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**Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms**

## **Contemporary forms of slavery, including its causes and consequences**

### **Note by the Secretary-General**

The Secretary-General has the honour to transmit the report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Urmila Bhoola, in accordance with Human Rights Council resolution [33/1](#).

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\* [A/74/50](#).



## **Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences**

### *Summary*

In the present report, the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, discusses child slavery and the various forms in which it manifests today. Existing key obligations on Member States in preventing and addressing child slavery are also assessed.

The Special Rapporteur begins by assessing relevant legislative frameworks and definitions; she continues by highlighting manifestations of child slavery in different regions as well as the phenomenon's root causes and she assesses the impact of child slavery on the victims. Finally, the Special Rapporteur outlines possible strategies to prevent and eliminate child slavery before presenting recommendations to Member States and other stakeholders, including businesses, for eradicating child slavery at the global and at the national level, including in the light of States' commitments made under the Sustainable Development Goals.

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## I. Introduction

1. The mandate of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, was established by the Human Rights Council in its resolution 6/14 of 28 September 2007 and subsequently extended by the Council in its resolutions 15/2 of 29 September 2010, 24/3 of 26 September 2013 and 33/1 of 29 September 2016. The current mandate holder, Urmila Bhoola, presented her first report to the General Assembly in 2017 (A/72/139) and the present report is the current mandate holder's last report to the General Assembly.

2. The report provides information on child slavery and the various forms in which it manifests today and it also assesses related key obligations on Member States. Since child slavery as a single legal concept is not defined, much of the literature explores child labour at a broad level. However, child labour under the International Labour Organization (ILO) conventions is not child slavery per se. This report therefore utilizes the available data, which are concerned primarily with child marriage and the worst forms of child labour as defined by ILO Convention No. 182, and earlier thematic work based on child migration and child violence.

## II. Legislative framework and definition

3. States are subject to a wide range of international obligations concerning the prohibition of child slavery and related exploitation; the practices most commonly linked to slavery include debt bondage, forced marriage, sexual exploitation, and the worst forms of child labour. However, clearly defining child slavery is conceptually challenging. Potential definitions diverge depending on the source they draw from, with significant implications for the boundaries of the phenomenon and the governing frameworks. The definition established in the Slavery Convention of 1926 provides a narrower view of the parameters of slavery, while a more encompassing view might reference the concepts of “modern slavery” or “contemporary forms of slavery”. In the context of children, the latter definition may be expanded by reference to the language of exploitation used in the Convention on the Rights of the Child.

4. In article 1 of the Slavery Convention, slavery is defined as “the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised”. This includes situations of legal ownership (now unlawful in all States), as well as de facto slavery – the exercise of powers associated with ownership absent legal protection. The Bellagio-Harvard Guidelines on the Legal Parameters of Slavery unpack this definition, noting that the powers attaching to the right of ownership “should be understood as constituting control over a person in such a way as to significantly deprive that person of his or her individual liberty, with the intent of exploitation through the use, management, profit, transfer or disposal of that person”.<sup>1</sup> In this context, a person exerts control tantamount to possession; controlling a person in such a way as they might control a thing for a period of time which is, from the perspective of the enslaved person, indeterminate.<sup>2</sup> Thus, child slavery would manifest where control tantamount to possession is exercised over a person under the age of 18.

5. The recognition of de facto slavery creates a blurring of boundaries between slavery and other forms of exploitation. The threshold of control tantamount to possession may be crossed in cases of servitude, institutions and practices similar to

<sup>1</sup> Members of the Research Network on the Legal Parameters of Slavery, “2012 Bellagio-Harvard Guidelines on the Legal Parameters of Slavery”, in Allain, ed., *The Legal Understanding of Slavery: From the Historical to the Contemporary* (Oxford University Press, 2012), guideline 2.

<sup>2</sup> Ibid., guideline 3.

slavery, forced labour, or other exploitation, thus raising them to the level of slavery. Article 5 of the 1926 Slavery Convention recognizes this possibility, the parties committing to take all necessary measures to prevent compulsory or forced labour from developing into conditions analogous to slavery. However, the Slavery Convention itself does not prohibit all forced labour as slavery, a distinction further reinforced by the drafting of the Forced Labour Convention, 1930 (No. 29). Article 1 of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, of 1956, similarly recognizes that the four identified “institutions and practices similar to slavery” may, or may not, be covered by the 1926 definition of slavery.<sup>3</sup> Thus, there is recognition that a range of exploitative practices may amount to slavery or servitude in certain cases, but are not in themselves routinely regarded as such without the level of control tantamount to possession being present.

6. Despite this international framework for the definition of slavery, in practice, child slavery has become a generic term for a range of practices, some of which may not fall within the boundaries of slavery per se. Article 3 (a) of the Worst Forms of Child Labour Convention, 1999 (No. 182) recognizes the sale and trafficking of children, debt bondage, serfdom and forced or compulsory labour (including in armed conflict) as “slavery or practices similar to slavery”. This complicates the relationship between slavery, the “institutions and practices similar to slavery”, and forced labour set out above by including trafficking and forced labour under the umbrella of slavery or practices similar to slavery in the context of child exploitation. This reflects international jurisprudence on slavery of adults, through the ambiguous recognition of “contemporary forms of slavery” as a more encompassing category than slavery alone,<sup>4</sup> and the blanket inclusion of human trafficking in the prohibition of slavery and forced labour.<sup>5</sup>

7. The Convention on the Rights of the Child has been central to establishing a global normative legal standard. Article 19 requires parties take all appropriate legislative, administrative, social and education measures to protect the child from exploitation, while articles 32 and 34 recognize the right of children to be protected from economic exploitation, hazardous and harmful work, and work interfering with their education or prejudicial to their welfare, and all forms of sexual exploitation. This is strengthened by the addition of three Optional Protocols, covering the sale and sexual exploitation of children, the involvement of children in armed conflict, and creating a communications procedure.

8. International Labour Organization conventions complement this framework through the regulation of exploitative child labour, including raising the minimum age for child labour from 14 to 15 years and prohibiting the worst forms of child labour. The Worst Forms of Child Labour Convention (No. 182) is accompanied by the (non-binding) Worst Forms of Child Labour Recommendation, 1999 (No. 190), which aims to establish guidelines for the implementation of Convention No. 182.

9. An important distinction must be made between child work, child labour, and child slavery, particularly with regard to article 3 (d) of Convention No. 182. The

<sup>3</sup> The four institutions and practices similar to slavery set out in this Convention are serfdom, debt bondage, certain practices relating to marriage, and delivery of children by their parents or guardians for exploitation.

<sup>4</sup> See, for instance, *Prosecutor v. Dragoljub Kunarac, Radomir Kovač and Zoran Vuković*, case No. IT-96-23-T & IT-96-23/1-T, Judgment, 22 February 2001, Trial Chamber, International Tribunal for the Former Yugoslavia; *Caso Trabajadores de la Hacienda Brasil Verde vs. Brasil*, Corte Interamericana de Derechos Humanos, Sentencia de 20 octubre de 2016 (Excepciones Preliminares, Fondo, Reparaciones y Costas).

<sup>5</sup> See, for instance, *Rantsev v. Cyprus and Russia*, Application No. 25965/04, Council of Europe, European Court of Human Rights, 7 January 2010.

legitimacy of child work is determined under the ILO Conventions according to the child's age and the nature of the work. The Minimum Age Convention, 1973 (No. 138) provides that from age 16 children are permitted to work on condition that their health, safety or morals are fully protected and they have received adequate instruction or vocational training (art. 3 (3)). Children 13 to 15 years of age can undertake "light" work, defined as (a) work not likely to be harmful to their health or development; and (b) not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received (art.7 (1)). As a transitional measure the ages 12 and 14 may be substituted for the ages 13 and 15, and the age 14 for the age 15, where a State's economy and educational facilities are insufficiently developed (art. 7 (4)).

