Human Rights and Child Labour
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Let me first applaud the leadership of Telefonica in the fight against child labour in the region. This Conference is even more appropriate and timely to give a clarion call to the international community and all other stakeholders, just a few months before the Global Child Labour Conference in Brazil. I hope this Conference will help in raising a sense of urgency and re-affirm the commitments we made to our child, time and again. Only 2 years remain for the deadline set to achieve the Millennium Development Goals, including the Dakar goals for attaining Education for All, and 3 years to eliminate the worst forms of child labour.

Undoubtedly, the world has achieved significantly during the early years of the first decade of this millennium. The number of out-of-school children has been decreased from 113 million to 61 million, as well as the number of child labourers from almost 250 million to 215 million. 161 countries have committed to eradicate the worst forms of child labour by ratifying Convention 182 and all child labour that is up to the age of 14 years by ratifying the minimum age convention, i.e., Convention 138. While there is no doubt progress, progress is also stalling – the number of child labour and out-of-school children have decreased, but at a lower rate than before. There are reasons for the slowing down of progress.

One prime reason is that the 215 million children now left in exploitative situation or 61 million out-of-school children are the ones which are from difficult and hard to reach category as compared to before. This clearly indicates that these children are most vulnerable, likely to be trapped in conditions which are hidden or invisible, and afflicted by chronic poverty, discriminatory practices, socio-economic exclusion, slavery, trafficking, HIV/AIDS, conflicts, etc and facing the worst violations of human rights. These children facing the gravest abuse of their human rights need our urgent attention, starting with addressing our knowledge gap of where and in what conditions, etc are these children trapped.

Several human rights laid down in the Universal Declaration of Human Rights are violated when child labourers are employed or children are economically exploited. Article 3 of the Declaration (Everyone has the right to life, liberty and security of person) is violated when children are made to work in hazardous conditions like mining, construction and agricultural sector wherein often tasks allocated jeopardizes their health. Article 4 (No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms) is violated when children are made to work in bonded labour, forced labour and slavery like conditions whether in supply chains of companies or homes as domestic helps. Further, Article 5 (No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment) gets violated when child labourers are made to work in inhuman – unhealthy and dangerous conditions, and are physically and sexually abused by their employers. Right to freedom of movement conferred under Article 13(1) is violated often in cases of trafficking of children for forced labour and work with slavery like conditions. Article 24 (Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay) is violated when children are made to work for long hours, without rest and many a time without any weekly holiday. Lastly, the moment child labour occurs, right to education as per Article 26(1) of the Declaration gets denied.
Also, undoubtedly child labour including child trafficking for labour exploitation leads to denial and violation of several child rights laid down in United Nations Convention on the Rights of the Child (UNCRC). The survival and development rights given in the Convention, viz., Article 6 on Right to survival and development, Article 28 on Right to education, and Article 31 on Right to leisure, play and join cultural/recreational activities are denied to children engaged in work at the cost of their education, health and education. Child labour also goes against the spirit of various protection rights for children such as Article 19 on Protection from all kinds of violence, Article 2 for Child labour, Article 33 for Protecting children from drug abuse and trafficking, and Article 35 on Protection from abduction, sale and trafficking. Lastly, though as per Article 15 of the Convention that deals with participation rights, children have the freedom to form associations, this right remains denied.

Child labour also violates the principles laid down in various international treaties, which are embedded in human rights framework. These treaties include UN Palermo Protocol on Trafficking and various ILO (International Labour Organization) instruments. Child labour is in violation of the 4 fundamental principles and rights at work laid down by ILO, viz., freedom of association and the effective recognition of the right to collective bargaining, elimination of all forms of forced or compulsory labour, effective abolition of child labour, and elimination of discrimination in respect of employment and occupation.

These principles and rights invoke the spirit of human rights- they uphold basic human values, values that are important to social and economic lives. Child labour is in contravention with several ILO Conventions. In case of Convention 29 and Convention 105 on Forced Labour and its abolition, many children are working in different forms of forced labour like debt bondage, trafficking and other slavery-like practices. As regards, Convention 87 on Freedom of Association and Convention 98 on Right to Organise and Collective Bargaining, while, children cannot unionise or form organisations for their interests which encourages their economic exploitation, child labour weakens the collective bargaining by trade unions since children can be hired at lower than minimum wages and made to work for long hours as compared to adults. Convention 138 on Minimum Age for Employment states that children should not be employed till they have attained the minimum age for work or completed compulsory schooling, whichever is later. Despite this child labour exists and children as young as 5 years are employed. Further, Convention 182 on Worst Forms of Child Labour requires child labour in illegal activities like trafficking, armed conflicts, pornography, and hazardous work to be prohibited. Lastly, as per Convention 189 on Decent Work for Domestic Workers, children below the minimum age to work or in hazardous conditions in domestic work should not be employed. But 15.5 million children are engaged in domestic work globally.

