

AEPC Dossier

To remove Garments & Embellished Textiles from the TVPRA list

Background:

List of Goods Produced by Child Labor or Forced Labor - The Bureau of International Labor Affairs (ILAB) maintains a list of goods and their source countries, as required under the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2005 and subsequent reauthorizations. The List of Goods Produced by Child Labor or Forced Labor comprises 156 goods from 77 countries, as of June 23rd, 2021.

In the 2021 TVPRA List by Country, in India's Child Labor & Forced Labor section there are products Garments & Embellished Textiles mentioned.

Request:

We request to remove the products of Garments & Embellished Textiles from the list of List of Goods Produced by Child Labor or Forced Labor.

Justification:

A. Initiatives taken by Government of India for Eradication of Child Labour

- i. Under Legislative action plan Government has enacted the Child Labour (Prohibition & Regulation) Amendment Act, 2016 which came into force w.e.f 01.09.2016. The Amendment Act, inter alia, provides for complete prohibition on employment or work of children below 14 years and also prohibits employment of adolescents (14-18 years) in hazardous occupations and processes.
- ii. After strengthening the legislative framework through amendment in Child Labour Act, Government has framed the Child Labour (Prohibition & Regulation) Amendment Rules, 2017 which inter alia specifies the duties and responsibilities of State Governments and District Authorities to ensure effective enforcement of the provisions of the Act. Government has also

- devised a Standard Operating Procedure (SOP) as a ready reckoner for trainers, practitioners and enforcing and monitoring agencies and the same has been forwarded to all States/UTs.
- iii. To ensure effective enforcement of the provisions of the Child Labour Act and smooth implementation of the National Child Labour Project (NCLP) Scheme a separate online portal PENCIL (Platform for Effective Enforcement for No Child Labour) has been developed. The Portal connects Central Government to State Government(s), District(s) and all District Project Societies.

B. Constitutional Provisions

- i. Article 21 A : Right to Education The State shall provide free and compulsory education to all children of the age of 6 to 14 years in such manner as the State, by law, may determine.
- ii. Article 24 : Prohibition of employment of children in factories, etc. No child below the age of 14 years shall be employed in work in any factory or mine or engaged in any other hazardous employment.
- iii. Article 39 : The State shall, in particular, direct its policy towards securing:- The health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength.

C. Other Laws and Regulations

- iv. Bonded Labour System (Abolition) Act, 1976 (BLA): The provisions the BLA suggest that there are four important stipulations that need to be satisfied to be bonded labour as per the Act. First, there should be an advance. Second, the worker should be doing work in lieu of that advance. Third, the wages paid are less than the minimum wage prescribed by the competent authority. Fourth, worker loses the right to move freely through out the country.
- v. Right of Children to Free and Compulsory Education Act, 2009: The act asks for free and compulsory education for every child above 6 years and less than 14 years, under which the child can not be expelled or withdrawn from school during this phase.

- vi. The Juvenile Justice (Care and Protection of children) Act, 2000: This act defines a child as a person who has not completed 18 years of age. The act demands protection of child employee against mental and physical exploitation which in the given conditions is by all means not followed. It also prohibits the exploitation of a juvenile or child employee (Sec. 26) and is a cognizable offence.
- vii. The Interstate Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979: The act asks for registration of all establishments which hires more than five workmen and restriction on hiring migrant worker by any unregistered unit.
- viii. In June 2017, India ratified the two core ILO Conventions regarding admission of age to employment (138), and on the worst forms of child labour (182).

D. Initiatives taken by Non-Government Organisations

- i. Educating the communities about the ills attached to child labour and discouraging them from sending their children to work.
- ii. Increasing enrolment rates and improving education quality so that more children reach school and stay there.
- iii. Mapping of child laborers, vulnerable children and out-of-school children and facilitating their movement to schools.
- iv. Setting up of bridge schools for child labourers and grooming them to take the leap to formal schooling.
- iv. Rehabilitation and counselling of former child labourers and sending them to school.

E. Initiatives taken by AEPC

- i. AEPC had done pioneering work towards better awareness, monitoring and eradication of child labour from apparel value chain under the DISHA initiative.

