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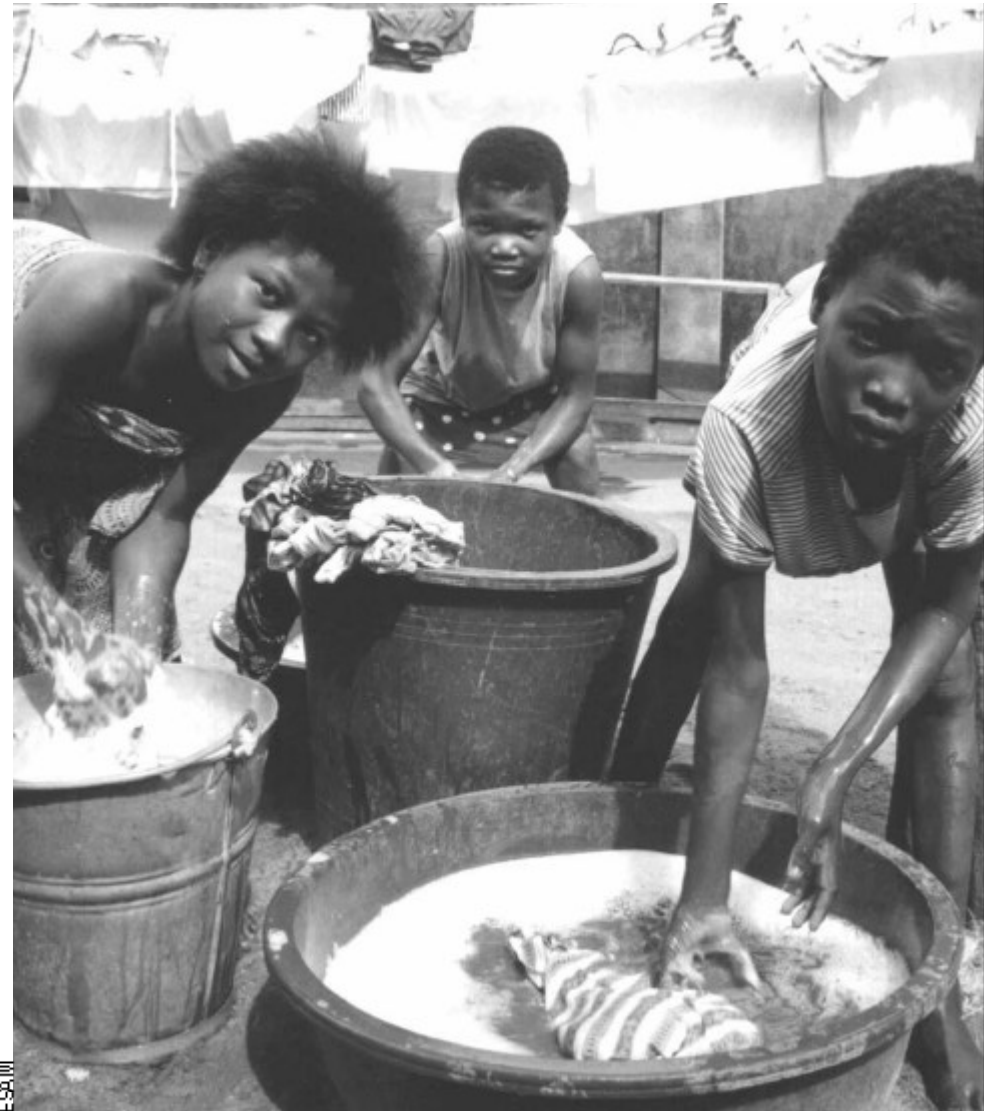
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ESA/001

Sub Regional Project on Eradicating Child Domestic Work and Child Trafficking in West and Central Africa

Code of Conduct

“... The child occupies a unique and privileged position in African Society and that for the full harmonious development of his personality, the child should grow up in a family environment in an atmosphere of happiness, love and understanding” and “ ... due to the needs of his physical and mental development requires particular care with regard to health, physical, mental, moral and social development, and requires legal protection in conditions of freedom, dignity and security.”

“Taking into consideration the virtues of their cultural heritage, historical background and the values of the African civilization should inspire and characterise reflection on the concept of the rights and welfare of the child.”

