



CHILD LABOR, EDUCATION AND CHILDREN'S RIGHTS

Dr.G.Adinarayana

Faculty, Department of Law, Sri Venkateswara University, Tirupati, Andhra Pradesh, India.

Abstract

This paper reviews the international legal framework relating to child labour as well as access to education and provides a statistical portrait of child labour and education participation. Moreover, it looks at why children work from the perspective of household decision making. Various policy options are also considered, including those which can improve the incentives to education relative to labour, remove constraints to schooling and increase education participation through legislation. Conclusions are drawn in the final section.

Introduction

“Nonetheless, if the fundamental rights behind our cause are not sufficient to move people to act, then let it be the economic and social rationale behind it. Either way, we are going to challenge people to act.”

Nelson Mandela

Child Labour (Prohibition and Regulation) Act of India, 1986 defined that the child is a person who has not completed the age of fourteen years. A child of such tender age is expected to play, study and be carefree about his life. But, as a fact of nature, expectations seldom meet reality. Children, by willy-nilly or by force, are employed to work in the harsh conditions and uncongenial atmosphere which become a threat to their precious life. Child labour leads to underdevelopment, incomplete mental and physical development, which in turn, result in stunted growth of children.

Child labour is retribution to the child and is widespread around the world. It is a curse for development of both the individual child and society and economy in which she/he lives. If allowed to persist to the current extent, child labour will prevent the achievement of the Millennium Development Goals of halving poverty and achieving education for all. All of the countries in the world have ratified international human rights conventions which call for the elimination of child labour and the provision of universal primary education. Fulfilling these commitments is of immensely importance for development.

Child labour is a violation of fundamental human rights and has been a stumbling block to children's development, potentially leading to life-long physical or psychological damage. The fundamental ILO standards on child labour are the two legal pillars of global action to combat child labour.

Over 200 million children between the ages of 5 and 14 years are working around the world. This figure represents one-fifth of the total population of girls and boys in this age group. About 111 million children are in “hazardous work” which refers to forms of labour which are likely to have adverse effects on the child’s safety, health and moral development. Nearly 10 million of these children are engaged in some form of slave labour, armed conflict, prostitution or pornography, or other illicit activities. Some observers believe that these figures understate the real magnitude of child labour. The hazardous and worst forms of child labour are of universal prime concern, given the obvious harm that they inflict on the lives of these children and their possibilities for a hopeful future. Child labour also has important various economic implications. Among them the most notable are the



substantial future income losses that working children will incur because of the negative consequences working will have on their human capital, including their health and education. Since children are more likely to work and not go to school if their parents worked as children, the economic losses associated with child labour and their implications for poverty are often transmitted across generations (ILO, 2020).

Child labour, of course, has already received ample attention. Most countries have long had prescriptive legislation as well as compulsory education laws. At the international level, child labour has been the focus of various conventions and recommendations. Among them the UN Convention on the Rights of the Child (1989) and two ILO conventions, the Minimum Age Convention (No. 138, 1973) and the Worst Forms of Child Labour Convention (No. 182, 1999) are most significant. In promoting children’s rights, each of these instruments – in very different ways -- has been motivated by an interest in protecting children from exploitation through their labour and providing for education as a preferable alternative.

Human Rights Instruments

The principal international legal instruments for addressing child labour include the UN Convention on the Rights of the Child (1989) that covers both child labour and the right to education and two ILO conventions, the Minimum Age Convention (No. 138, 1973) and the Worst Forms of Child Labour Convention (No. 182, 1999). The UN Universal Declaration on Human Rights (1948) and the International Covenant on Economic, Social and Cultural Rights also address the right to education but the above-listed instruments provide more detail and are commonly seen as the key international instruments for addressing children’s rights (Table 1). The Convention on the Rights of the Child (CRC) and the ILO child labour conventions have received widespread international support, the former being ratified by 192 countries – all U.N. members, in fact, save the United States and Somalia. ILO Convention 182, prioritizing action against the worst forms of child labour, was the first convention adopted unanimously and has been the most rapidly ratified convention.