- ii. Driving Industry towards Sustainable Human Capital Advancement (DISHA) was one-of-its-kind, industry owned and driven initiative of a self-regulatory voluntary code of conducts. Supported by Ministry of Textiles, the programme had created awareness and capacity building of apparel clusters across India.
- iii. The then Chairman AEPC, Dr A Sakhtivel had made a detailed presentation on the achievements made under this initiative during a delegation meeting with US Dept of Labour in 2012. The delegation, with senior representatives from Ministry of Textiles, Govt of India had also submitted a report on all the aspects of the programme and other initiatives, which was appreciated and acknowledged.
- iv. AEPC has done numerous workshops and webinars for awareness of Exporters.
- v. A detailed AEPC submission and presentation before Bureau of International Labor Affairs (ILAB) was done on 26th November 2012. It is enclosed as Annexure -3.
- vi. AEPC has circulated a detailed protocol for prevention of Child Labour at work place. The circular is appropriately displayed at AEPC's website.
- vii. AEPC had done a survey through Northern India Textile Research Association (NITRA) in 2010 regarding the Child Labor in Garment Industry. The report indicating due diligences taken by industry on child labour was submitted to US DoL, as part of the dossier.
- viii. Apart from it, in 2021, AEPC proactively requested Ethical Trading Initiative (ETI), a forum of international buyers with a good influence on the buyer's community, to bring on board some major global and domestic brands to discuss the issue of child labour/forced labour. ETI held the said stakeholder consultations with the relevant brands on 6th September 2021, along with NGO Fair Wear Foundation, besides leading brands.
- ix. AEPC in association with Social Accountability International (SAI), New York organised a webinar on the topic "Enhancing Awareness and Compliance on Sustainability in Global Apparel Industry" connecting apparel buyers and suppliers in December 2021.

- x. On 11th August 2022 a delegation of AEPC led by Chairman held a meeting with the Social Accountability Initiative (SAI), New York to discuss this issue. The delegation briefed the SAI about various initiatives taken by the apparel industry in India and informed them that apparel export sector of India is child/forced labour free.
- xi. AEPC had also issued an advisory to all of its members on the legal requirements on Child Labour Prohibition in the factories, as also ways to ensure that there is no child labour in the apparel units. (The Advisory is appropriately displayed at AEPC's website).
- xii. AEPC had reviewed the Bibliography published in the 2021 list of goods produced by child labor or forced labor. It had been observed that in the 29 Bibliography under Embellished Textiles and 23 Bibliography under Garments used for TVPRA listing, all are very old and out dated as given below:

(i)	Embellished Textiles (29 bibliography)	All published before 2012 while some are dating back to 2001
(ii)	Garments (23 bibliography)	1 media news is from 2017 and all other reports and media news are from before 2015 while some are dating back to 2002
Review has been done for the bibliography as given at: https://www.dol.gov/sites/dolgov/files/ILAB/ListofGoodsBibliography2021.pdf		

F. Initiatives taken by Industry

- i. Sign board on the gates of garment factory premises clearly mentioning that “*Child Labour is Strictly Prohibited in the factory*”.
- ii. Some specific examples of the Initiative taken by Apparel Exporters are given below:

- <https://www.shahi.co.in/our-people/#production-units>
- <http://sahuexports.com/about-us.aspx?mpgid=2&pgid=9&spgid=11>
- <http://www.texportsyndicate.com/compliance.html>
- http://www.abfrel.com/docs/corporate_governance/policies/Human-Rights-Policy.pdf
- <http://www.paramountproducts.in/compliance.php>
- <http://www.icewearcreation.com/code.html>
- <http://www.ahillapparel.com/quality.html>

G. Other Positive Development/Initiatives

- i. Some other positive developments and initiatives taken by apparel and textile industry, NGOs and government in this regard are given below:

- <https://indiaccsr.in/csr-of-indian-textile-industry-saying-no-to-child-labor/>
- <https://economictimes.indiatimes.com/industry/cons-products/garments/-/textiles/trident-founder-rajinder-gupta-to-step-down/articleshow/93461375.cms>
- <https://www.hindustantimes.com/india-news/press-1-for-child-labour-how-garment-workers-mumbai-report-abuse-on-mobiles/story-hyFa5BAxTjm3Hguo2vwsGL.html>