10. In addition, children under age 13 may undertake household chores in their own homes, in reasonable conditions. These are considered an integral part of family life and of growing up and so are not generally classified as child labour given that the employment element is missing. Nevertheless, there are circumstances where workloads and conditions amount to child labour, servitude or slavery-like conditions (see the Domestic Workers Convention, 2011 (No. 189)).

11. With regard to child marriage, the presumed inability to consent to a marriage creates a forced marriage in all cases. Child marriage exists where at least one of the parties is below the age of majority<sup>6</sup> and article 16 (2) of the Convention on the Elimination of All Forms of Discrimination against Women declares marriage and betrothal of children void, although it does not obligate States to punish the practice. The Committee on the Elimination of Discrimination against Women and the Committee against Torture have noted that child marriage inhibits the realization of the full range of victims' rights, and leads to physical, mental, and/or sexual harm or suffering with immediate and long-term repercussions.<sup>7</sup> The Committee on the Rights of the Child has further identified several provisions of the Convention on the Rights of the Child as applicable to child marriage, including article 24 (3) concerning traditional practices prejudicial to the health of children.

12. The Special Rapporteur on contemporary forms of slavery identified the close relationship between child marriage, exploitation and slavery, noting that domestic servitude is inherent in child marriage while sexual slavery often results from servile marriage.<sup>8</sup> These connections do not necessarily make all child marriages slavery. Like other practices, child marriage becomes slavery where control tantamount to possession exists, while other forms of exploitation might exist at a lower threshold.

13. Several barriers to protecting children from child marriage persist in the legal frameworks. While servile marriage is prohibited under the Supplementary Convention of 1956, and parties to that text undertake to prescribe, "where appropriate", suitable minimum ages for marriage (art. 2), there is no international obligation to establish such minimum ages. The Committee on the Elimination of Discrimination against Women has recommended that the minimum age for marriage should be 18 years for both men and women.<sup>9</sup> However, many countries have not enacted national criminal legislation prohibiting the practice of child marriage,

<sup>6</sup> Convention on the Rights of the Child, article 1: a child means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier.

<sup>7</sup> See [A/HRC/26/22](#), para. 10.

<sup>8</sup> Gulnara Shahinian, Thematic report on servile marriage, 10 July 2012 ([A/HRC/21/41](#)).

<sup>9</sup> General recommendation No. 21 on equality in marriage and family relations, adopted by the Committee on 4 February 1994 (para. 36); 189 countries are parties to the Convention on the Elimination of All Forms of Discrimination against Women.

leaving its parameters ill-defined and enabling impunity for those perpetuating the practice.<sup>10</sup>

14. It is impossible to define child slavery based on the legal classifications of the various practices that might constitute it alone, for these overlap in some cases, but not in all. This makes defining child slavery as a single legal concept difficult. As in cases of adult slavery, the manifestation of the powers attaching to the right of ownership – control tantamount to possession – is critical in this context. However, in relation to children the shifting boundaries of agency and capacity recognized in the Convention on the Rights of the Child, and the powers attaching to guardianship, complicate the picture. Guardianship in many cases mimics the exercise of many of these powers and approaches possession. The notion of evolving capacities set out in article 5 of the Convention presumes that children, in the first instance, are not empowered to exercise their own rights. Rather, guardians exercise these rights on behalf of children. At a minimum, these powers of guardianship are likely to entail exercise of the powers of management and transfer associated with ownership, and a degree of control and restriction of individual liberty. Therefore, fewer additional acts may be required to cross the threshold of slavery in these cases than for adults.

15. Recognizing that there is no single definition of child slavery and that a determination of slavery would need to meet the above-mentioned thresholds, whether a practice is in fact slavery will depend on assessment of the individual circumstances rather than on the practice itself. In the absence of data enabling such judgments, this report considers the practices having the greatest potential to amount to slavery, rather than making a determination that such practices are in themselves slavery.

16. These are the practices and institutions similar to slavery outlined in the Supplementary Convention of 1956, and the practices under articles 3 (a)-(c) of ILO Convention No. 182. Article 3 (d) of the latter, which identifies “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”, is an existing element of the practices considered, but is in itself too broad for inclusion. The practices included are the sale and trafficking of children; debt bondage; serfdom; forced or compulsory labour; forced or compulsory recruitment of children for use in armed conflict; sexual exploitation; the use, procuring or offering of a child for illicit activities; child and forced early marriage (forced early marriage is used here in recognition of the lack of universal prohibition of marriage under the age of 18); the transfer for payment or inheritance of a person; and the delivery of children by guardians for exploitation.

17. Conceptually, child sexual exploitation is included as a potential form of child slavery. For the purposes of this report, however, child sexual exploitation is not a main consideration, as it falls under a separate remit.

### **III. Manifestations of child slavery**

#### **A. Overview**

18. An assessment of the effectiveness of international treaties and State responses is inhibited by conflation of definitions, the often covert nature of child slavery, and a lack of consistent comparable empirical data.

<sup>10</sup> See Katarina Schwarz, Jean Allain and Bernard Silverman, “The prohibition of human exploitation in domestic legislation: a global comparative and empirical analysis” (Rights Lab and Castan Centre for Human Rights Law, forthcoming July 2019).

19. While data on “child slavery” as a singular entity are not consistently captured worldwide, global statistics do exist on child marriage and child and forced labour. However, it should be noted that much of the research focuses on child labour more broadly. Nevertheless, when enhanced by a range of regional and country-specific data, these sources enable an assessment of international trends and characteristics of potential child slavery across regions and countries and facilitate the development of a picture of child slavery globally.

## B. Forced labour

20. While estimates of forced labour between 2000 and 2012 suggested a large reduction in child labour, progress between 2012 and 2016 appears to have slowed significantly. Excluding permitted child work, a total of 152 million children – 64 million girls and 88 million boys – are estimated to be subject to child labour globally, accounting for almost one in 10 of all children worldwide.<sup>11</sup> In the least developed countries, around one in four children (ages 5 to 17) are engaged in labour that is considered detrimental to their health and development.<sup>12</sup> According to the 2016 *Global Estimates of Modern Slavery*, 4.3 million children aged below 18 years are in forced labour. These estimates include 1 million children in commercial sexual exploitation (predominantly girls), 3 million children in forced labour or other forms of labour exploitation, and 300,000 children in forced labour imposed by State authorities.<sup>13</sup>

21. Current indications are that boys face a greater risk than girls of child labour, but it is likely that girls’ work goes underreported, especially with regard to domestic child labour.<sup>14</sup> Child labour exists most commonly in low-income countries but it is not an issue restricted to low-income countries. Estimates for 2016 suggest that Africa has surpassed Asia and the Pacific as the region with the highest levels of child labour, with 19.6 per cent or 1 in 5 children in Africa in child labour, compared to 7.4 per cent of children – which represents 1 in 14 – in Asia and the Pacific.<sup>15</sup> Despite policies by Governments in several African countries established to address child labour in general, an increase in numbers can be identified since 2012, especially in sub-Saharan Africa where few countries have child labour national action plans,<sup>16</sup> whereas other regions have seen an ongoing decline.