Table 1, International Human Rights Instruments Related to Education and Child Labour

Sl. No.	Title	Date	Ratified	Provisions (Articles)
1.	Universal Declaration on Human Rights	1948	N/A	Right to Education (26)
2.	International Covenant on Economic, Social and Cultural Rights (CESCR)	1966	148	Compulsory and free primary education (13)
3.	ILO Convention 138: Minimum Age	1973	131	Compulsory and free primary education (13)
4.	Convention on the Rights of the Child (CRC)	1989	192	Freedom of association (15); primary education; (28) rest and leisure (31); no hazardous child labour (32); protection from sexual exploitation (34) and trafficking (35)
5.	ILO Convention 182: Worst Forms of Child Labour	1999	147	Ban slavery, use in armed conflict, prostitution, drug trade; Work harmful to health safety, morals.

Source: United Nations High Commissioner for Human Rights (<http://www.un.org/rights/>) and International Labour Organization (www.ilo.org)



Global and Regional Overview

Child labour remains unacceptably common in the world today. At the start of 2020, prior to the outbreak of the COVID-19 pandemic, 160 million children – 63 million girls and 97 million boys – were in child labour, or 1 in 10 children worldwide. Seventy-nine million children – nearly half of all those in child labour – were in hazardous work directly endangering their health, safety and moral development.

This global estimate masks large variations across regions. Child labour prevalence stands at 24 per cent in sub-Saharan Africa, three times that of Northern Africa and Western Asia, the region with the second highest prevalence. In absolute terms, the nearly 87 million children in child labour in sub-Saharan Africa are more than in the rest of the world combined.

Recent history provides cause for copious concern. In the last four years, for the first time since 2000, the world did not make any progress in reducing child labour. The absolute number of children in child labour was increased by over 8 million to 160 million while the proportion of children in child labour remained still unchanged. Children in hazardous work mirrored these patterns: The share remained almost unchanged but the number rose by 6.5 million to 79 million.

The pace of progress has varied dramatically across regions. The proportion and number of children in child labour have declined consistently since 2008 in Asia and the Pacific and Latin America and the Caribbean. Similar progress has proved elusive in sub-Saharan Africa, where child labour has actually gone up since 2012, a trend especially pronounced over the last four years when the region accounted for much of the global increase.

At present, the world is not on track to eliminate child labour by 2025. For meeting this target, global progress would need to be almost 18 times faster than the rate observed over the past two decades. According to pre-COVID-19 projections based on the pace of change from 2008 to 2016, close to 140 million children will be in child labour by 2025 without an accelerated action. The COVID-19 crisis is making these scenarios even more worrisome, with many more children at risk of being pushed into child labour. Global progress against child labour has stalled since 2016.

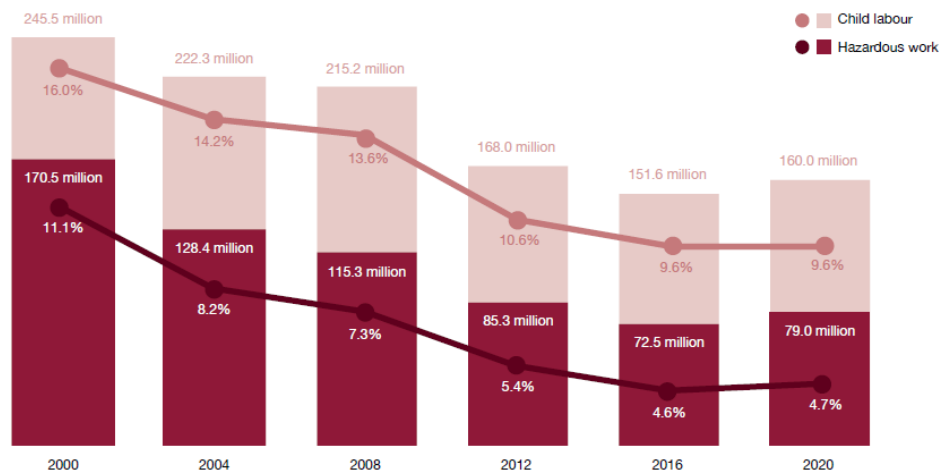


Fig.1. Percentage and number of children aged 5 to 17 years in child labour and hazardous work.