There are several mechanisms for monitoring human rights, child rights as per UNCRC, and rights and privileges under ILO Conventions. The UN Human Rights Council is responsible for strengthening the promotion and protection of human rights around the globe and for addressing situations of human rights violations and make recommendations on them. It assesses the situation of all human rights in all countries and conducts a universal periodic review for the same. NGOs and National Human Rights Institutions also contribute to the review process through written reports about the Stats/s under review. The UN Committee on the Rights of the
Child monitors the implementation of UNCRC by State parties. All States parties are obliged to submit regular reports to the Committee on how the rights are being implemented. States must report initially two years after acceding to the Convention and then every five years.

For ILO Conventions, State parties are required to report regularly to the ILO on the implementation of ratified Conventions, indicating not only whether national laws are in conformity with the Convention in question, but also informing the ILO regarding what has been done to make sure the Convention has had an impact on a practical level. State parties are required to report on measures taken to ensure the implementation of ratified Conventions on any problems encountered in their implementation, at intervals of one to five years, depending on which Convention is concerned.

Child labourers are also denied of various rights that are constitutionally guaranteed by states to its children. For instance, in the case of India, specific provisions are laid down in the Constitution to protect children from economic exploitation and education, viz, right to free and compulsory education to all children of the age of 6 to 14 years, prohibition of traffic in human beings and forced labour, and prohibition of employment of children in factories, mines or other hazardous employment.

Not only does child labour entail a violation and denial of human rights on countless fronts, it also poses a hindrance for development. The inter-linkages of child labour with poverty and education explain the development challenge that it poses. Poverty has often been considered the key reason for perpetuation of child labor. However child labour is the primary cause of poverty, as it pushes children early to premature work thereby denying children the opportunity to acquire the education and skills they need to obtain decent work and incomes as adults. The elimination of child labor is an essential prerequisite to eradication of extreme poverty and hunger (MDG 1). Lack of education provision and child labour are indeed closely related. The most common reason for decrying the scourge of child labor is that it comes at the cost of human development. Achieving universal primary education (MDG 2) is contingent on freedom from labor to allow children to attend school and perform well. The UN Mid-term review of MDGs clearly identified child labour as a major obstacle for the achievement of the goal of attainment of universal primary education.

A recently completed study from 50 countries established that every extra year of schooling provided to the whole population could increase average annual GDP growth by 0.37 per cent. Another survey of 120 countries from between 1970-2000 provides compelling evidence that education consistently and significantly affects economic development and is a necessary precondition for long-term economic growth. This study/survey shows that child labour which makes children work at the cost of, their education holds back economic growth and development of countries.

To eliminate child labour, there are various gaps and deficits that need to be addressed. These include overcoming cultural, financial, political, knowledge, and coordination and convergence gaps. There still a considerable acceptance of child labour across societies and cultures where child labour is seen as a natural course of action and the only available option for children from socio-economically disadvantaged families and backgrounds. Households employing child
labourers often feel that they are helping children earn an extra income to support their families, and not stopping their growth and well-being as children. This is related to the problem of seeing child labour in the limited perspective of as an economic issue only, and not as the violation of one’s rights as human beings regardless of socio-economic backgrounds. Changing mindsets and attitude of people and overcoming this cultural gap is imperative to end child labour.

Despite the gravity and the magnitude of the problem of child labour, the child labour portfolio is very small vis-a-vis HIV/AIDS, education, etc and more funds and resources need to be mobilised. There is lack of a dedicated global fund for child labour.

At the political level, there are gaps too that need attention. Inadequate domestication of international legal and policy framework in national laws and policies and their inadequate enforcement/implementation shows the lack of political will of governments to end child labour. The civil society movement encompassing NGOs, child rights organisations, teachers’ association, trade unions, and others need to urge governments to honour their commitments.

