, plans and programmes to address child labour. However, implementation of national action plans in most Member States has been undermined by low levels of funding while, some of the plans need to be renewed;
- 3.4 Member States have demonstrated their commitment to education as a means to promote human development and eliminate child labour. Member States have implemented a number of programmes that have continuously improved the access to education for all populations according to their means. School enrolment has increased progressively although progress is lower than global averages. Common barriers to education include inequity of access, high cost of education,

and variance in average schooling duration from one Member State to another, among others.

- 3.5 Member States are making progress towards a regional Labour Market Information System (LMIS) which is a major contributor towards understanding of the labour market dynamics and ultimately shaping public labour policies and programs in the Member States. Dearth of data remains a debilitating challenge in the region so much so that it is difficult to determine the actual situation of child labour in several Member States;
- 3.6 Member States have stepped up the use of community awareness programmes to enhance the public's knowledge on child labour and influence their individual and collective attitudes. In particular, the media has played a critical role in hard-to-reach populations. The employers' and workers' organisations as well as the civil society have also played a critical awareness raising and advocacy role across the region;
- 3.7 Capacity building programmes targeting duty bearers such as judges, prosecutors, police officers, criminal investigators, labour inspectors, NGO partners, community leaders and the media have been carried out, and these need to be continued and up-scaled;
- 3.8 The provision of social protection remains weak in Member States, characterized by low domestic financing of social assistance programmes, such as cash transfers, and low coverage of contributory schemes such as maternity protection, which are mostly based on employer liability;
- 3.9 Employers' and workers' organisations have contributed in combating child labour by educating their members, participating in the formulation of laws and policies, ensuring due diligence at the work place and in ensuring that governments are effectively playing their role in addressing the child labour problem;
- 3.10 As is the case with the entire world, the COVID-19 pandemic, economic stagnation, and natural calamities, among other challenges, threaten to wipe out some of the gains made in the fight against child labour in the region;
- 3.11 The gaps and challenges that continue to sustain high prevalence of child labour and to limit progress in SADC include: (a) high poverty levels; (b) economic slow-down; (c) low levels of awareness among the public and policy makers; (d) subsisting gaps in legislation; (e) weak implementation of policies and enforcement of legal provisions; (f) low prioritisation of child labour issues; (g) weak coordination and capacity. There are also broader challenges relating to: (a) high informality in the economies; (b) low social protection coverage; (c) conflict and (c) impact of the COVID-19 pandemic, HIV and AIDS and other calamities;
- 3.12 Several opportunities exist for SADC Member States to advance the fight against child labour. These include: (a) existing socioeconomic development frameworks addressing the critical areas of concern; (b) demographic dividend; (c)

international, continental and regional partnerships; (d) public private partnerships (PPPs); (e) regional coordination mechanisms; and (f) active employers' and workers' organisations.

ARTICLE 4: RATIONALE FOR ACCELERATING ACTION

The overarching objective of the Revised Code of Conduct on Child Labour is to accelerate action to end child labour, including its worst forms, in SADC. This Code takes into account lessons and experiences of Member States since 2000, which provide a better understanding of what works and what does not work in the effort towards elimination of child labour. The regional development context has continued to evolve and new opportunities and challenges have arisen in recent times, including those posed by climate change and the COVID-19 pandemic. These require Member States to recommit and upscale interventions to eliminate child labour in all its forms.

ARTICLE 5: GUIDING PRINCIPLES

This Code gives expression to principles espoused in the global fight against child labour. The principles, which are consistent with those in the SADC Employment and Labour Policy Framework (2020-2030), include the following:

- 5.1 **The rights-based approach:** The Code is a commitment to promote respect for human rights and the application of International Labour Standards and other United Nations normative frameworks relevant to the elimination of child labour. In particular, policies and other measures adopted or promoted by the Member States shall reflect gender and children's rights considerations to the best extent possible;
- 5.2 **Best interest of the child:** All actions carried out under this Code by any person, institution or authority that concerns children shall be undertaken with the primary objective to promote the best interests of the child;
- 5.3 **Multi-dimensional and multi-sectoral approach.** The strategy for elimination of child labour is built on a multi-dimensional approach to ensure that children in different contexts and situations, including those in situations of conflict and protracted crisis benefit from coordinated support;
- 5.4 **Expanded multi-stakeholder partnerships:** The implementation of the Code involves multi-stakeholder partnerships, both within and outside the public sector;
- 5.5 **Subsidiarity:** actions to be implemented at the most appropriate level;
- 5.6 **Monitoring and Reporting:** Interventions are to be accompanied by measurable indicators and associated baselines and targets to facilitate effective monitoring and reporting;