Child Labour across Ages

The results of the global estimates make clear that child labour remains an important concern across the spectrum of children aged 5 to 17. Of the 160 million children in child labour, 89.3 million are young children aged 5 to 11, 35.6 million are children aged 12 to 14, and 35 million are children aged 15 to 17. Child labour among children aged 12 to 14 and 15 to 17 continued to fall in both absolute and percentage terms over the last four years. By contrast, the 2016-2020 period saw a worrying rise in child labour among young children aged 5 to 11. In 2016, there were signs of slowing progress among young children. Today the trend line is moving in the wrong direction. The reason for backtracking is not clear and direly needs to be investigated as a priority. Hazardous work accounted for about two fifths of the total number of additional children aged 5 to 11 in child labour during the four-year period. While children of all ages must be protected from hazardous work, its persistence and now growth among younger children is a particular concern.

Boys and girls in child labour

Involvement in child labour is more common for boys than girls at all ages. For children aged 5 to 17, child labour prevalence is nearly one third higher for boys. The gender gap grows with age, and boys are roughly twice as likely as girls to be in child labour in the 15 to 17 age range. Comparisons of child labour estimates for boys and girls must be accompanied by an important caveat. The definition of child labour upon which the estimates are based does not include involvement in household chores in children’s own homes, an area of work for which girls shoulder a disproportionate burden of the responsibility in most societies.

The 2020 global estimates look for the first time at how the inclusion of household chores affects overall child labour estimates as well as estimates of male child labour relative to female child labour. The results are noteworthy. When the definition of child labour is expanded to include involvement in household chores for 21 hours or more per week, child labour prevalence increases for both sexes, but the rise in female child labour is much larger. As a result, the gender gap in child labour prevalence is reduced by almost half, from 2.8 percentage points to 1.6 percentage points. Child labour is more prevalent among boys than girls at every age

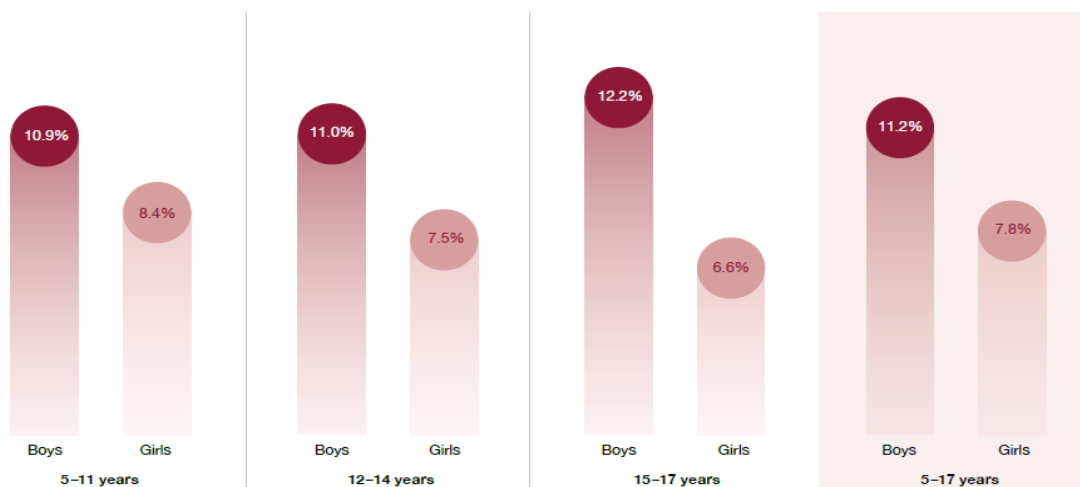


Fig.2. Percentage of children aged 5 to 17 years in child labour, by age and sex



Causes of Child Labour

Major causes of child employment which can be understood keeping in mind the Indian scenario are:

Poverty

In developing countries like India it is quite impossible to control child labour as children have been considered as helping hand to feed their families, to support their families and to feed themselves. Due to poverty, illiteracy and unemployment parents are unable to bear the burden of feeding their children and to run their families. Thus, the poor parents send their children for work in inhuman conditions at lower wages.