22. Globally, child labour is most prevalent in the group aged 5 to 11, almost half or 48 per cent of all those in child labour being estimated to be in this age bracket. However, in relation to children in hazardous work, the highest proportion (51 per cent) are aged 15 to 17.<sup>17</sup> Nevertheless approximately a fourth of all hazardous child labour (19 million) is done by children younger than 12.<sup>18</sup>

<sup>11</sup> International Labour Organization (ILO), *Global Estimates of Child Labour: Results and Trends, 2012–2016* (2017).

<sup>12</sup> United Nations Children’s Fund (UNICEF) data December 2017.

<sup>13</sup> Ibid.

<sup>14</sup> ILO, *Global Estimates of Child Labour* (2017).

<sup>15</sup> In other regions the percentages are: 5.3 per cent in the Americas; 4.1 per cent in Europe and Central Asia; and 2.9 per cent in the Arab States. See generally the regional briefs in ILO, *Global Estimates of Child Labour* (2017); and ILO and Walk Free Foundation, *Global Estimates of Modern Slavery: Forced Labour and Forced Marriage* (Geneva, 2017).

<sup>16</sup> Benin, Botswana, Burkina Faso, Burundi and the Democratic Republic of the Congo all have national action plans on child labour. For further data see the ILO country dashboard on child labour in Africa ([www.ilo.org/ippec/Regionsandcountries/Africa/lang--en/index.htm](http://www.ilo.org/ippec/Regionsandcountries/Africa/lang--en/index.htm)).

<sup>17</sup> ILO, *Global Estimates of Child Labour* (2017).

<sup>18</sup> Ibid.



23. Where debt bondage occurs, it is typically as a result of financial instability due to poverty, with an individual seeking a loan and pledging his or her unremunerated or low-paid labour as security. Exploiters may set the interest rate on the loan unreasonably high or put in place other conditions preventing the labourers from repaying their debt. This debt is inherited, perpetuating a cycle of bondage which may affect several generations, particularly in the case of very high interest rates.

24. While research into supply chains has been conducted, comprehensive and reliable quantitative data on child labour in supply chains is lacking. It is thought that child labour extends to most sectors and most regions of the world, although it is also true that child labour in the production of goods for family and local consumption represents the majority of child labour in the world.<sup>19</sup> The largest share of child and forced labour is found in the agricultural sector, mainly in commercial and subsistence farming, fishing and forestry, followed by labour in services and industry, including mining.

25. However, child labour in the services and industry sectors is expected to change in the future as some regions become increasingly vulnerable to the effects of climate change, resulting in community displacements from rural to urban environments. In particular, the difficulties of adapting to climate change in agriculture are expected to drive people out of the rural sector, pushing them into other industries where they would be equally vulnerable to exploitation, if not more so.

### C. Use of children for drug trafficking

26. As with other forms of child slavery, exploiters using children for drug trafficking employ tactics such as psychological pressure, violence, and threats of violence against the victims and their family, to coerce children into drug trafficking and prevent them from escaping. Addiction also results in children becoming dependent on exploitative employers, with traffickers drugging children they have recruited or seek to recruit, without their consent, in order to create this dependency. Once addicted, children are trapped in a cycle of exploitation in order to fund continued usage.<sup>20</sup>

### D. Children in armed conflict

27. Armed groups often recruit children as members of armed forces, for sexual exploitation, or for forced labour in a variety of roles, from logistics to catering.<sup>21</sup> Children are often unable to escape armed groups because of an absence of care providers, poverty, psychological pressure, threats and substance addiction.<sup>22</sup> Though

<sup>19</sup> ILO, *Ending Child Labour by 2025: A Review of Policies and Programmes* (Geneva, 2018).

<sup>20</sup> Jennifer Cole, "Service providers' perspectives on sex trafficking of male minors: comparing background and trafficking situations of male and female victims", *Child and Adolescent Social Work Journal*, vol. 35, No. 4 (August 2018); Jacquelyn C. A. Meshelmiah, Carra Gilson and Athapattu Pathirannelage A. Prasanga, "Use of drug dependency to entrap and control victims of sex trafficking: a call for a U.S. federal human rights response", *Dignity: A Journal on Sexual Exploitation and Violence*, vol. 3, No. 3 (2018); Hans van de Glind and Joost Kooijmans, "Modern-day child slavery", *Children & Society*, vol. 22 (2008).

<sup>21</sup> United Nations Office on Drugs and Crime, *Global Report on Trafficking in Persons* (2018).

<sup>22</sup> Ishmael Beah, *A Long Way Gone: Memoirs of a Boy Soldier* (Farrar, Straus and Giroux, 2007); Dessa K. Bergen-Cico, *War and Drugs: The Role of Military Conflict in the Development of Substance Abuse* (Routledge, 2012); Steinar Johannessen and Helge Holgersen, "Former child soldiers' problems and needs: Congolese experiences", *Qualitative Health Research*, vol. 24, No. 1 (2014).

the majority of child soldiers are thought to be boys between the ages of 15 and 17, the global number of female child soldiers is estimated at roughly 40 per cent.<sup>23</sup>

## E. Child marriage

28. There are an estimated 5,679,000 children in forced marriage, or 2.5 for every 1,000 children worldwide.<sup>24</sup> UNICEF data for 2018 indicate that the percentage of total child marriages, including children married before age 15, is higher in least developed countries,<sup>25</sup> child marriage being most prevalent in Asia and the Pacific, and then Africa.<sup>26</sup> While child marriage is on the decline in a number of countries, child population in a number of countries is expected to increase significantly, increasing the number of incidents of child marriage and stalling rates of decline.<sup>27</sup>

29. Although vulnerability to and incidence of child marriage is not confined to one sex, girls represent the majority of child marriage victims, and particularly affected are those in rural communities and those with low levels of education.<sup>28</sup> Girls may be forced into marriages by families who see this as a preventative measure against immoral or dishonourable behaviour, or a way to preserve honour if a girl has become pregnant – whether through consensual sex or rape.<sup>29</sup> There are also reports that children are being trafficked internally and across borders and sold into marriage, for example in the Middle East and from Myanmar to China.

30. Not all marriages involving a transaction necessarily amount to slavery. However, when a union is arranged on the basis of some kind of economic exchange, the risk of servile marriage may be high, and transactional marriages tend to grant a presumption of ownership in the dominant party.<sup>30</sup> Exchanges intended to enhance the social or economic status of the adults involved in the contract effectively place a sense of value and ownership on the bride, particularly if it concerns a child.

## IV. Root causes of child slavery

31. Child slavery is facilitated by a range of complex and interrelated causes, including poverty, educational restrictions (especially for girls), ethnic and class discrimination, harmful cultural and religious traditions, gender inequality and

<sup>23</sup> Brigit Katz, “Female child soldiers can be victims of abuse, perpetrators of violence”, *New York Times*, 8 April 2015; Laura Snowdon, “Girl child soldiers: the relevance of gender in preventing and responding to the use of child soldiers”, Women’s Caucus on Women’s Issues, essay contest 2016.

<sup>24</sup> ILO and Walk Free Foundation, *Global Estimates of Modern Slavery: Forced Labour and Forced Marriage* (Geneva, 2017).

<sup>25</sup> <https://data.unicef.org/topic/child-protection/child-marriage/>.

<sup>26</sup> The prevalence is: 0.33 per cent in Asia and the Pacific; 0.26 per cent in Africa; 0.12 per cent in the Arab States (owing to the way children’s forced marriage was measured, this figure understated its total extent); 0.08 per cent in the Americas, and less than 0.1 per cent in Europe and Central Asia. See generally the regional briefs in the *Global Estimates of Child Labour* (2017) and *Global Estimates of Modern Slavery* (2017).

