

LABOR

Cooperation on Eliminating Child Labor

**Joint Statement Between the
UNITED STATES OF
AMERICA and INDIA**

Signed April 25, 2000

with

Appendix



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“ . . . the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

INDIA

Labor: Cooperation on Eliminating Child Labor

*Joint Statement, with appendix,
signed April 25, 2000;
Entered into force August 31, 2000.*

JOINT STATEMENT ON
ENHANCED INDO-U.S. COOPERATION
ON ELIMINATING CHILD LABOR

August 31, 2000

On April 25, 2000, the Department of Labor of the United States (USDOL) and the Ministry of Labour of India (IML) issued a joint statement of cooperation wherein both governments committed to a joint program of work and technical assistance to be initiated this year in the areas of: (1) child labor; (2) a program for women's employment; (3) HIV/AIDS workplace-based programs; (4) labor market information systems and (5) a mine safety program. This statement of cooperation constitutes a further step in effecting the joint program of work and technical assistance in the area of child labor to which the governments agreed.

1. Statements of Principle

IML and USDOL each reiterated their nations' commitment to the prohibition and elimination of the worst forms of child labour as a matter of urgency.

The IML and USDOL also emphasized that forced or indentured child labour was a completely abhorrent and unacceptable practice, prohibited by law in their respective countries, and reiterated their firm commitment to its complete elimination worldwide on a top priority basis.

2. Commitment to Support and Facilitate New Projects through the International Labour Organization's International Programme on the Elimination of Child Labor ("New Comprehensive IPEC Projects")

The IML and USDOL have agreed that each will support and facilitate the development of New Comprehensive IPEC Projects in industries that have been identified by the IML and USDOL ("Selected Industries" – see Appendix). The New Comprehensive IPEC Projects will focus on long-term solutions to prevent work by children in the Selected Industries. (See description below of key elements of all the New IPEC Projects.) It is not the intention of the IML or USDOL that these Projects duplicate efforts already underway, but instead that they complement and build upon those efforts, embrace innovative strategies, and ensure that all efforts are integrated and coordinated to best achieve an overall strategy for each of the Selected Industries.

To ensure the credibility and effectiveness of the New Comprehensive IPEC Projects, USDOL and IML hereby commit to:

- a) **Mutually identify participants for a Project Steering Committee for each New IPEC Project.**

Each Project Steering Committee shall include, as appropriate, the ILO, industry representatives, state and local government, non-governmental organizations, and labor unions, as other IPEC project steering committees are typically comprised.

The creation of the Project Steering Committees for each of the New Comprehensive IPEC Projects will not affect or alter the role of the other institutions that are established by the ILO and/or IML. Specifically, the ILO Donors Committee shall continue to receive reports from IPEC two times a year, typically during the ILO Governing Body Conference, on the progress of all IPEC projects. Similarly, the IPEC National Steering Committee established by IML and IPEC, chaired by the IML, whose members include other participating government ministries, NGOs, industry, labor unions, and others, would continue to approve each IPEC project (including but not limited to the New Comprehensive IPEC Projects) in India. Similarly, nothing herein shall affect the country MoU between the ILO and the IML.

b) Request that each Project Steering Committee undertake steps to design and implement the New Comprehensive IPEC Projects.

Specifically, each Project Steering Committee will be tasked with:

- Determining how best to complement and build upon existing efforts to eliminate child labor in the Selected Industry, learning from their strengths and weaknesses, and ensuring that all efforts are integrated and coordinated to best achieve an overall strategy;
- Development of plans for New Comprehensive IPEC Projects in the Selected Industry;
- Drafting and executing Project Memoranda of Understanding (MoUs) amongst the relevant parties to guide each New IPEC Project;
- Ensuring that each New Comprehensive IPEC Project includes each of the Key Elements noted in Section 3 below; and
- Developing performance measures and timetables against which the progress of each New Comprehensive IPEC Project can be evaluated.

c) Request that each Project Steering Committee provide biannual progress evaluations to IML and USDOL.