Previous Debts

The poor economic conditions of people in India force them to lend money. The illiterate population goes to money lenders and sometimes mortgage their belongings in turn of the debt taken by them. But, due to insufficiency of income, debtors find it quite difficult for paying back the debt and the interest. This vicious circle of poverty drags them towards working day and night for the creditor and then the debtors drag their children too in assisting them so that the debts could be paid off.

Professional Needs

There are some industries such as the 'bangle making' industry, where delicate hands and little fingers are needed to do very minute work with extreme excellence and precision. An adult's hands are usually not so delicate and small, so they require children to work for them and do such a dangerous work with glass. This often resulted in major eye accidents of the children.

Legislation

When in the 20th Century, child labour became so prominent that news of factory hazards and mishappenings taking innocent children's life, flashed all around in the newspapers, then was the time, a need for legislations and statutes were felt to prohibit the malpractice of child labour. Today, there are sufficient statutes condemning and prohibiting child labour such as:

The Factories Act of 1948

The Act prohibits the employment of children below the age of 14 years in any factory. The law also placed rules on whom, when and how long can pre-adults aged 15–18 years be employed in any factory.

The Mines Act of 1952

The Act prohibits the employment of children below 18 years of age in a mine. Mining being one of the most dangerous occupations, which in the past has led to many major accidents taking life of children, is completely banned for them.

The Child Labour (Prohibition and Regulation) Act of 1986

The Act prohibits the employment of children below the age of 14 years in hazardous occupations identified in a list by the law. The list was expanded in 2006, and again in 2008.

The Juvenile Justice (Care and Protection) of Children Act of 2000

This law made it a crime, punishable with a prison term, for anyone to procure or employ a child in any hazardous employment or in bondage. This act provides punishment to those who act in contravention to the previous acts by employing children to work.



The Right of Children to Free and Compulsory Education Act of 2009

The law mandates free and compulsory education to all the children aged 6 to 14 years. This legislation also mandated that 25 per cent of seats in every private school must be allocated for children from disadvantaged groups and physically challenged children.

Conclusion

Child labour is by no means strictly a low income country problem. Three of every five children in child labour live in middle-income countries. For greater national health to translate into reduced child labour, economic growth must be inclusive and its benefits equitably be distributed. The tax revenues it generates must be invested in programmes and services which make a difference for children, above all in education and social protection. The large pockets of child labour persist even in relatively rich countries points to important remaining policy challenges. It is an utmost urgent to put action to end child labour back on track, in line with global commitments and goals.

References

1. Child Labour Platform and International Labour Organization, *Child Labour in Mining and Global Supply Chains*, ILO, Geneva, May 2019, <www.ilo.org/wcmsp5/groups/public/---Asia/--ro-bangkok/---ilo-manila/documents/publication/wcms_720743.pdf>, accessed 26 May 2021.
2. Child Labour Platform and International Labour Organization, *Child Labour in Mining and Global Supply Chains*, ILO, Geneva, May 2019.
3. Edmonds, Eric V., and Norbert Schady, 'Poverty Alleviation and Child Labour', *American Economic Journal: Economic Policy*, Vol.4, No.4, 2012, pp.100-124.
4. Dammert, Ana C., Jacobus de Hoop, Eric Mvukiyeye and Furio C. Rosati, 'Effects of Public Policy on Child Labour: Current knowledge, gaps, and implications for program design', *World Development*, Vol.110, 2018, pp.104-123.
5. International Labour Organization, *World Social Protection Report 2020-2022*, ILO, Geneva, forthcoming.
6. Dammert, 'Effects of Public Policy on Child Labour'; De Hoop, Jacobus, and Furio C. Rosati, 'Cash Transfers and Child Labour', *The World Bank Research Observer*, Vol. 29, No.2, 2014, pp.202-234.
7. Rosati, Furio C., 'Can Cash Transfers Reduce Child Labour?' IZA World of Labour, April 2016, <<https://wol.iza.org/uploads/articles/293/pdfs/can-cash-transfers-reduce-child-labour.pdf>>, accessed 24 May 2021.