<sup>27</sup> UNICEF, *Ending Child Marriage: Progress and Prospects* (2014); see generally the regional briefs in the *Global Estimates of Child Labour* (2017) and *Global Estimates of Modern Slavery* (2017).

<sup>28</sup> *Ibid.*

<sup>29</sup> Judith Senderowitz, *Adolescent Health: Reassessing the Passage to Adulthood*, World Bank discussion papers No. 272 (World Bank, 1995); ECPAT and Plan International, *Thematic Report: Unrecognised Sexual Abuse and Exploitation of Children in Child, Early and Forced Marriage* (2015).

<sup>30</sup> Rachel Borrell for Anti-Slavery International, *Behind Closed Doors: Child and Early Marriage as Slavery* (2015).

discrimination against women and girls, weak enforcement of laws or insufficient legislation, and the pressure caused by conflict and natural disasters.<sup>31</sup>

32. Forced and bonded child labour are often caused by socioeconomic disadvantage. In other cases, bondage is intergenerational, and debts may be passed down from parent to child when the former is no longer able to work.<sup>32</sup> There is also a broad consensus that child labour is largely associated with lack of access to education.<sup>33</sup>

33. With regard to child marriage, evidence indicates that impoverished children marry in larger numbers and are also more likely to marry at a younger age.<sup>34</sup> In some societies girls are considered an economic burden with low earning potential, and families and girls themselves see child marriage as a way to safeguard their children's futures.<sup>35</sup> Families affected by poverty may facilitate child marriage because of the financial benefits that can be gained through dowry or bride-price arrangements.<sup>36</sup>

34. Girls continue to occupy a lower status in many countries as a result of discrimination, social norms, attitudes and beliefs that deny them their rights and access to education, and which lend them less negotiating power around marriage and related issues. There is no international requirement with regard to the legal age for marriage (while the Convention on the Elimination of All Forms of Discrimination against Women declares child marriage void, the age at which a child gains majority is determined by domestic laws). Many countries allow marriage at an earlier age with parental or judicial consent or make exceptions for customary and religious marriage that can undermine legal protections against early marriage. There is also evidence of illegal marriage (i.e. marriages that occur under the age of 18 and which are not subject to parental or judicial consent).<sup>37</sup>

## A. Cultural factors

35. Cultural factors also lie at the heart of issues around child slavery, for example, notions of family "honour", gendered perceptions of societal and work roles, the limited power and agency that children have to challenge exploitation, and the acceptability of practices in some communities.<sup>38</sup> For example, under the Haitian *restavec* system and the *confiage* system in Togo, children are sent to perform domestic work in exchange for education, food and accommodation but, in practice, they may become subjected to domestic servitude.

36. Child marriage is most prevalent in Asia and sub-Saharan Africa.<sup>39</sup> A number of traditional practices surrounding early and child marriages are also essentially a means of consolidating relations between families, a way of settling disputes, or of

<sup>31</sup> Plan International, *Breaking Vows: Early and Forced Marriage and Girls' Education* (2011).

<sup>32</sup> Garance Genicot, "Child bonded labour", technical report (Georgetown University, 2007).

<sup>33</sup> ILO, *Global Estimates of Child Labour* (2017).

<sup>34</sup> ECPAT and Plan International, *Thematic Report: Unrecognised Sexual Abuse and Exploitation of Children in Child, Early and Forced Marriage* (2015).

<sup>35</sup> Plan International Niger, *Early Marriage in Niger: Results of the Survey Conducted by Plan in 36 Villages of Dosso Province in Niger* (2003); Esther Spindler and others, *Child Marriage, Fertility, and Family Planning in Niger: Results from a Study Inspired by the International Men and Gender Equality Survey (IMAGES)* (Washington, DC, Promundo-US, 2019).

<sup>36</sup> Rachel Borrell for Antislavery International, *Behind Closed Doors: Child and Early Marriage as Slavery* (2015).

<sup>37</sup> Quentin T. Wodon and others, *Ending Child Marriage: Child Marriage Laws and Their Limitations* (Washington, DC, World Bank Group, 2017).

<sup>38</sup> Shavana Musa and Wendy Olsen, *Bonded Child Labour in South Asia: Building the Evidence Base for DFID Programming and Policy Engagement* (United Kingdom Department for International Development, 2018).

<sup>39</sup> UNICEF, *Ending Child Marriage: Progress and Prospects* (2014).

sealing deals over land and property. Dowry or bride-price systems, in which gifts or money change hands in exchange for a bride, can likewise offer powerful financial incentives for families to consider early marriage.<sup>40</sup> Many parents also believe that they have a duty to ensure that their children are married and that their obligations towards them are discharged with marriage itself. Social sanction against parents who fail in their duty towards the marriage of their children may in certain countries be harsh.<sup>41</sup>

## B. Legal factors

37. Contradictory or incompatible laws, weak law enforcement and a lack of resources allocated to law enforcement teams, poor coordination across departments and ministries, and ineffective monitoring systems also contribute to the causes and consequences of child labour.<sup>42</sup>

38. A significant number of countries have yet to criminalize a range of practices relating to child slavery. About half of the world's countries have not criminalized slavery itself, while over a quarter have neither criminal law nor constitutional prohibition. Likewise, 47 per cent of States do not have provisions to penalize forced labour generally in either their criminal or labour law, while 68 per cent have not criminalized either servitude or any one of the four institutions and practices similar to slavery. While the majority of countries have created offences of human trafficking, many of these are incomplete, and do not adequately capture the dimensions and contours of slavery and exploitation as illicit practices in themselves.<sup>43</sup>

39. In many countries, children do not have legal protection from early and forced marriage, even where compulsory registration of marriage is enshrined in law. Inefficacy in establishing effective processes, such as marriage registrar services, allows the practice to continue with impunity.<sup>44</sup> Victims themselves may also not be aware of their rights, and those who do may nonetheless experience great difficulty in navigating the legal systems required to dissolve marriages.<sup>45</sup>

40. Immigration policy can contribute to the vulnerability of migrant children to slavery and practices similar to slavery. Restrictive immigration laws encourage risky migration strategies and create opportunities for traffickers.<sup>46</sup> Migrants suffer

<sup>40</sup> Judith Senderowitz, *Adolescent Health: Reassessing the Passage to Adulthood*, World Bank discussion papers No. 272 (World Bank, 1995); ECPAT and Plan International, *Thematic Report: Unrecognised Sexual Abuse and Exploitation of Children in Child, Early and Forced Marriage* (2015); Plan International, *Stealing Innocence: Child Marriage and Gender Inequality in Pakistan* (2011).

<sup>41</sup> ECPAT and Plan International, *Thematic Report* (2015); Rachel Borrell for Antislavery International, *Behind Closed Doors: Child and Early Marriage as Slavery* (2015).

<sup>42</sup> "Eradicating child labour, forced labour and promoting youth employment by 2025: a gender perspective", Global March against Child Labour, 2017.

<sup>43</sup> See Katarina Schwarz, Jean Allain and Bernard Silverman, "The prohibition of human exploitation in domestic legislation: a global comparative and empirical analysis" (Rights Lab and Castan Centre for Human Rights Law, forthcoming July 2019).

<sup>44</sup> P. Chand Basha, "Child marriage: causes, consequences and intervention programmes", *International Journal of Humanities and Social Science Research*, vol. 2, No. 11 (2016); Plan International Egypt, *Baseline Report of the Targeted Villages in the Early Marriage Grant-Funded Project* (2010).

