CHAPTER-IV

INTERNATIONAL ATTEMPTS TO ERADICATE CHILD LABOUR

The problem of child labour is widespread and growing phenomenon in much of the world today. Attempts were made by the international community from time to time to eradicate child labour. In this chapter an attempt is made to explain the attempts made at international level by different organisations against the employment of children are explained. This chapter also examines the United Nations Declarations and Conventions on the Rights of Children, particularly their rights against economic exploitation. This chapter also deals with the role of International Labour Organisation relating to the employment of children, particularly in countries where the incidence of child labour is more. The International Programme on the Elimination of Child Labour and the UNICEF approach towards child labour in developing countries like India are also explained. An attempt is also made to briefly explain about the World Summit for Children, 1990, the World Declaration on Education for All, 1990 and the World Summit for Social Development, 1995 in which the rights of children are emphasised.

4.1 UNITED NATIONS INSTRUMENTS RELATING TO CHILD LABOUR:

4.1.1 The Geneva Declaration on the Rights of the Child, 1924 was the first international instrument adopted by the League of Nations in which safeguards against child labour were considered. This Declaration stated that 'mankind owes to the child the best that it has to give'.

4.1.2 The Universal Declaration of Human Rights as adopted by the United Nations General Assembly in 1948 incorporated within it certain basic rights to safeguard against child labour.

4.1.3 The Supplementary Convention on the Abolition of Slavery, the Slave trade, and Institutions and Practices similar to slavery of 1956 prohibits the exploitation of child labour in cases in which the child is delivered to a third person for such purpose. Article 1 of the Convention requires

States Parties to take:

2 UN General Assembly resolution 217/A (III) of 10 December 1948
"all practicable and necessary legislative and other measures to bring about progressively and as soon as possible the complete abolition or abandonment of the following institutions and practices,

(a) Any institution or practice where by a child or young person under the age of 18 years, is delivered by either or both of his natural parents or by his guardian to another person (whether for reward or not, with a view to the exploitation of the child or young person or of his labour "

4.1.4 The Declaration of the Rights of the child, 1956 contains 10 Principles safeguarding the rights of children including the protection against economic exploitation of children. Principle 9 states:

(I) The child shall be protected against all forms of neglect, cruelty and exploitation. He shall not be the subject of traffic, in any form.

(II) The child shall not be admitted to employment before an appropriate minimum age; he shall in no case be caused or permitted to engage in any occupation or employment which would prejudice his health or education, or interfere with his physical, mental or moral development 4.

4.1.5 The International Covenant on Economic, Social and cultural Rights, 1966, contains a general prohibition of the employment of children under a given age and in occupations, dangerous to health or morals. Article 10(3) provides inter alia that,

"Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set ages limits below which the paid employment of child labour should be prohibited and punishable by law "

4.1.6 The United nations declared 1979 as the International Year of the Children. Certain number of protective safeguards for the children are adopted which are as follows:

3 The Supplementary Convention on the Abolition of Slavery, The Slave Trade and Institutions and Practices similar to slavery, resolution 608 (xxi) of 30 April 1956.

4 UN General Assembly resolution 1386 (xiv) of 20 November 1956.

5 UN General Assembly resolution 2200 A(XXI) of 16 December 1966.
I. The child labour below 15 years of age should be prohibited.

II. Child workers should be protected from any sort of employment.

III. The children should be protected from night work.

IV. There should be prohibition of hazardous and dangerous work for persons below 18 years of age.

V. Medical examination of child workers should be done.

VI. Vocational guidance and training should be provided for the children, so that they would be fit to select employment.

4.1.7 The United Nations Convention on the Rights of the child, 1989:

As international instruments, declarations are known as 'soft' law, there are statements of general principles accepted by governments but which carry no specific obligations as such. They contrast with conventions, which are binding, 'hard' law, requiring an active decision on the part of individual States to accede to or ratify them. Those 'State Parties' to a convention thereby signify their intention to comply with the provisions and obligations it contains. A mechanism for monitoring their compliance is normally established as an integral part of the convention. Until recently, attempts to codify global children's rights have given rise only to declaration. So binding international instrument existed setting out a state's obligations towards children. The International Covenants, which were adopted in 1966, together with certain other texts, are seen as the necessary binding instrument upon which the effective promotion and defense of human rights can take place. It seems immanently arguable that in the same way as the protection of human rights requires a coherent and integrated collection of international legislation with a global declaration and specific binding instruments, so the defense of children's rights must be founded on an equally consistent and recognisable body of law. It was against this background that the Polish government launched its proposal for convention on the Rights of the child on eve of the International year of the child in 1979. This initiative provided an opportunity and impetus to define more clearly and harmonise human rights standards for children and to set the results of this in-depth reassessment within the context of a single binding international instrument.