- 5.7 **Shared responsibility, solidarity:** Member States embrace the fact that child labour is a problem afflicting the region as a bloc and will act together, united and in solidarity to combat the vice; and
- 5.8 **Leadership and accountability:** Governments will take the leadership to facilitate successful implementation of the required actions, ensuring due diligence in public-private partnerships so that private entities operate in line with acceptable standards.

ARTICLE 6: PRIORITY MEASURES AND ACTIONS

Member States undertake to implement and promote priority measures and actions aimed at addressing identified challenges, tackling emerging dynamics and leveraging existing opportunities in the fight against child labour. These include the following:

6.1 Legislation and enforcement

Member States will sustain momentum by reinforcing the legislative framework to effectively combat child labour by undertaking the following:

- a) Ratifying and domesticating International Labour Standards that are instrumental in timely detection and action against child labour, especially those that address the worst forms of child labour, including hazardous work. These include C155 - Occupational Safety and Health Convention, 1981; C184 - Safety and Health in Agriculture Convention (2001); C189 - Domestic Workers Convention (2011); P029 - Protocol of 2014 to the Forced Labour Convention, 1930; C. 81 - Labour Inspection Convention, 1947 and C. 129 - Labour Inspection (Agriculture) Convention, 1969.
- b) Reviewing and updating legislation in line with International Labour Standards and facilitate detection, investigation, prosecution and conviction in child labour, human trafficking, commercial sex exploitation of children, ensure effective protections and remedies for victims as well as adequate sentences for perpetrators, and extend coverage to the non-formal sectors of the economy and informal employment relationships. Legislative review should ensure the following:
 - i) Setting of light work provisions that set the correct age and prescribe the number of hours per week that light work may be undertaken;
 - ii) Aligning child labour laws with international standards by ensuring that force, fraud or coercion are not the only required conditions in child trafficking cases;
 - iii) Extending minimum age provisions to all children, including those working in agriculture, informal sector and domestic work; and
 - iv) Developing comprehensive hazardous occupation guidelines and lists of activities prohibited for children that cover all sectors for effective labour

inspection as well as Occupational Safety and Health monitoring. These should also be reviewed regularly to take into account new developments.

- c) Providing adequate resources for labour law enforcement to enable them to carry out their mandated duties, including publishing data on law enforcement outcomes, and prioritizing child labour inspections in the informal economy and agricultural sector where child labour is prevalent.

6.2 Education and skills training

Affordable education of good quality and which is relevant to the needs of children and their families remains the most effective instrument for the elimination of child labour. School attendance has a major effect on reducing excess hours of work among children and educated persons become aware of their rights and so less likely to accept hazardous working conditions. Accordingly, Member States will promote measures to boost availability and accessibility of education and training by:

- a) Establishing and strengthening early childhood development, childcare and pre-primary education programmes;
- b) Establishing compulsory basic education in line with the minimum age of employment and improving transition to secondary and tertiary education;
- c) Improving school attendance by subsidising or offsetting the costs of education for the poorest families, including the provision of auxiliary services, especially health care through schools as well as school feeding;
- d) Introducing innovative programmes targeting out of school children to, in the first instance, encourage them to return to school and ensuring that those who are legally allowed to work are protected from child labour;
- e) Promote a comprehensive approach that combines skills and livelihood training with other basic life skills especially for youth 15-17 years who have reached minimum age of employment; and
- f) Continually gathering more evidence about the links between education and child labour.

6.3 Financing

Successful implementation of this Code of conduct is dependent in most part on availability of financial and human resources. Member States will adopt resource mobilisation strategies to expand their fiscal space which entails the following:

- a) Increasing budgetary allocation by creating clear budget lines and making allocated funds available for implementation of child labour programmes;

- b) Improve the financial and human resource capacity of institutions responsible for fighting child labour including labour and Occupational Safety and Health inspectorates, and the criminal justice systems;
- c) Increasing social protection financing and coverage, to ensure that to ensure that family and child benefits such as cash transfers are provided on a regular basis to all families with vulnerable children; and
- d) Increasing and sustaining adequate budgetary allocations for social services including education, health and child care.