<sup>45</sup> Elaine Unterhalter and Charlotte Nussey, scoping paper for Plan International, *Because I am a Girl* 2012 report (Institute of Education, University of London, 2011); Plan International, *Breaking Vows* (2011).

<sup>46</sup> Chantal Thomas, "Immigration controls and 'modern-day slavery'", in Prabha Kotiswaran, ed., *Revisiting the Law and Governance of Trafficking, Forced Labor and Modern Slavery* (Cambridge University Press, 2017).

increased vulnerability as a result of their weak social and legal position, and are more likely to suffer exploitation and poor wages, and there is evidence that parents in these situations resort to sending their children to work as a means of increasing meagre income.<sup>47</sup> There is also an additional risk of re-exploitation where immigration policy is restrictive. For many child victims there is no safe means for them to leave or return to their country of origin where their caregivers might have been the source of their exploitation, or because of parental incapacity, abandonment, or being orphaned.<sup>48</sup>

### C. Conflict and environmental crises

41. A correlation exists between child slavery and conflict and disaster situations (and therefore climate conditions). Conflict and natural disasters continue to have a devastating impact on communities and economies. Around a quarter of all children live in countries affected by conflict or disaster, and loss of household livelihood, forced displacement, and other difficulties endured in times of crisis render these children particularly vulnerable to child slavery. They may be at risk of being recruited as child soldiers and, as a consequence, they may be exploited including sexually or they may be forced to working in hazardous conditions such as mineral mining. The incidence of child labour in countries affected by armed conflict is 77 per cent higher than the global average.<sup>49</sup>

42. While limited research exists on the link between climate change and slavery, evidence gathered in Cambodia, for example, does suggest that slavery is exacerbated by climate change.<sup>50</sup> When environmental crises disrupt communities, the social fabric and child protection structures break down,<sup>51</sup> health support declines,<sup>52</sup> and poverty increases.<sup>53</sup> Drought in Afghanistan led to families withdrawing children from school and an increased incidence of child marriage,<sup>54</sup> and in Bangladesh a number of adaptive responses to climate challenges have been observed in communities that increase vulnerability to slavery. These responses include increases in debt to purchase food; out-migration in search of income; and sending children away to work and/or withdrawing them from school, a number of girls being subsequently forced into marriage.<sup>55</sup>

<sup>47</sup> Peter Dwyer, Hannah Lewis, Lisa Scullion and Louise Waite, *Forced Labour and UK Immigration Policy: Status Matters?* (Joseph Rowntree Foundation, 2011); Bridget Anderson and Ben Rogaly, *Forced Labour and Migration to the UK* (Centre on Migration Policy & Society (COMPAS), University of Oxford, 2005).

<sup>48</sup> Kate Roberts, Human Trafficking Foundation, and Vicky Brotherton, on behalf of the Anti-Trafficking Monitoring Group, written evidence regarding discretionary leave: letter dated 27 February 2017 to Frank Field, MP, Chair, United Kingdom Parliament Work and Pensions Committee.

<sup>49</sup> ILO, *Global Estimates of Child Labour* (2017).

<sup>50</sup> Katherine Brickell and others, *Blood Bricks: Untold Stories of Modern Slavery and Climate Change from Cambodia* (Royal Holloway University of London, 2018).

<sup>51</sup> See Human Rights Council resolution 29/8 of 2 July 2015, on strengthening efforts to prevent and eliminate child, early and forced marriage.

<sup>52</sup> Mahbuba Nasreen, *Violence against Women during Flood and Post-flood Situations in Bangladesh* (Dhaka, ActionAid Bangladesh, 2008).

<sup>53</sup> Margaret Alston, Kerri Whittenbury, Alex Haynes and Naomi Godden, "Are climate challenges reinforcing child and forced marriage and dowry as adaptation strategies in the context of Bangladesh?", *Women's Studies International Forum*, vol. 47 (2014).

<sup>54</sup> Afghanistan Food Security Cluster, *Afghanistan Emergency Food Security Assessment* (August–September 2018).

<sup>55</sup> Margaret Alston and others, loc. cit.; Juliette Myers and Hannah Stevenson Doornbos, *Untying the Knot: Exploring Early Marriage in Fragile States* (World Vision, 2013); ECPAT and Plan International, *Thematic Report: Unrecognised Sexual Abuse and Exploitation of Children in Child, Early and Forced Marriage* (2015).

43. There is likely to be a distinction between acute and slow-onset environmental crises that may impact risk in different ways, but more research is needed to understand this distinction and the long-term effects on contemporary forms of slavery of both types of crisis.

## **V. Consequences for the child**

44. Child slavery reinforces and perpetuates a cycle of poverty, ill-health, illiteracy and/or powerlessness, has a negative impact on the rights of the child and hinders progress towards the Sustainable Development Goals more broadly.

### **A. Right to family environment**

45. Where parents and relatives did not actively promote a child's enslavement, children are often separated from their parents for the purposes of child slavery. The removal of children from their environment, culture and community is often a tactic employed by criminals to better control children, depriving them of support networks and familiarity with their surroundings and culture (including language). Children may lose touch with their families altogether, affecting their ability to escape their situation, and having consequences for their health, their well-being and their full range of human rights in both the short and the long term.

### **B. Health**

46. There is a close interconnection between poverty, parental health, and the risk of enslavement. Parents with inadequate access to health care may be unable to work, causing financial crisis in the household and as a result children may become commodified. Where finances are under pressure, children may be sold, forced to work, or married off to reduce the economic strain on the family. Children are at risk if they are orphaned, or where their parent(s) suffers stigma associated with mental health that leads to their being "adopted" by relatives or others, and subsequently enslaved.

47. Health impairments caused by child slavery exacerbate existing conditions of poverty and can perpetuate cycles of debt, exploitation and enslavement in the child's experience. These cycles continue to manifest in the experiences of subsequent generations, the offspring of those who experienced child slavery also suffering its long-term consequences.

48. Where child brides become child mothers, babies are more likely to be premature and less likely to survive compared to those born to women in their twenties. Child marriage has a significant negative impact on girls' reproductive health and their mortality:<sup>56</sup> girls in their teenage years are twice as likely to die in childbirth as women in their twenties. The risk is five times higher for those under age 15. Child marriage also increases the risk of girls contracting HIV and other sexually transmitted diseases because of limitations on girls' awareness of, and power

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<sup>56</sup> Plan International Niger, *Early Marriage in Niger: Results of the Survey Conducted by Plan in 36 Villages of Dosso Province in Niger* (2003); International Planned Parenthood Federation and the Forum on Marriage and the Rights of Women and Girls, *Ending Child Marriage* (2007); Judith Bruce and Shelley Clark, "The implications of early marriage for HIV/AIDS policy", brief based on a background paper prepared for the WHO/UNFPA/Population Council Technical Consultation on Married Adolescents (New York, Population Council, 2004).

to negotiate, safer sex with partners who are often older.<sup>57</sup> Child brides are also more likely to be subjected to female genital mutilation.<sup>58</sup>

### C. Illiteracy and lack of education

49. Where children are not able to access education, their ability to understand, enjoy and assert their rights both in childhood and in adulthood are impaired.