The Project Steering Committee shall be responsible for preparing twice each year, a report, including performance measures, on the progress of the New IPEC Projects. The report shall detail progress against performance measures and timetables, barriers to progress, and resources needed to achieve the New Comprehensive IPEC Project's goals. The Project Steering Committee shall seek the views of all other interested parties in preparing the evaluations. Deliberations of the Project Steering Committee shall be transparent, with recorded minutes and other mechanisms to ensure public scrutiny.

d) Support the New Comprehensive IPEC Projects with new and additional funding.

IML has informed that, in addition to the resources that IML is already providing to its own National Child Labour Projects and other NGO efforts, IML immediately shall initiate the process for approval of new funds equal to \$13 million USD to be dedicated to the implementation of New Comprehensive IPEC Projects, provided those dollars are matched by new and additional funds from the U.S. Government (USG). (As described below, the Project Steering Committees shall develop plans for the New Comprehensive IPEC Projects. IML funds for the implementation of the New Comprehensive IPEC Projects shall be dedicated to implement key components of these projects, as determined in conjunction with the Project Steering Committees, but such IML funds may be spent directly by the IML or its designees and need not flow through IPEC.)

USDOL informed that, subject to Congressional approval of its FY 2001 budget request for IPEC, it shall provide new and additional funding through IPEC of \$13 million USD to be dedicated to the implementation of New Comprehensive IPEC Projects, provided that IML matches the amount with new and additional funds.

USDOL and IML informed that each shall work together with the ILO to identify other international donors to support the needs of the New Comprehensive IPEC Projects, as determined by the Project Steering Committees.

e) Provide additional funding for systemic educational reform to provide alternatives targeted to the elimination of child labor.

As noted below, each Project Steering Committee shall identify, as part of the plan for each New Comprehensive IPEC project, efforts needed to expand access to basic education in the affected areas as a long-term alternative to, and way to prevent, child labor in the relevant Selected Industry.

The USDOL proposed to Congress for FY 2001 a new program to provide bilateral assistance to help expand access to basic education throughout the world, targeted specifically to areas where the problems of child labor are prevalent and to work in consort with the New Comprehensive IPEC Projects. The U.S. informed that if such funds are approved, it will commit new bilateral assistance of \$7 million USD so long as the Government of India (GOI) matches that amount with new and additional GOI funds for expanding access to basic education in these child labor impacted areas as components of these New Comprehensive IPEC projects.

IML informed that it immediately shall initiate the process for approval of new funds equal to \$7 million USD for expanding access to basic education, targeted specifically to areas where the problems of child labor are prevalent and to work in consort with the New Comprehensive IPEC Projects, provided that the U.S. matches the amount with new and additional funds.

f) Facilitate the efforts of Project Steering Committees and New Comprehensive IPEC Projects, as needed and as appropriate.

IML and USDOL shall agree to take all reasonable steps to facilitate and support the efforts of the ILO and other Project Steering Committee members to design and implement the New Comprehensive IPEC Projects.

3. Key Elements of New Comprehensive IPEC Projects

The Project Steering Committees shall ensure that each New Comprehensive IPEC Project includes the following key elements:

- a) **Identification of on-going projects and a coordinated strategy to build upon and complement those efforts.** In developing each project, the Project Steering Committee shall indicate how its plan shall complement and build upon existing efforts, learn from their strengths and weaknesses, and ensure that all efforts are integrated and coordinated to best achieve an overall strategy;
- b) **Access to meaningful transitional educational alternatives for children and their siblings.** Each Project shall include a sector-specific plan to: (1) remove children currently involved in child labor and place them in educational or vocational settings as appropriate and (2) provide meaningful educational alternatives for the siblings of children involved in child labor (“transitional education”).
- c) **Systemic educational reform to ensure access to basic education as an alternative to child labour.** Each Project shall identify any barriers to access to basic education in the relevant areas that may help spur or perpetuate the problem of child labor. Each Project shall include a plan to expand access to basic education in the affected areas as a long-term alternative to, and way to prevent, child labor in the relevant Selected Industry. The USDOL and Government of India shall provide separate resources, pursuant to paragraph 2e above, to fund these “systemic education” aspects of each New Comprehensive Child Labor Project.
- d) **Work-site registration and independent monitoring.** Each Project shall include a plan to register each work-site in the Selected Industry and a plan to have the ILO conduct periodic announced and unannounced inspections of an appropriate proportion of randomly selected work-sites in the Selected Industry to assess compliance with laws and the terms of the MoU.
- e) **Income-generating alternatives for families.** Working with social welfare agencies and NGOs, each Project shall include a sector-specific plan to ensure that there are viable income-generation alternatives for families in at-risk communities so that they need not turn to child labor to pay debts or meet the basic needs of their families.
- f) **Enhanced dissemination of public information and education.** Each Project shall include a sector-specific plan to remind manufacturers, families, local officials, and communities about the laws against child labor and the IML’s intent to enforce the law, to help families understand the dangers to their children of inappropriate work in the Selected Industry and