7 Towards a UN Convention on the Rights of the Child' (1988), 11-12
A decade later, on 20th November 1989 the United Nations General Assembly adopted without a vote, the Convention on the Rights of the Child (hereafter called the Convention)\(^8\). It is a comprehensive Human Rights Convention consisting of 54 Articles, drafted in full partnership between developed and developing nations. The remarkable feature of the conventions is the flexibility of its provisions. For example Article 1 of the Convention defines ‘child’ as any person below 18 years of age, but, provides exceptions for countries where the age of majority is set lower.\(^2\) There are three main sections in the convention. (I) the preamble of the convention designed to tackle; (II) the substantive Articles which set out the obligations of those states that ratify the convention; and (III) implementation provisions.

The new Convention sets standards which address the neglect and abuse which children face in all countries to varying degrees every day. It recognises their special vulnerability and addresses, their civil, political, economic, social and cultural rights as elements of an independent or mutually reinforcing, set of provisions. The convention breaks new ground with this holistic approach, which acknowledges that although a child may be adequately nourished (a social right), its rights to develop fully is not adequately protected unless it is also educated (a cultural right), and shielded from such things as arbitrary detention (a civil right), and exploitation at work (a socio-economic right). The convention recognises the basic rights of children for survival, development, protection and participation. The convention provides the following provisions relating to child labour:

Article 32 of the Convention, “recognises the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development”. Para 2 of the Article stipulates that the countries “shall take legislative, administrative, social and educational measures to ensure the implementation of the present Article”. It specifies the following measures:

- (a) Provide for a minimum age or minimum ages for admission to employment;
- (b) Provide for appropriate regulation of the hours and conditions for employment;
- (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present Article.

Article 32, in effect, calls for the elimination of child labour. While all countries

\(^8\) Resolution 44/25 of 20 November 1989
are unanimous in accepting the desirability of taking children off the work force and getting them into schools, the poverty issue in the developing world has made Article 32 one of the more challenging parts of the convention to implement.

The subject of education is firmly addressed by Article 28 of the convention which states that “states parties recognise the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall in particular:

(a) make primary education compulsory and available free to all;
(b) encourage the development of different forms of secondary education, including general and vocational education make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
(c) make higher education accessible to all on the basis of capacity by every appropriate means;
(d) make educational and vocational information and guidance available accessible to all children;
(e) take measures to encourage regular attendance at schools and the reduction of dropout rates.

Para 2 of the Article 28 provides that states parties shall take appropriate measures to ensure that school discipline is administered in a manner consistent with the child’s human dignity an in conformity with the present convention.

Para 3 of the Article 28 says that states parties shall promote and encourage international co-operation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy through-out the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Within Article 31, the convention proceeds in recognising the right of the child to rest and recreation and enjoins upon states to “encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity”. This Article captures the essence of childhood and the essentials for a child’s full growth and development. By venturing into the child’s realm of play, the convention completes the holistic view of child survival and develop
ment. Basically, states are obligated to do their utmost to ensure that true childhood is experienced.

According to Article 6 of the Convention, "states parties recognise that every child has the inherent right to life". This Article obligates states to ensure to the maximum extent possible, the survival and development of the child. This commitment is further strengthened by Article 24 which assures the child "the right to the highest attainable standard of health and access to medical services; the state to attempt to diminish infant and child mortality, combat disease and malnutrition, ensure health cover for expectant mothers, provide access to health educational develop preventive health care and abolish harmful traditional practices".

The Convention is widely considered to be the most progressive, detailed and specific human rights treaty ever adopted by the member states of the United Nations. By incorporating the right of every child to survive and to develop normally, and to receive at least basic health care and a primary education, the convention bridges, for the first time, the ideological gap which has always separated economic and social rights from civil and political rights. And its stands as an internationally agreed minimum standard for the treatment of children ever where 9.