50. Children's right to education is also compromised by child slavery, which often marks the end of their schooling, thereby undermining their future prospects. If children manage to escape their situation of enslavement, their prospects of finding work are diminished, making it almost impossible to break free from poverty. This renders child slavery both a symptom and a driver of poverty.<sup>59</sup>

## VI. Strategies to prevent and eliminate child slavery

51. Evidence suggests that if progress towards eliminating child labour continues at the rate seen between 2012 to 2016, 121 million children will still remain in child labour by 2025.<sup>60</sup> There are a number of recognized challenges to the elimination of child slavery, including limited adequate legislation and regulatory frameworks; limited adequate social care frameworks; environmental crises and climate change; poor education, health, agricultural and legal infrastructures; conflicts; low capacity of State institutions and civil society organizations to support individuals and communities; and untraced, opaque or unorganized supply chains that inhibit businesses from scrutinizing child slavery in their supply chains.<sup>61</sup> Initiatives need to be targeted not only at children but also at the challenges faced by their caregivers and communities.

### A. Legislative and regulatory frameworks

52. In order to eliminate child slavery and foster the development of decent youth employment, strong legal and policy frameworks and their effective implementation are required. Such frameworks must include regulations that align with international standards and recommendations. Existing international treaties provide an impetus to ensure that children receive special attention, and their translation into national laws is not always clear or fully implemented. While slavery is globally prohibited, a significant number of States have yet to criminalize slavery, and many national laws do not cover the full scope of practices similar to slavery.

53. The third Optional Protocol to the Convention on the Rights of the Child provides a system of individual and State complaints before the Committee on the Rights of the Child and an inquiry mechanism that the Committee can initiate to investigate grave and systematic violations of children's rights. Wider ratification of

<sup>57</sup> Plan International, *Breaking Vows* (2011); UNICEF, "Child marriages: 39,000 every day" (press release, 7 March 2013).

<sup>58</sup> Alula Pankhurst, "Child marriage and female circumcision: evidence from Ethiopia", Young Lives Policy Brief 21 (2014).

<sup>59</sup> Sanlaap, *Under-age Marriage in Rural West Bengal: A Survey Based Study* (Sanlaap, 2007); ECPAT and Plan International, *Thematic Report: Unrecognised Sexual Abuse and Exploitation of Children in Child, Early and Forced Marriage* (2015).

<sup>60</sup> ILO, *Global Estimates of Child Labour* (2017).

<sup>61</sup> <https://satyarthi.org.in/assets/pdf/BMGFB.pdf>.

the third Protocol is essential to strengthen child rights protection; at the time of writing, the Protocol has only 51 signatories and 44 parties.

54. There are also significant inconsistencies between laws pertaining to the minimum age at which employment is permissible, and those specifying the age until which education is compulsory. A number of States set an age for the completion of compulsory education higher than the minimum age for admission to employment they specified upon ratification.

55. Legislation on child marriage is particularly variable. In a study of the child marriage laws of 191 countries, it was found that the marriage of girls below 18 is legally permitted in 23 of 191 countries and, in six countries, legislation does not explicitly specify any minimum age of marriage if parents provide consent for the marriage. This increases significantly where exceptions apply: 18 per cent of countries allow a lower age for marriage on the basis of customary and/or religious law and 99 countries (52 per cent) allow early marriage where parental or guardian consent is given. Legal exception is particularly high in countries in the Americas, whereas exceptions based on customary and religious law are dominant in the Middle East and North Africa.<sup>62</sup>

56. A number of the countries with the highest rates of early marriage (permitted marriages below the age of 18) also have unequal laws of consent for boys and girls, reinforcing the acceptability of girls being married at an earlier age than boys. Depending on their religious affiliation, boys may be married as young as 13 in Lebanon, while girls are allowed to be married as young as 9.<sup>63</sup> Even though it is no longer customary that such young girls marry, it nevertheless demonstrates unequal treatment between boys and girls.<sup>64</sup> In Iran (Islamic Republic of), the age for boys is 15, whereas it is set at 13 for girls.<sup>65</sup> When parental consent exceptions to the minimum age are included, the gender differential increases, and 59 of the 191 countries studied (31 per cent) have minimum marriage age laws that permit girls to be married younger than boys with parental consent.<sup>66</sup>

57. Statistics demonstrate clearly that the use of treaties and law alone as a means of regulating or preventing early marriage is inadequate without proper enforcement. In addition, there is a pressing need to raise awareness among girls and young women of their rights under international law, accompanied by domestic and international pressure to ensure enforcement.<sup>67</sup>

58. Where age of marriage laws are in place and strictly enforced there appears to be a clear positive impact on girls staying in school. One study in Bangladesh determined that legally restricting marriages below the age of 17 would increase average female schooling by a minimum of 9 per cent. The same study found that a one-year postponement of marriage between the ages of 11 and 16 increases adult literacy by 5.6 per cent.<sup>68</sup>

<sup>62</sup> Megan Arthur and others, "Child marriage laws around the world: minimum marriage age, legal exceptions, and gender disparities", *Journal of Women, Politics & Policy*, vol. 39, No. 1 (2018).

<sup>63</sup> Third periodic report of Lebanon to the Committee on the Elimination of Discrimination against Women (CEDAW/C/LBN/3).

<sup>64</sup> Information from UNICEF, Regional Office for the Middle East and North Africa (2011).

<sup>65</sup> See concluding observations of the Committee on the Rights of the Child on the combined third and fourth periodic reports of the Islamic Republic of Iran (CRC/C/IRN/CO/3-4), para. 27.

<sup>66</sup> Megan Arthur and others, "Child marriage laws around the world: minimum marriage age, legal exceptions, and gender disparities", *Journal of Women, Politics & Policy*, vol. 39, No. 1 (2018).

<sup>67</sup> Plan International, *Breaking Vows* (2011).

<sup>68</sup> Erica Field and Attila Ambrus, "Early marriage, age of menarche, and female schooling attainment in Bangladesh", *Journal of Political Economy*, vol. 116, No. 5 (2008); Plan International, *Breaking Vows* (2011).



59. Legal architecture is most effective when it extends to political, economic and social rights, as the persistence of child labour and violations of other fundamental rights are closely related. More progress is needed in integrating the application of child labour laws with laws protecting other fundamental labour rights, in keeping with the ILO Declaration on Fundamental Principles and Rights at Work of 1998, the Declaration on Social Justice for a Fair Globalization of 2008, and as reflected in the 2030 Agenda for Sustainable Development.

60. On the whole, labour inspection systems also appear relatively poor, owing to resourcing limitations. Furthermore, where inspection systems are in place, few reach workplaces in informal economies where most child labour may be found.

61. Initiatives that address the interrelation between social, economic and political factors, including engaging social partnerships, improving education, working conditions, and law enforcement, have been seen to be effective. The Decent Work Country Programme in the cotton growing sector of Uzbekistan was successful in eliminating systematic or systemic child and forced labour for this reason, but not all individual cases of child and forced labour.<sup>69</sup>

## B. Education

62. Education and child slavery are inextricably linked. Universal, affordable, quality education promotes all children's rights and helps to improve intergenerational conditions of poverty and thus reduce families' reliance on child labour. Such effects are particularly significant for girls.

63. Limited availability of public educational facilities in some countries results in a reliance on expensive private schools that are unaffordable for many families, particularly those from the lowest socioeconomic backgrounds. In other contexts, school fees and equipment or uniform costs can prove prohibitive. Investment in early childhood development and pre-primary education plays a vital role in fostering a culture of learning and in reinforcing to parents the importance of education.