6.4 Addressing child labour in priority sectors

SADC identifies agriculture, mining, domestic work, tourism and the informal economy as sectors with the highest prevalence and severity of child labour. Member States will prioritise combating child labour in these sectors in the revised Code of conduct, taking into account their specific national circumstances and realities. The following measures will be taken:

- a) Identify risks and hazards incumbent in various tasks in the sectors and enact laws prohibiting children from being employed to perform those tasks and commence actions to remove/rescue children working hazardous situations;
- b) Develop policies and strategies that increase the productivity and incomes of families in the sectors, promote rural development and enhance rural livelihoods and resilience to diminish reliance on child labour;
- c) Promote well-designed social protection strategies combining contributory social insurance and tax-based social assistance and extend coverage to these sectors. The strategy will also creatively introduce or improve cash transfers to needy families that will be tied to the families maintaining children in schools;
- d) Promote investment in skills of rural youth and support school to work transition to bolster productivity and contribute to a structural shift towards higher value-added manufacturing and services;
- e) Promote extension policies for crop diversification, the introduction of more resistant crop or livestock varieties, disaster risk reduction and insurance schemes against weather-related crop failures in order to enhance resilience to climate change;
- f) Engage private sector operators, including those in the international value chains to develop policies of zero-tolerance to child labour in their operations and those of their stakeholders;
- g) Set stiff penalties for tourists found to be engaging in pervasive activities with children including sex, drug abuse, pornography and child trafficking; and

- h) Develop labour market policies to accelerate transitions from the informal to the formal economy and ultimately to decent work. Some of the policies should target labour and social security laws that cover all workers and economic units as well as productive policies that enable a conducive business environment to create formal jobs;

6.5 Addressing child labour in emergency and disaster situations

Natural and man-made disasters and emergency situations exacerbate the problem of child labour and the SADC region is susceptible to both. In order to increase preparedness and mitigate the impact of disasters and emergencies on children, Member States will take the following measures:

- a) Ensure that child labour concerns are factored in humanitarian responses including crisis preparation and contingency planning, delivery of humanitarian support and post-crisis reconstruction and recovery;
- b) Put in place mechanisms to detect, stop and severely punish child exploitation through sexual abuse, smuggling and trafficking in persons and forced labour including through abduction, in all crisis situations as well as recruitment and use of children by armed forces or groups; and
- c) Provide shelter and give services to children who are victims of disasters and conflict to bring the affected children as near as possible to normalcy in their psychological, health, physical and educational dimensions.

6.6 Awareness Raising and Mobilisation

Member States will strengthen awareness raising campaigns and mobilise different stakeholders to take action against child labour. Accordingly, the following actions will be undertaken:

- a) Design and roll out major awareness raising efforts to remove children in the 5-11-year age group from work. The efforts will take advantage of increased access to social media and traditional and community media in order to reach and combat child labour in rural areas;
- b) Implement measures for effective compulsory universal primary education for increased school enrolment and retention;
- c) Carry out major sensitisation programmes aimed at removing children in the 12-14-year age group from hazardous work and other child labour and reducing the hours spent in light work;
- d) Create awareness and extend occupational safety and health measures, skills training, employment and labour market policies to cover children allowed to work legally;

- e) Develop partnerships with media organisations, lobby groups, private sector and communities to inform and educate the public on child labour.

6.7 Capacity building

Member States will implement continuous capacity building programmes to strengthen the design and implementation of appropriate interventions; and to ensure adequate coordination, monitoring and evaluation. This requires the following measures:

- a) Effective and cost-efficient capacity building approaches, for instance through learning-by-doing, distance learning, eLearning, mentoring, and the development and use of standard procedures and guidelines for increased direct action and improved reporting; and
- b) Strengthening the integration and mainstreaming of child labour in overall national child protection systems, and contribute to eradication of all harmful practices to children, including ending violence, abuse, early marriages, discrimination, and labour exploitation.