The governments represented at the World Summit for Children in 1990 committed themselves to the ratification of the Convention. Subsequently, at 1993 World Conference on Human Rights in Vienna, it was agreed that Universal ratification could and should be achieved by the end of 1995 10.

In less than five years, the vast majority of the world's nations i.e. 167 altogether have ratified the Convention. Nine more have signed the document indicating an intention to ratify in the near future. Only 14 nations including Saudi Arabia and the United States of America have neither signed nor ratified so far 11.

There is therefore, a reasonable chance that the goal will be achieved and that the convention will become the human rights treaty in history to be Universally ratified.

After ratification, the next step is the preparation of a national report on the measures

10 The State of the World's Children: 1995,
11 Ibid.,
taken to implement the convention. These reports, submitted to the committee on the Rights of the Child, are helping to open up a dialogue on many issues that have previously been either neglected or hidden from the light of discussion. In some cases, the reports have promoted national debate on such issues as child labour, street children or child prostitution. In others, countries have been prepared to compare policies and discuss such subjects internationally for the first time. So far, 46 nations have fulfilled the commitment to report in detail on the implementation of the convention on the Rights of the Child 12.

The Government of India ratifies the convention on 11, December 1992 13. But mere ratification itself is not sufficient to enforce the convention in municipal courts. In this connection, it is pertinent to refer the decision of the Supreme court of India in Jolly George Varghese and another v. The Bank of Cochin 14, which raises important questions such as the effect of International law and its enforceability in municipal courts and also the international impact of the United Nations Human Rights Covenants on Municipal law 15.

In this case, the Indian Supreme Court observed that, “Until the municipal law is changed to accommodate the Covenant what binds the court is the former not the later. A.H. Robertson in ‘Human Rights in National and International Law’ rightly points out that International Conventional Law must go through the process of transformation into the municipal law before an international treaty can become an internal law”. The Supreme Court further observed that, “the remedy for breach of International law is not to be found in the law courts of the state because International law has not the force or authority of a civil law, till under its inspirational impact, actual legislation is undertaken”. The court observed that “the positive commitment of the States - parties ignites legislative action at home but does not automatically make the covenant an enforceable part of the corpus juris of India” 16. It is therefore, submitted that parliament must come with specific legislations to give effect to the provisions of the United Nations Convention on the Rights of the child, 1989, in the municipal courts. Mere accession or ratification to the Convention is futile without specific legislation to make provisions of the Convention enforceable in the municipal courts.

12 Ibid., p.32
16 Ibid., p.50
4.2 ROLE OF INTERNATIONAL LABOUR ORGANISATION AGAINST CHILD LABOUR:

The International Labour Organisation (ILO) has been playing an important role in the process of gradual elimination of child labour in the world, since its inception in 1919. For the ILO, the abolition of child labour and more generally the protection of children and young persons against work of a character or under conditions unsuited to their age have been constant concerns. The programmes of ILO focus their attention on the five main issues: (I) Prohibiting child labour; (II) Protecting children at work (III) attacking the basic causes of child labour (IV) helping children to adopt to future work life; (V) protecting children of working mothers.

A major part of ILO’s work in this area has been the adoption by the International Labour Conference of a series of Conventions and Recommendations dealing with the employment or work of children and young persons. A Convention seeks to create obligations of a binding nature and its ratification requires complete compliance with all its provisions. A Recommendation on the other hand, contains provisions which are generally in the nature of guiding principles for action and may be implemented progressively and in parts. The ILO so far adopted 18 conventions mainly in respect of children and young persons concerning their minimum age for entry to employment, medical examination and right work. Besides, the ILO has also adopted 9 Recommendations on these topics.

4.2.1. ILO CONVENTIONS ON MINIMUM AGE FOR EMPLOYMENT:

4.2.1.1 Minimum (Industry) Convention No. 5 which was adopted by the ILO in 1919, and ratified by India in 1955, provides that children under the age of 14 years should not be employed or allowed to work in any public or private industrial undertaking or in any branch thereof, other than an undertaking in which only members of the same family are employed. The term ‘industrial undertaking’ under this convention includes mines, quarries, manufacturing industries, construction, maintenance and repairs, transport of passengers or goods by road or rail or inland waterway. The convention does not, however, apply to work done by children in technical schools provided that such work is approved or supervised by public

18. Ibid., p.5
authority. However, the convention has a special provision regarding India, according to which, instead of the age of 14 years prescribed for other countries, children under the age of 12 years in India should not be employed in manufacturing units working with power and employing more than 10 persons, mines quarries and other works for the extraction of minerals, and in the transport of passengers or goods or mails by rail or in the handling of goods at docks, quays, etc. 19.