64. Limited quality of schooling and risks such as sexual harassment or violence at school or on the way to school also contribute to children leaving school and entering work. Many out-of-school children report a lack of interest in schooling, and parents similarly cite a lack of relevance as key to their decisions to remove their children from school and send them to work.<sup>70</sup>

65. Timely enrolment and duration of education – specifically transition to secondary level – is also critical if schooling is to protect girls from early and forced marriage. Estimates have put the length of schooling needed to make a difference to a girl's ability to have a say in the timing of her marriage and the selection of her partner at between 7 and 10 years.<sup>71</sup> There is sometimes a gap of a number of years between girls leaving school and marriages taking place. School management teams may not be aware of, or may be reluctant to, engage with an issue seen as a private, "cultural" and family matter. For example, one study in Mali found that girls were dropping out not to go directly into marriage, but instead to go to the city to work as

<sup>69</sup> ILO, *Third Party Monitoring of Child Labour and Forced Labour During the 2018 Cotton Harvest in Uzbekistan* (2019).

<sup>70</sup> ILO, *Ending Child Labour by 2025: A Review of Policies and Programmes* (Geneva, 2018).

<sup>71</sup> UNICEF, "Early marriage: child spouses", *Innocenti Digest* No. 7 (March 2001); Claire Norhona, Roger Jeffrey and Patricia Jeffrey, "Schooling, transitions and reproductive citizenship for poor people in urban and rural north India: preliminary results from Alwar and Dewas", RECOUP Working Paper No. 15 (2008); Plan International, *Breaking Vows* (2011).

maids and earn enough money to fund their marriage trousseaux.<sup>72</sup> This time lag means that the impact of early and forced marriage is likely to be underestimated, and the link between child marriage and education is sometimes overlooked and remains unaddressed.<sup>73</sup> However, evidence suggests that being enrolled in school and remaining in education until and beyond secondary level is vital to preventing child marriage.<sup>74</sup>

66. A cultural shift is therefore required in parallel with effective implementation of the law, while expanding social and economic opportunities. Preventing, rather than punishing, promises sustainable results. Attempts made by governmental and non-governmental agencies committed to halting child marriage, or at the initiative of communities to stop impending child marriages and bring cases to the attention of law enforcement authorities have often resulted in financial loss, hurting the family pride and threatening the bride's honour. Action aimed at transforming knowledge and beliefs is therefore more likely to address attitudes and change practice, while legal provisions should be framed in such a way as to act primarily as a deterrent,<sup>75</sup> such as the Berhane Hewan (Light for Eve) programme initiated by the Ethiopian Ministry of Youth and Sport with regional and local governments and international partners. The intervention owed its success to the attention it paid to the complex challenges of the girls' social isolation and economic disadvantage.<sup>76</sup> Light for Eve was subsequently simplified and successfully scaled up across six other regions in Ethiopia.<sup>77</sup>

### C. Poverty reduction

67. Poverty can force families to resort to child labour when other solutions are lacking. Policies and programmes that help to mitigate the economic vulnerability of households will thus prove vital to ending child slavery and child labour more broadly. Programmes providing income and security to families that are dependent for part of their family income on the labour of their children have proved particularly effective.

68. Cash transfer programmes that compensate families for investing in their children's education have also been shown to be useful in addressing child labour, whereas programmes providing work for adult family members can result in children having to take on the burden of additional labour responsibilities within the household.<sup>78</sup>

69. Ensuring access to decent, secure and adequately remunerated work for adults and young people of working age is the key to addressing poverty, as child labour is

<sup>72</sup> Peter Laugharn, *Negotiating 'Education for Many': Enrolment, Dropout and Persistence in the Community Schools of Kolondjèba, Mali*, project report (Consortium for Research on Educational Access, Transitions and Equity, 2007). See also Marie Lesclingand, "Migrations des jeunes filles au Mali: exploitation ou émancipation?", *Travail, genre et sociétés*, vol. 25, No. 1 (April 2011).

<sup>73</sup> Ibid.

<sup>74</sup> UNICEF, "Early marriage: child spouses", *Innocenti Digest* No. 7 (March 2001); Claire Norhona and others, "Schooling, transitions and reproductive citizenship for poor people in urban and rural north India" (2008); Plan International, *Breaking Vows* (2011).

<sup>75</sup> ECPAT and Plan International, *Thematic Report: Unrecognised Sexual Abuse and Exploitation of Children in Child, Early and Forced Marriage* (2015).

<sup>76</sup> Annabel S. Erulkar and Eunice Muthengi, "Evaluation of Berhane Hewan: a program to delay child marriage in rural Ethiopia", *International Perspectives on Sexual and Reproductive Health*, vol. 35, No. 1 (March 2009).

<sup>77</sup> The Evidence Project, "Using data to target and scale-up girls' support programs and child marriage prevention", policy brief (October 2017).

<sup>78</sup> Ibid.

most common in areas where decent work is lacking. It is also more common in contexts where access to labour rights is limited. Thus, empowering workers to access their rights through strong labour relations and freedom of association is crucial. Opportunities for decent work often mean that families are more likely to postpone their children's entry into work and invest first in their education.

#### **D. Supply chains and area-based approaches**

70. Addressing child labour in supply chains is likely to benefit from area-based approaches, which address factors driving all types of child labour in a particular geographical context, rather than looking specifically at given supply chains. This approach may help to reduce the likelihood of children exiting work in one supply chain and re-entering the labour market in another supply chain or form of labour. There are an increasing number of schemes adopting this method, including non-governmental organization programmes delivered under the rubric of “child friendly villages”.

71. Continued support from enterprises will also be necessary to ensure ongoing progress towards the elimination of child slavery. For example, joined-up efforts between enterprises and industries can help to make sure that child labour is not transferred from one supply chain only to reappear in another. Furthermore, partnerships between a range of public and private actors – including government, industry, international buyers, employers' and workers' organizations and civil society groups – help to ensure that compliance and enforcement initiatives are coordinated, effective and sustainable.<sup>79</sup>

#### **E. Humanitarian responses**

72. There is a need to integrate measures to prevent child slavery into all types of humanitarian action, from preparedness and resilience programmes to humanitarian response and post-crisis recovery initiatives. Such activities prove most effective where they engage public authorities and build upon existing structures and processes. Collaboration between humanitarian actors in addressing child slavery is also essential for more effective and sustainable outcomes.<sup>80</sup>

#### **F. International initiatives and cooperation**

73. Strategies for reduction necessitate a multi-faceted, collaborative approach between various stakeholders. Governments and businesses must form regional and international partnerships in order to maximize efficiency and avoid duplication of efforts.<sup>81</sup> Collaboration with development and international partners on improving the enforcement of birth registration, ensuring that laws governing the minimum age for marriage are in place, and incorporating measures to address child slavery into wider government initiatives, such as health, education and employment, will also be crucial.<sup>82</sup>

74. A major international initiative addressing child slavery is the International Programme on the Elimination of Child Labour and Forced Labour (IPEC+). IPEC+ brings together the ILO International Programme on the Elimination of Child Labour

<sup>79</sup> ILO, *Ending Child Labour by 2025: A Review of Policies and Programmes* (2018).

<sup>80</sup> Ibid.

<sup>81</sup> ILO, *Global Estimates of Child Labour* (2017).