6.8 Alliances and partnerships

Cooperation and partnership building at international, regional and national levels will be key for social and economic development, poverty eradication and universal education in an effort to end child labour. Partnerships will be forged with such organisations or networks as:

- a) Alliance 8.7 a multi-stakeholder, which is an inclusive global partnership committed to achieving SDG Target 8.7 which brings together actors from governments, multilateral organisations, workers' and employers' organisations, non-governmental organisations, academic institutions and think tanks to end child labour, modern slavery and human trafficking;
- b) United Nations Global Compact in order to encourage businesses and firms operating in the region to adopt sustainable and socially responsible policies that include zero tolerance of child labour; and
- c) Other specific partnerships that promote cooperation to prevent the exploitation of children in armed conflicts, to combat child labour in agriculture, as well as local partners and stakeholders in the governmental, employers' and workers' organisations, research organisations, cooperatives, farmers' unions, agricultural producers' organisations, and knowledge building domains.

6.9 Statistics and knowledge management

Availability of reliable data and statistics is vital for Member States to achieve decent work for all and end child labour. Member States undertake to gather, analyse, store, and utilise data and statistics to create a strong evidence base on child labour. Creating reliable data

banks and developing robust research and knowledge management capacities will be a priority. The following actions will be undertaken:

- a) Establish a regional data bank on child labour as a shared resource through pooling resources, and by seeking the support of development partners;
- b) Develop databanks at national levels by including child labour modules in national data collection exercises;
- c) Strengthen the capacity of national institutions dedicated to the generation of data and knowledge management on child labour issues.

6.10 Regional cooperation to support policy agenda

SADC Organs, including the Summit of Heads of State or Government, SADC Council of Ministers and relevant Sectoral Committees will take measures to:

- a) Strengthen coordination, partnership and knowledge sharing involving Civil Society Organisations (CSOs), the United Nations system, international organisations, research institutions, the private sector and other relevant stakeholders;
- b) Institutionalise monitoring and reporting on child labour, ensuring periodic submission of special reports to the Council and Summit; and
- c) Document good practices and experiences and facilitate regional consultations and information sharing on elimination of child labour among Member States;

ARTICLE 7: IMPLEMENTATION

Successful implementation of the Revised Code of Conduct on child labour will depend on the effective collaboration of different actors each playing specialised but mutually inclusive roles and mandates, including the following:

7.1 The Role of Member States

Member States bear the principal responsibility for fighting child labour in their countries. Accordingly, Member States undertake to:

- a) Secure political support for the fight against child labour at the highest level in their countries;
- b) Expedite ratification and full domestication of relevant International Labour Standards;
- c) Progressively increase the resources needed to effectively combat child labour in their countries through review of laws, policies, programmes, and to provide adequate budgetary support to key institutions; and

- d) Prepare and submit progress reports on child labour to SADC and other regional and international bodies.

7.2 The role of employers' organisations

Employers' organisations are vital players and will carry out the following mandate:

- a) Ensure that their member enterprises are free of child labour throughout the supply chain;
- b) Facilitate the collection of data on the incidence of child labour in various sectors and supply chains;
- c) Influence the development and implementation of appropriate national policies on child labour elimination;
- d) Make use of the ILO supervisory system to promote full implementation of ratified conventions on child labour; and
- e) Partner with trade unions and other actors in the design of relevant responses, particularly vocational and skills training for working children; and to promote public awareness on the wrongs of child labour and the rights of children.

7.3 The role of workers' organisations

As mass membership organisations, trade unions bring many strengths to efforts to eliminate child labour. Trade unions will carry out the following mandate:

- a) Use the collective bargaining process, as part of social dialogue, to commit employers not to engage children;
- b) Disseminate information on child labour and participate in action to prevent child labour and remove children from the workplace;
- c) Participate in the process of labour law reforms, including development of hazardous work lists and monitor implementation at workplace level and
- f) Make use of the ILO supervisory system to promote full implementation of ratified conventions on child labour.

7.4 The Role of SADC Secretariat

The SADC Secretariat will play a coordination role in the implementation of this Code of Conduct. Specifically, the Secretariat will carry out the following mandate:

- a) Ensure political support by Member States at the highest level;
- b) Provide capacity and knowledge building support to Member States;

- c) Monitor and evaluate the implementation of the Code by Member States; and
- d) Seek and build partnerships to support the fight against child labour at regional, continental and international levels.

ARTICLE 8: MONITORING, EVALUATION AND REPORTING

At National level, Member States will ensure that child labour programmes are monitored and evaluated on a regular basis. In addition, Member States will prepare reports on a regular basis for reporting in the country but also regionally and internationally in line with the requirements of ratified conventions.

At the regional level, SADC will adopt and implement tools to monitor, on a biennial basis, implementation of the Code.