There is also a lack of adequate knowledge and data on various aspects and forms of child labour. For instance, there is lack of disaggregated data on the child labour, their activities, etc., in the various sub-sectors of agriculture. Further, there is also lack of understanding on the issue of child slaves. Many child slaves have been reported in cocoa farming, cottonseed farming, domestic labour, and other sectors. As per ILO statistics, there are around 21 million victims of forced labour, out of which 5.5 million are children - in traditional practices forced labour like of vestiges of slavery, slavery-like practices, various forms of debt bondage, as well as trafficking. There is lack of clear definitions, data and research on child slavery. When children being vulnerable and pliable, through deceptive means and/or false promises made to them/their families, are made victims of forced labour and lose total freedom and choice (such as freedom of movement, rest at one’s will, etc), it can be construed that such children are child slaves. Also, consent is not valid in case of children. There is need to clearly define child slavery so that such children can be identified and rescued which otherwise would remain hidden and invisible. Civil society needs to work and advocate together for inclusion of child slavery in the international policy agenda.

There is need for greater coordination and convergence between international agencies dealing with the issue of protection of children from exploitation to take effective and concerted action for ending child labour. For instance, ILO views child labour from a labour perspective and within the human rights framework, UNICEF views it from specifically from the perspective of violation of child rights, whereas UNODC views it from a perspective of crime where children are trafficked for forced labour. Further, UNESCO only deals with education of children. These different perspective and compartmentalised focuses only leads to insufficient coordination and convergence for tackling child labour.

Along with addressing these gaps and deficits, there is a need to replicate and upscale practices, programmes, and schemes that are working. There is no dearth of solutions for tackling child labour and making it history. We have several examples around us. Firstly, various social protection and welfare schemes can be useful in tackling child labour by addressing not only children’s vulnerabilities, but also that of adult family members and the entire household. In
India, it has been seen that the incidence of child labour is comparatively lower in states where welfare schemes like Mahatma Gandhi National Rural Employment Guarantee Act enhancing livelihood security of people in rural areas, Sarva Shiksha Abhiyaan (Education for all), Mid-day meals in school to encourage enrollments, and those related to rural development are being efficiently implemented.

There is also the case of Bolsa Familia, welfare scheme introduced in Brazil, wherein cash transfers were given to poor families on the condition of sending their children to school. Secondly, abolishing school fees is another way. Education is a preventive measure for child labour. If children are given access to education and are in school, they will not have to work. Making education free and improving its quality in countries like Kenya, Tanzania and Malawi have significantly reduced the incidence of child labour. Thirdly, we could use social labeling mechanism for children engaged in exploitative work in supply chains.

To address child labour in the supply chains of weaved carpets and raise consumer awareness, Bachpan Bachao Andolan initiated a social label mechanism. Under this initiative, every rug that was produced was accredited with a child labour free label. This endeavour coupled up with other actions like raid and rescue and social mobilization resulted in reduction of child labour by nearly 80 per cent. Lastly, certification of goods produced is another good way to tackle child labour in supply chains. The purpose of certification systems/schemes is to verify and assure that the product/good has been made in compliance with certain specified standards, such as including ILO C182 and is child labour free. Fair-trade Labeling Organization International, Rainforest Alliance, and UTZ Certified are running certification schemes for cocoa production.

Though concrete results in decrease on incidence of child labour is still awaited but multi-stake holders initiatives and partnership in cocoa, tobacco, palm oil, cotton, garment and other sectors have helped in awareness raising, enhancing accountability and generating knowledge at the very least. Some of them have also introduced verification-certification systems.

To conclude, I would reiterate that total eradication of child labour is possible, affordable and achievable. What is needed are genuine political will that has to be demonstrated through enactment and enforcement of appropriate legislations, substantiated with adequate resources and instituting and strengthening of accountability framework. Secondly, powerful and collective efforts and partnerships have to be built by civil society towards re-invigorating a strong worldwide movement against child labour. Creation of political will also depends on public demand and action. International community and governments in particular must make honest efforts in integrating and mainstreaming the issue of child labour into the human rights and development policies and programmes, particularly in dealing with all forms of discrimination and exclusion, ensuring education and alleviating poverty. The phrases like – “children first”, “children can’t wait”, “children are the future”, and “urgency” must not remain rhetoric and fancy, but the spirit behind these words must be internalised and practiced in reality to make the world free from child exploitation.