4.2.1.2. Minimum Age (sea) Convention No.7 concerning the fixation of the minimum age for admission of children to employment at sea was adopted by the ILO in 1920 but, so far, not ratified by India. Under this convention, children under the age of 14 years are not to be employed on vessels, except those on which only members of the same family are employed. Vessels include all ships and boats of any nature whatsoever engaged in maritime navigation, whether publicly or privately owned, but exclusive of ships of war. The above prohibition is not applicable to work done by children on school ships or training ships provided that such work is approved and supervised by public authority. To facilitate the enforcement of this convention, every ship master is required to keep a register of all persons under the age of 16 years employed on board his vessel 20.

4.2.1.3. Minimum Age (Agriculture) Convention No.10 concerning minimum age in agriculture, which was adopted by the ILO in 1921, provides that children under the age of 14 years may not be employed or work in any public or private agriculture undertaking, or in any branch thereof, save outside the hours fixed for school attendance. If they are employed out-side the hours of school attendance, the employment should not be such as to prejudice their attendance at school. For the purpose of practical vocational instruction, the periods and the hours of school attendance are to be arranged in such a manner as to permit the employment of children in light agricultural work. As in the case of Convention No.5, the provisions of the Convention No.10 are also not applicable to work done by children in technical schools, provided that such work is approved and supervised by the public authority 21. This Convention has not yet been ratified by India, though 90 percent of child workers in India are engaged in agricultural and allied activities 22.

20. Ibid., p. 714
21. Ibid., p. 715

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4.2.1.4. **Minimum Age (Trimmers and stokers) Convention No.15**, concerning the fixation of minimum age for admission of young persons to employment as trimmers and stokers was adopted by the ILO in 1921 and ratified by India in 1922. It provides that young persons under the age of 18 years are not to be employed or to work on vessels as trimmers or stokers. Some of the exceptions to this prohibition include the work done by young persons on school-ships or training ships and employment of young persons on vessels mainly propelled by means other than steam. Where a trimmer or stoker is required in a port where young persons of less than 18 years of age only are available, such persons may be employed, but in that case it would be necessary to engage two young persons in place of the trimmer or stoker required; such young persons should at least be 16 years of age.

4.2.1.5. **Minimum Age (Non-Industrial Employment) Convention No.33**, adopted by ILO in 1932, concerning minimum age of children of non-industrial employment which applies to any employment not dealt with in Conventions Nos. 5, 7 and 10. It also does not apply to employment in sea-fishing and work done in technical and in professional schools, in connection with the education of those persons. The Convention prohibits the employment of children under 14 years or above who are still required by national laws to attend primary schools. The Convention gives the same concession with regard to children over 12 years. They may be employed outside the hours fixed for school attendance in light work which is not harmful to their health or normal development and which is not prejudicial to their attendance at school, subject to certain restrictions. It is not yet ratified by India.

4.2.1.6. **Minimum Age (Sea) Convention (Revised) No. 58** concerning the fixation of the minimum age for the admission of children to employment at sea (revised) was adopted by the ILO in 1936. It provides that children under the age of 15 years are not to be employed or to work on vessels other than those vessels upon which only members of the same family are employed. National laws or regulations can, however, provide for the issue in respect of children of not less than 14 years of age with certificates permitting them to be employed in certain specified cases. The Convention is not also applicable to work done by children on school-ships or training-ships provided that such work is approved and supervised by public authority. This Convention is not yet ratified by India.