the long-term benefits of education for their children, to showcase economic alternatives to child labor, and to change public attitudes about the acceptability of child labor

- g) **Effective law enforcement.** Each Project shall include a sector specific plan to ensure that there are adequate national and local resources and commitment to inspect for compliance with child labor laws, to take immediate action where violations are found, to prosecute violators, to impose penalties that serve as effective deterrence to child labor, and to maintain statistics on inspections, violations, prosecutions, and penalties. IML commits to support and assist each Project Steering Committee and state and local governments to implement this element of each Project. Project Steering Committees shall assess and report on barriers to effective enforcement of current laws against child labor the adequacy of the system for determining compliance, and the adequacy of penalties and prosecution of violations.

Where an authenticated complaint of forced or indentured child labour (FICL) is presented to the IML or GOI by the IPEC National Steering Committee or a credible source, such allegations would be investigated immediately and a detailed report sent to the IPEC National Steering Committee as early as possible. Based on the investigation of such allegations, action under the relevant laws would be initiated by the law enforcement agencies and the complainant kept informed of the action taken.

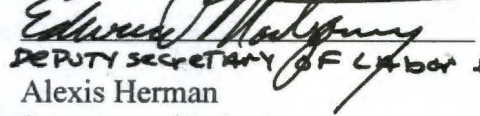
- h) **Performance measures and milestones:** A series of deadlines and performance goals for the New Comprehensive IPEC Project and a mechanism to measure progress against those goals at key milestones.

4. Timeline for Implementation

Project Steering Committees shall be identified and convened for each of the Selected Industries no later than December 15, 2000. New IPEC Projects and MOUs to put them into effect shall be adopted for Selected Industries no later than March 15, 2001.

5. Enforcement of Law against Forced or Indentured Child Labor.

The GOI and USG, while restating their principled rejection of all forms of forced or indentured child labour, confirmed that they would ensure that immediate and exemplary punishment as per the law would be meted out to any offenders found within their respective jurisdictions.

By: 
DEPUTY SECRETARY OF LABOR for
Alexis Herman
Secretary of Labor
United States Department of Labor

By: 

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Secretary
Ministry of Labour of India

APPENDIX

Selected Industries are:

Hand-rolled beedi cigarettes

Brassware, including brass vases, planters, plates, dinner services, tea sets, and other decorative objects

Hand-made bricks

Fireworks

Leather, rubber, and plastic footwear

Hand-blown glass bangles

Hand-made locks

Hand dipped matches

Hand-broken quarried stones

Hand-spun/hand-loomed silk thread, yarn and fabric

In addition, a Project Steering Committee shall be convened to review the existing efforts to eliminate child labor in the hand-knotted, hand-loomed carpet industry. They shall identify the extent to which existing efforts satisfy all the key elements of New Comprehensive IPEC Projects identified in Section 3 (the "Key Elements"). A New Comprehensive IPEC Project for the carpets industry shall be directed at addressing gaps that are found, if any, between the existing efforts and the Key Elements. As with other projects, it is not the intention that any Project in the hand-knotted, hand-loomed carpet industry duplicate efforts underway, but instead complement and build upon those efforts.