Preamble, African Charter on the Rights and Welfare of the Child, 1990

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The impact of the project on NGOs

At the national level

The NGO project partners, with the support of the media, have added to the knowledge of the situation of child domestic workers and the phenomenon of the trafficking of children (research studies and national workshops). Some journalists expect to include these themes within their regular reporting, thus establishing a permanent link to the NGOs involved in the issue. They have established or improved their links with the institutions

of the State, international agencies and other partners on the ground. They have set up national networks of NGOs working on the issues of child domestic work and the trafficking of children.

At the sub-regional Level

The development of a sub-regional network has permitted the exchange of information between the NGO project partners, national heads of the international agencies and with other organisations involved in the promotion and protection of the human rights of children.



Anti-Slavery International is committed to eliminating all forms of slavery in the world today, including: debt bondage, forced labour, forced marriage, the worst forms of child labour, human trafficking and traditional slavery. We campaign for slavery's eradication, press governments to implement national and international laws against slavery and support local organisations' initiatives to release victims of slavery by exposing current cases. It is inconceivable that in the 21st century, slavery is allowed to exist. We will continue the fight against it until everyone is free.

- have been ratified;
- Regulation of systems in place for the protection of children;
- Regulation of the movements of children within countries.

For sub-regional legislation

- It is recommended that formal systems are put in place for the repatriation of child trafficking victims and for their reintegration on return. It was suggested that the International Organisation for Migration could help financially in establishing such systems.
- In March 2002, the country partners and the project participants attended a regional meeting in Bamako (Mali) to consider the harmonisation of their national legislation under the framework of the “Bamako Principles for the harmonisation of national legislation against the exploitation of children within francophone Africa and other African countries”. These guiding principles concern: the protection of children against all forms of sexual and/or economic exploitation, the protection of children against all forms of ill treatment and/or violence, fixing the minimum age for obligatory education at 15 years, rules on child work that meet the ILO Conventions on Minimum Age and on the Worst Forms of Child Labour. The workshop encouraged governments to complete their harmonisation work.

For the partner countries and the project partners

- Set up national and sub regional data collection centres for information concerning child trafficking and child labour;
- Set up a reception centre for returned, trafficked children in each country;
- Hold regular sub-regional meetings to exchange experiences;
- Reinforce the gains of the awareness campaigns (support of the international institutions/NGOs for campaigning follow up);
- Set up a permanent structure for the network;
- Distribution of the manual (*Child Domestic Workers: Finding a voice; A handbook on advocacy*. Anti-Slavery International 2002) and training of specialists in its use;
- Diffusion and distribution of the Code of Conduct (adopted at the sub regional consultation held in Lomé, December 2002) to those individuals and institutions involved in the promotion and protection of the rights of child domestic workers.



Sub regional project on eradicating child domestic work and child trafficking in west and central Africa

Code of conduct

The age of child a domestic worker and his/her capacity to carry out the tasks required - every child below fourteen years of age ought not to be working.

This age limit is used because legislation in most West African countries considers that children of that age would have finished compulsory schooling. They can work or be apprenticed to a trade. The social reality is that children are placed in the care of relatives much earlier than school-going age. Initiation into domestic work can easily develop into abuse. In such cases, if schooling is assured and the treatment is good enough (food, health, hours of work, recreation/leisure), it is acceptable for a child to proceed with his/her stay in the host family in order to prepare or their future. However, it is recommended that the tasks that are expected of them are commensurate with their physical capacity. A child of school-going age who does not go to school and who is subject to inhuman treatment must be removed from this situation (returned to their biological parents or placed in a social structure, which will ensure their education.

Working conditions, hazardous work and working environment

For child domestic workers it is necessary to establish a contract of employment in which are stipulated:

- The tasks to be carried out (in order to avoid having to carry out hazardous work);

- Hours of work, rest and weekly time off (for training or leisure);
- Wages (frequency and regularity of payment);
- Working environment adequate for the work expected. A child working in an unhealthy social environment, which could have a bad influence on her education, must be removed and sent to her parents or placed in a social structure, which will ensure her education.

Methods of recruitment, responsibility of parents and communities

Recruitment of children for work outside their families or countries is very lucrative for traffickers in whom parents place their hopes. They think they are making a considered choice for their children's future. Experience has taught them to the contrary. Parents must be warned of the negative consequences of the employment of children without opportunities for education and training for their future. Parents should organise themselves to establish recruitment conditions for their children, taking into account certain safeguards to ensure contact with their children. The rural sending communities of child domestic workers should put in place a system to control the movement of children who leave their areas. The interest of parents and children themselves must be assured in order to avoid:

- The isolation or complete separation for long periods or undetermined periods;
- The economic exploitation of children.