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23 ILO Conventions on Child Labour, *op. cit.*, p.716
24 Ibid., p.717
25 Ibid, p.719
4.2.1.7. Minimum Age(Industry) Convention(Revised) No.59 was adopted in 1937, fixing the minimum age for admission of children to industrial employment as 15 years. However, for India, the convention provides that the children under the age of 12 years should not be employed or allowed to work in factories working with power and employing more than 10 persons. Children under the age of 13 years should not be employed or allowed to work in the transport of passengers or goods by rail or in the handling of goods at docks, quays, or wharves. Further, children under the age of 15 years should not be employed or allowed to work in mines, quarries, etc. and in occupations which are covered by the convention and which are scheduled as dangerous or unhealthy by the competent authority. There is also a provision that persons who have attained the age of 12 years but are under the age of 17 should not be permitted to work in factories working with power and employing more than 10 persons, as well as those who have attained the age of 15 but are under the age of 17 should not be permitted to work in mines unless they have been medically certified as fit for such work. This Convention is also not yet ratified by India.

While the provisions of the Factories Act, the Mines Act, the Employment of Children Act, the Motor Transport Workers Act and the Beedi and Cigar workers(Conditions of Employment) Act in India, generally meet the requirements of the Convention, the Mines Act is deficient in one respect namely that it requires a medical certificate for fitness to work as one adult only in respect of employment in work underground and there is no such provision for work above ground. India has not, therefore, been able to ratify this convention. The main difficulty in amending the Mines Act so as to be able to ratify the convention has been the scattered nature of mines, coupled with limited number of certifying surgeons available for paying frequent visits to each and every mine to ensure compliance with the provision for compulsory medical certification of adolescents in regard to work above ground in mines.

4.2.1.8. Minimum Age(Non-IndustrialEmployment) Convention (Revised), No.60 is again a revised convention concerning the age for admission of children to non-industrial employment. It applies to any employment not dealt with in conventions Nos. 10 and 59. This convention has also special provisions for application to India. For instance, children under 13 years of age are

26 Ibid., p.720
27 'Children of Darkness', op.cit., p.127
not to be employed in non-industrial occupations like shops, offices, hotels, restaurants, places of public entertainment or any other non-industrial occupations to which the convention is extended. However, national laws and regulations may permit exceptions in individual cases in the interest of art, science or education. Further, persons under 17 years of age are not to be employed in any non-industrial employment which the competent authority may declare to involve danger to life, health or morals. India did not ratify this convention so far.

4.2.1.9 Minimum Age(under-ground work) Convention No.123 concerning the minimum age for admission to employment(underground) in mines was adopted by the ILO in 1965 and ratified by India in 1975. It provides that the minimum age of young persons for work in underground mines should be fixed in consultation with the employer's and worker's organisations and that such age should not be less than 16 years. Provision also exists in the convention that records should be maintained by employers for all young persons who are less than 2 years older than the specified minimum age and that these records should be made available to inspectors and worker's representatives whenever required.

4.2.1.10 Minimum Age Convention No. 138, concerning minimum age for admission to employment was adopted by the ILO in 1973, but so far, not ratified by India. It calls for the pursuit of a national policy designed to ensure the effective abolition of child labour and for raising progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons. The minimum age provided under the convention is not to be less than the age of completion of compulsory schooling and, in any case, not less than 15 years. Developing countries may, however, initially fix the minimum age at 14 years. In the case of work which is likely to jeopardise the health, safety or morals of young persons, it has been stipulated that the minimum age should not be less than 18 years. The convention is applicable to mining, quarrying, manufacturing units, construction, plantations and other agricultural undertakings producing for commercial purposes, etc. On ratification, the convention will revise the earlier conventions including Nos. 5,10,59,60 and 123.

Besides these conventions the ILO adopted the following Recommendations concerning the minimum age for admission to employment:

28 ILO conventions on Child Labour, op. cit., p.722
29 Ibid., p. 726
30 Ibid., p.730
1. Minimum Age (Non-Industrial Employment) Recommendation (No. 41), 1932
2. Minimum Age (Family undertaking) Recommendation (No. 52), 1937.
3. Minimum Age (Coal Mines) Recommendation (No. 124), 1965
4. Minimum Age Recommendation, (No. 146), 1973

Minimum Age Recommendation (No. 146), 1973, accompanied the Minimum Age Convention (No. 138), 1973. This Recommendation provides that:

1. Measures to ensure the effective application of the Minimum Age Convention, 1973, and of this Recommendation should include (a) the strengthening as necessary of Labour inspection and related services, for instance by the special training of inspectors to detect abuse in the employment or the work of children and young persons and to correct such abuses and (b) the strengthening of services for the improvement and inspection of training in undertakings,

2. Emphasis should be placed on the role which can be played by inspectors in supplying information and advice on effective means of complying with relevant provisions as well as in securing their enforcement,

3. Labour inspection and inspection of training in undertakings should be closely coordinated to, provided, the greatest economic efficiency and generally, the labour administration services should work in close co-operation with the services responsible for the education, training, welfare and guidance of children and young persons.