<sup>82</sup> Plan International, *Breaking Vows* (2011).

and the Special Action Programme to Combat Forced Labour to establish a major force in the fight against child labour, child slavery, forced labour and human trafficking. Its Global Flagship Programme works at all levels, from communities to Governments, to foster the eradication of child labour and forced labour and to promote workers' rights, with a particular focus on rural and informal economies, enterprises and global supply chains, and countries in crisis and fragile situations.<sup>83</sup>

75. The ILO reports have also helped some 115 countries to combat child and forced labour, by facilitating the development and enactment of laws, national action plans and policies and working with employers, workers' organizations and enterprises to implement anti-child labour principles in their policies, actions and business practices. These initiatives have seen good results, and the number of child labourers is estimated to have been reduced by 94 million between 2000 and 2016.<sup>84</sup>

76. In 2005, 2012 and 2016 ILO produced global estimates of forced labour and human trafficking and, through this process, developed and implemented a methodology using indicators to measure forced labour at the national level.<sup>85</sup> Nevertheless, solid, disaggregated data on slavery and anti-slavery efforts continue to be lacking. Allocating resources to this end at the national level and prioritizing the collation and sharing of data and research will illuminate knowledge and implementation gaps on one hand and will help to document how impact has been achieved on the other hand so that successful models can be applied on a broader scale.

77. In many countries, the cost of taking action to prevent child slavery is prohibitive, and international resource mobilization may therefore be required to ensure that Governments can implement measures for promoting access to education, leisure and healthy development, as well as broader social and economic development.<sup>86</sup> At the same time, Governments must prioritize action in this area, including by allocating sufficient financial resources to anti-slavery efforts. This may imply that military spending needs to be reduced in order to free up resources for sustainable development.

## G. Civil society activities

78. Building powerful coalitions between government, law enforcement, civil society organizations and communities in a holistic and concerted effort to build resilience to child slavery has been effective in some contexts. Multiple non-governmental organizations advocate for the provision of training for children, the promotion of child empowerment through the establishment of children's councils, facilitating extra-curricular events for children and young people, and awareness-raising with families on government social welfare schemes, changing attitudes on issues such as child and girls' education, child marriage, child trafficking and violence against children; and awareness-raising within the community on human rights with a focus on sexual and reproductive rights. Establishing information centres, alternate livelihood programmes, and legal awareness and health and hygiene drives have also been effective, as well as training and sensitization drives for Governments and other agencies.

<sup>83</sup> ILO and International Programme on the Elimination of Child Labour and Forced Labour (IPEC+), *Global Flagship Strategy* (2018).

<sup>84</sup> IPEC+, *Global Flagship Programme Implementation* (2019).

<sup>85</sup> Ibid.

<sup>86</sup> ILO, *Global Estimates of Child Labour* (2017).

## VII. Conclusions and recommendations

### A. Conclusions

79. A complex interplay of factors leads to child slavery. It may occur as a result of difficult family circumstances, discrimination, poor health frameworks, marginalization, conflict, environmental crises, demand for cheap labour, poverty, ineffective or insufficient legislation and social care frameworks, difficulties in accessing education, harmful cultural traditions, gender inequality, weak enforcement of laws or insufficient legislation, and public apathy or lack of awareness that can produce conditions in which children are vulnerable to exploitation.

80. The present study has shown that, despite significant progress in many countries, indications are that child slavery will increase, and that political commitment and increased efforts to tackle child slavery are urgently required if initiatives are to keep up with growth. Addressing the issue therefore requires holistic approaches that address a range of factors that should be directed at both the child and the families and communities.

### B. Recommendations to Member States

81. In the light of these considerations, the Special Rapporteur recommends that States:

(a) Ratify relevant treaties and their protocols, particularly ILO Convention No. 182 on the Worst Forms of Child Labour, ILO Convention No. 138 on the Minimum Age of Employment and ILO Convention No. 189 on Domestic Workers, as well as the Optional Protocols to the Convention on the Rights of the Child, and in particular wider ratification of the communications Protocol;

(b) Establish a clear minimum age requirement of 18 for marriage of boys and girls without exception;

(c) Adopt and effectively implement comprehensive legislation that criminalizes all forms of child slavery, including criminalization of practices similar to slavery more generally;

(d) Ensure effective birth and marriage registration;

(e) Harmonize regional and domestic laws based on the international human rights and labour treaties, as well as other international standards and the Sustainable Development Goals;

(f) Ensure that the rights of child victims are adequately protected, so that child slavery is not perpetuated or facilitated as a result of restrictive immigration policies;

(g) Institutionalize a permanent human rights-based intersectoral coordinating mechanism to facilitate joined-up activity across various levels of government directly or indirectly concerned with children, as well as between government and civil society;

(h) Ensure that children victims of slavery have effective access to justice and the ability to be heard, for example, by removing time limitations for annulment petitions, and providing independent advocacy for children, via

children's ombudspersons or commissioners for children. Also, ensure victims' free access to legal aid service and to a remedy;

(i) Effectively prosecute perpetrators of child slavery combined with effective legal redress for the children whose rights have been violated;

(j) Address the root causes of child slavery, including through comprehensive awareness-raising at the national level on the rights of the child, and increase efforts to promote gender equality;

(k) Strengthen inspection systems by enabling more effective victim identification in economic sectors where child slavery is prevalent;

(l) Include anti-slavery provisions across social policy and programmes to ensure that child slavery concerns are reflected in broader policies in the areas of education, social protection, labour markets and labour standards;

(m) Strengthen the relationships between social actors, law and policy makers to ensure that the prevention and elimination of child slavery is reflected in legislation;

(n) Include the prevention of child marriage in the implementation of wider efforts to prevent violence against women and girls;

(o) To prevent and end child slavery, adopt and review time-bound, measurable and realistic targets, action plans and strategies, alongside the identification of appropriate human resources and allocation of responsive national, district and local budgets;

(p) Take effective preventive measures to ensure that businesses do not engage in child slavery and, in case of non-compliance, hold businesses and respective perpetrators accountable;

(q) Expand access to early childhood development support and preschool programmes, as well as home outreach programmes on parenting and caregiving by allocating adequate resources to such efforts;

(r) Ensure free education for all and reduce indirect costs such as for uniforms, equipment and transport to school;

(s) Provide in-kind transfer schemes, such as cash transfer and food for education schemes, to reduce household financial and food insecurity and to increase school attendance;

(t) Facilitate access to credit for family farms and enterprises, for example through the development of community savings and credit unions;

(u) Extend minimum wage protections to the informal sector, alongside measures to strengthen the collective voice and self-organization of workers, for example through cooperatives and producers' associations;

(v) Increase disaggregated data collection efforts on all dimensions of child slavery at the country level to generate the country-specific evidence necessary for informed national policy responses, including robust evaluations of the impact of such policies and interventions on child slavery, before, during and after implementation;

(w) In addition to quantitative data, undertake qualitative sociological analyses of social norms and traditions, prevailing gender roles and other sociocultural contributors to child slavery; this will also be imperative for ensuring that interventions are effective, innovative and sensitive. Seek international assistance in case of insufficient resources to collect data;

(x) **Build and share knowledge of the implications for child slavery of broader global challenges, such as climate change and migration, to ensure effective and joined-up strategies.**

### **C. Recommendations to other stakeholders**

82. **The Special Rapporteur recommends that businesses:**

(a) **Apply a zero-tolerance approach to child slavery, and ensure that non-compliant businesses are held accountable and that child victims have effective access to justice and to a remedy;**

(b) **Establish benchmarks and systems for monitoring and evaluation of supply chains in order to ensure compliance with the Guiding Principles on Business and Human Rights;**

(c) **Ensure the inclusion of preventive child slavery provisions in social clauses of public procurement;**

(d) **Increase transparency with suppliers, investors, workers, consumers and other key stakeholders;**

(e) **Engage with civil society organizations, trade unions, international bodies and Governments to improve laws and policies that enable responsible business to operate and reduce the risk of child slavery.**

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