

LIVING ON SCRAP - Discussion Paper

Acknowledgements and Disclaimer

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Introduction

The film 'Living on Scrap' was commissioned by Save the Children as the main component of a research on children involved in scrap collection. Very little is known about this particular type of hazardous child labour in Jordan. The number of children involved has never been estimated and the present research is the first in-depth data collection on this topic.

The research included a desk review, interviews with children in Marka, Russeifeh, and Mafrq, a middle woman in Marka, two contractors (at the Russeifeh and the Zarqa dumps), two shop owners, the MoSD director in Mafrq, the MoSD spokesperson in Amman, and the Head of the Child Labour Unit at the Ministry of Labour. In addition home visits were made to the families of the children who participate in the film. For the film itself, which was directed by the Dutch film maker and photographer Chris de Bode, a combination of several techniques was used: a Go Pro camera that was fixed on the boys' chests, a professional camera, and moving portraits of the key players. The boys were filmed for six days, at home, in the work place, and at the scrap shops where they sell their goods. A total of 11 hours of film was produced.

The project team chose film as the principal means of data collection, because of the wealth of information it provides, and the possibility to include the children's perspective, but also because of the sensitivity of the topic. Interviews would never have captured what was captured here. Written observations would not have had the level of objectivity that image has, although of

course a certain degree of subjectivity cannot be avoided when selecting and presenting the material.

A closer look at the film

The film clearly demonstrates how the children are exposed to physical, psychological and moral hazards. They make long working hours (9-12 hours per day), they face dirt, fumes, the risk of injuries and car accidents. They do not eat proper meals. The Russeifeh boys at one point were drinking milk from one of the garbage trucks that contained food beyond the sell-by date. The children are exposed to bad weather conditions, exploitation, and abusive language. They have adult responsibilities, which deprive them of their childhood and the right to education and protection.

Al Aabed demonstrates how he is exposed to methane. The possible health effects of breathing in methane at high concentrations are “increased breathing and pulse rates, a lack of muscular coordination, emotional upset, nausea and vomiting, loss of consciousness, respiratory collapse and death”¹.

The scene at the Zarqa scrap shop shows that the payment of the Russeifeh children is not real. The children act surprised upon each receiving 5JOD, and when Al Aabed asks why the young Bajes gets paid as well, Abu Ahmed –clearly not remembering the microphone- tells him: “Hush, it is only in front of those people”. A few seconds later he instructs Bajes to give the money back. So in reality, the children work for Abu Ahmad, but he pays them little or nothing.

In Mafraq the children sell their own produce, but they get cheated by the dealers. In a full working day they make about 3 JD.

What other adults do they encounter? We see a municipal truck transporting the goods collected by the children to the scrap shop. Through his involvement, the driver is benefitting from the children’s exploitation and misusing the assets of the municipality. The Mafraq children are invisible to most people in the streets. If anything, they are called names by passers-by. They are afraid of getting arrested by the police.

The children dream of a future as an engineer, or the head of intelligence, but they know that they do not have a chance without an education. A boy like Aabed receives nothing from society, yet he wants to save the country.

¹ *Health Effects of Methane*. Canadian Centre for Occupational Health & Safety (December 11, 2006).

What does the film tell us?

Essentially, the film carries the following five messages:

1. **Scrap collection is one of the worst forms of child labour.** Worst forms were defined by the International Labour Organization in Convention 182 as, among others, “work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children” (Article 3d).
2. **As in many other cases of child labour, the children in this film work because their income is needed.** For different reasons their fathers are not capable of providing for the family; their mothers are at home and have little or no source of income of their own.
3. Although the government of Jordan is committed to combating exploitative child labour, **Syrian children are at present being pushed into child labour** because their parents are not allowed to work.
4. **The law on compulsory education is not effectively applied.** If children do not attend, the law is not actively enforced.
5. In Jordan, under the current law only institutionalized child labour can be addressed. Children working in scrap collection are treated as beggars in absence of a law. **There is no legal protection for these children.**

Legal and Policy Gaps

Through the ratification of the ILO convention on the worst forms of child labour in April 2000, and the subsequent definition of hazardous conditions in the decision issued by the Ministry of Labour in June 2011, Jordan committed to the eradication of this, and other, worst forms of child labour.

Yet, in spite of this commitment and attempts to harmonize and amend the legislation, there still are important gaps. Children in scrap collection, or in any other form of non-institutionalized child labour, are not covered by law.

Article 73 of the 1996 Labour Law prohibits the employment of children under 16; work itself is not forbidden. It thus addresses employers, not children or their caretakers. Measures can be taken against employers of children with whom they have a formal working relationship. However, neither the law, nor the labour inspectors' mandate allow for the provision of services for working children, other than counselling, which could lead to their withdrawal from exploitative child labour. While measures addressing employers could to some extent benefit children working for companies, they most certainly have no impact on children who work outside an institutional context.

For lack of a law, children in scrap collection are considered beggars under the Juvenile law, and hence fall under the responsibility of the MoSD. Although this 1968 law and its amendments

define child beggars as persons in need of protection, begging is not considered a form of exploitative child labour, but a legal offence for which the parents are held responsible. The ministry's response therefore, is twofold: children can be arrested and kept in custody until the parents sign a commitment to not re-engage their child in begging. A fine can be imposed of a maximum of 50JOD. Alternatively, if judged necessary by the court, the children can be taken into foster care until the age of 18. The latest amendment of the Juvenile Law, which was submitted to the parliament in September 2012 and not yet discussed, explicitly acknowledges children in scrap collection, but does not provide a more appropriate response. What appears to be missing most of all is a child focussed, non-penal, legal framework, such as a Child Protection Law.

In an attempt to coordinate efforts to combat child labour, a National Framework for Combating Child Labour was adopted in 2011. It defines the roles of the three line ministries (Labour, Education and Social Development) in identifying and following-up on child labour cases. However, as there is no legal acknowledgement of non-institutionalised child labour, there is no mechanism on the ground to address cases. Similarly, the Ministry of Education lacks the mechanism to actively monitor and follow-up on cases of dropout.

At this moment, interagency referral pathways exist as part of the humanitarian response to the Syrian crisis. They include services for working children, but the main focus is on Syrian children. For either group, referrals have not been fully integrated in the scope of work of government officials, such as the labour inspectors, the police Family Protection Department or the MoSD social workers.

What is needed?

First of all, a legal provision is necessary, to allow key stakeholders to address cases of exploitative child labour that exist outside the context of formal sector employment. Through this provision a responsible party needs to be identified, the children should be defined as in need of protection, and a mechanism needs to be created to allow for the provision of services. For the response to be adequate, it needs to be taken out of the judicial sphere and instead, focus on the protection of the child.

To develop a functional mechanism on the ground, and ensure better complementarity of government and non-governmental services, the referral pathways might be extended to include more services for Jordanian children. Active referral and case management should be integrated into the scope of work of responsible government officials and adequate funding for the execution of these tasks needs to be secured.

To sustainably remove children from exploitative child labour the following services are necessary:

- Community outreach, to identify working children, to raise awareness on the hazards of child labour, as well as to provide counselling and referral services to the children and their parents.
- The provision of educational services, be it through referral to public school, remedial classes, non-formal education, or vocational training.
- The provision of livelihoods services to strengthen the economic basis of the family and prevent children from returning back to work.

Sustained collaborative efforts are necessary to successfully eradicate these forms of harmful, exploitative child labour!

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