Education and training

All child employment must compulsorily include the education of children of school going age and professional training for children who have finished schooling, or for those who have never been to school, in order to ensure them an economically independent future.

Project Summary

Child labour is a major concern for a large number of institutions. This is shown by research carried out into different areas of child labour and investment in programmes for the education, training and rehabilitation of child victims of economic exploitation or trafficking. Over the past ten years, Anti-Slavery International has given priority to raising awareness of the circumstances and conditions under which children work in domestic service in households other than those of their own families. Anti-Slavery International and its partners from Benin, Burkina Faso, Ghana, Niger and Togo and Gabon, initiated a sub-regional project to set up a network to work for the eradication of abusive forms of work and the worst forms of child labour.

The conditions of work of child domestics are often a form of servitude. They may be victims of various forms of abuse (corporal punishment, bad treatment, economic and sexual exploitation). Girls are the most vulnerable. The main objective of their placement, which is to provide an opportunity for education or of training for the future, is not respected and their future is compromised. Such children are invisible workers. The treatment and servitude that child domestic workers suffer is akin to slavery. Their contribution to society is significant, both socially and economically, but to the detriment of their dignity and fundamental rights.

The initiation of children into work as part of a traditional system of education has been perverted into a commercial transaction that leads to the trafficking of children from villages to the towns and between countries within West and Central Africa. The research and campaigns to alert the public to the negative aspects of this child labour have provided information concerning the size of the market. The phenomenon persists despite government

concern and their commitment to introduce the necessary legislative measures. These efforts are praiseworthy, but it is essential that legislation is adapted to the real situations of the children working away from home (visits to parents, illegal movement and trafficking of children) and consolidated with clear mechanisms for criminalizing the trafficking of children and prosecuting the traffickers.

Participation of children in discussions about their situation is indispensable to finding solutions for child labour, deprivation of education, non-respect for their dignity and general violations of a child's rights. There is also the need to develop processes for consulting parents, employers, employers' associations and trade unions on issues that need to be taken into account concerning child domestic workers of pre-school and school age. Collaboration must be established between governments, bilateral institutions and national and international NGOs to develop actions for the education and rehabilitation of child domestic workers and child victims of trafficking. This will allow the phenomenon of child trafficking to be tackled at national, sub-regional and international levels. However, evaluation of such interventions is needed to identify the responsibility for better coordination of this work with the views of the child victims and their families.

The project began by undertaking complementary research studies, establishing a network of NGOs and linking them with international institutions working for the implementation of the Conventions concerning the human rights of children and those covering the worst forms of child labour. Training of NGO partners engaged in the protection of child rights was an important element of the project in order to reinforce their capacity for intervention on issues of child domestic work and child trafficking. Various seminars and

consultations were organised to consult children on the issues and to allow the NGO partners to define acceptable norms for the employment of children as domestic servants.

Discussions underlined the complexity of the issue of child labour. Child domestic workers are employed within an informal family environment and cannot be integrated as a professional group within conventional working systems. Such integration would presuppose an acceptance of the idea of child labour. Similarly the terms norms and standards were also considered inappropriate as seeming to regularise the employment of children. Such terminology implies the integration of child labour into the normal labour laws, whereas the context in which children work is a social system which is neither determined by the laws nor included in national policies concerning the well being and fundamental rights of children.

The aspects that guided the projects' thinking were:

- The age of the child and its capacity to carry out the tasks required and the nature of those tasks
- The treatment of children
- Working conditions
- Terms of employment
- Hazardous work
- Working environment
- Methods of recruitment
- Responsibility of parents, employers and members of employers' family
- The rural communities from where children are recruited
- Dependence of the child on its employer, their isolation both within the employer's family and from other child domestic workers and their vulnerability and discrimination resulting from this.

Research and discussion of the problem resulted in the preparation of this Code of Conduct for the treatment of child domestic workers and child victims of trafficking. The Code of Conduct and Recommendations below are an extract from the full report of the sub-regional project against child domestic work and the trafficking of children in West and Central Africa, which is available in French and English www.antislavery.org

Recommendations

For partner governments and NGOs:

- Existence of clearly defined regulations for child trafficking and child domestic work that are regularly updated following consultations with NGOs;
- Existence of formal consultation mechanisms between the government and NGOs;
- Strengthening government and NGO cooperation in the countries where it already exists.

For national legislation

- Ratification of the international legal instruments for the protection of children (already achieved in most cases);
- Harmonisation of national legislation with the international instruments that