4. Special attention should be paid, (a) to the enforcement of provisions concerning employment in hazardous types of employment or work; and (b) in so far as education or training is compulsory, to the prevention of the employment or work children and young persons during the hours when instruction is available.

5. For the verification of ages, (a) the public authorities should maintain an effective system of birth registration, which should include the issue of birth certificates; (b) employers should be required to keep and to make available to the competent authority register or other documents indicating the names and ages or dates of birth, duly certified wherever possible, not only of children and of young persons employed by them, but also of those receiving vocational orientation or training in their undertakings; and (c) Children and young persons working in the streets, in outside stalls, in public places, inherent occupations or in other circumstances which make the checking of employer’s records impracticable should be issued licenses or other documents indicating their eligibility for such work

31 Ibid., p. 740
32 Ibid., pp. 736 - 739
4.2.2.1. **Night Work of young persons (Industry) Convention No.6**, concerning the night work of young persons employed in industry was adopted in 1919 and ratified by India in 1921. It applies to industrial undertakings such as those relating to mines, quarries, manufacturing industries, construction and transport. It provides that young persons under 18 years of age are not to be employed during right in any public or private industrial undertaking. In the case of India, the term 'Industrial undertaking' includes only factories as defined in the Indian Factories Act and the age limit is 14 years instead of 18 prescribed in the Convention for others. For the purpose of the convention, the night signifies the period of at least 11 consecutive hours including an interval between 10.00 p.m. and 5.00 a.m.  

4.2.2.2. **Night work of Young Persons (Non-Industrial occupations) Convention No. 79**, concerning the restriction of night work of children and young persons in non-industrial occupations applies to children and young persons employed for wages or working directly or indirectly for gain in non-industrial occupations. The term 'non-industrial occupations' includes all occupations other than those recognised by the competent authority as industrial, agricultural or maritime occupations. In its application to India, the convention prohibits employment during night, in non-industrial occupations of children below the age of 12 years, who are admissible for full-time or part-time employment, those children over 12 years of age who are subject to full-time compulsory school attendance and other children over 12 years of age who are not subject to full-time compulsory school attendance and young persons under 15 years of age. National laws or regulations may empower an appropriate authority to grant individual licenses in order to enable children or young persons under 15 years of age to appear at night as performers in public entertainment, etc. This Convention is not yet ratified by India.

4.2.2.3. **Night Work of Young Persons (Industry) Convention (Revised) No. 90**, concerning the night work of young persons employed in industry, adopted by the ILO in 1948 and ratified by India in 1950, partially revises convention No.6, concerning the Night work of young persons (Industry convention, 1919. The new convention applies to industrial undertakings relating to mines, quarries, etc., manufacturing industries, building construction, repair, etc., and transport

33. Ibid., p.741
34. Ibid.p.745
of passengers of goods by road or rail, etc. The term ‘night’ under the convention signifies a period of at least 12 consecutive hours as against 11 prescribed in convention No. 6. Further, young persons under the 18 years of age are not to be employed or to work during night in any branch thereof. The convention lays down some special provisions for India. For instance, in its application to India, the term ‘industrial undertaking’ includes only factories, mines, railways and ports. Besides, instead of the usual ages of 16 - 18 years prescribed in the convention for prohibition of work during night, the prescribed ages of young persons for India mean those who have attained the age of 13 years but are under 15 years. In other respects also the ages prescribed for India are lower than those for other countries 35.

The Recommendations adopted by ILO concerning the right work of young persons are (I) Night work of young persons (Agriculture) Recommendation (No.14) 1921 and (II) Night work of young persons (non-Industrial occupations) Recommendation (No.80) 1946 36.

4.2.3. I.L.O. CONVENTIONS ON MEDICAL EXAMINATION:

4.2.3.1. Medical Examination of young persons (Sea) Convention No.16, concerning the compulsory medical examination of children and young persons employed at sea was adopted by the ILO in 1921 and ratified by India in 1922. It provides that the employment of any child or young person under 18 years of age on any vessel, other than vessels upon which only members of the same family are employed is to be conditional on production of a medical certificate attesting fitness for such work signed by a doctor approved by the competent authority. The continued employment at sea of any such child or young person is to be subject to the repetition of such medical examination at intervals of not more than one year, and the production, after such examination of a further medical certificate attesting fitness for such work 37.

4.2.3.2. Medical Examination of Young Persons (seafarers) Convention No. 73, concerning the medical examination of seafarers was adopted by the ILO in 1946, but, so far not ratified by India. It applies to every see-going vessel, whether publicly or privately owned, which is engaged in the transport of cargo or passengers for the purpose of trade and is registered in a territory for which this convention is in force. National laws or regulations are to determine when vessels are to

35. Ibid., p.752
36 Ibid., pp 749-751
37 Ibid., p. 753
be regarded as sea-going. This convention does not apply to vessels of less than 200 tons gross register tonnage, wooden vessels of primitive build, fishing vessels, etc. No person to whom the convention applies is to be engaged for employment in a vessel to which the convention applies unless he produces a medical certificate attesting to his fitness for the work for which he is to be employed at sea. The competent authority should, after consultation with the ship-owner's and seafarer's organisations concerned, prescribe the nature of the medical examination to be made and the particulars to be included in the medical certificate 38.

4.2.3.3. Medical Examination of Young Persons (Industry) Convention No.77 concerning medical examination for fitness for employment in industry of children and young persons was adopted by the ILO in 1946, but not yet ratified by India. It provides that children and young persons under 18 years of age (16 years in the case of India) should not be admitted to employment by an 'Industrial Undertaking' unless they have been found fit for the work for which they are to be employed, by a thorough medical examination and the fitness should be subject to medical supervision until he has attained the age of 18 years (in the case of India 16 years); in occupations involving high health risks, medical examination and reexamination for fitness for employment are to be required until at least the age of 21 years (19 years in case of India) 39.

4.2.3.4. Medical Examination of Young Persons (Non-Industrial Occupations) Convention No.78, concerning medical examination of children and young persons for fitness for employment in non-industrial occupations was adopted by the ILO in 1946, but not yet ratified by India. It applies for children and young persons employed for wages or working directly or indirectly for gain in non-industrial occupation; these occupations include all occupations other than those recognised by the competent authority as industrial, agricultural or maritime occupations. Children and young persons under 18 years of age are not to be permitted to employment or to work in non-industrial occupations unless they have been found fit for the work in question by a thorough medical examination. The fitness of a child or a young person for employment is subject to medical supervision until he has attained the age of 18 years. In the case of a member, the territory of which includes larger areas, where by reason of the sparseness of the population or the stage of development of the area, the competent authority considers it impracticable to enforce the provisions of this convention, it may exempt such areas 40.

38 Ibid., p. 754
39 Ibid., p. 755
40 Ibid., p. 759
4.2.3.5. Medical Examination of young persons (underground work) convention No. 124, concerning medical examination of young persons (Underground work in mines) was adopted by the ILO in 1965, but, so far, not ratified by India. It provides for annual medical examination of all young persons below 21 years of age for fitness for employment underground in mines 41.

The Recommendation adopted by ILO concerning the medical examination of children and young persons is Medical Examination of young persons Recommendation, No. 79 1946 42.

A further policy statement was issued by the International Labour conference in 1979, the year designated as the International year of the child, in the form of a resolution concerning the International year of the child and the progressive elimination of child labour and traditional measures. This resolution called on member states to ratify and implement the relevant International Labour Standards and, above all, to take measures to ensure the proper protection of children with regard to work. It also called on the ILO to continue factual surveys of national situations and practices. Recognising that the abolition of child labour in practice will take time, the resolution stresses the need, during the transitional period until its elimination, for measures to regulate and humanise it 43.

This affirmation of the elimination of child labour as an objective coupled with a commitment to action. Pending its attainment, to improve the conditions of working children are the two planks of ILO policy. In the long run, the progressive elimination of child labour requires a general improvement of living standards, as reinforcement of the educational infrastructure and perhaps most basically, a greater consciousness of the need for change. In the short run, the protection of working children requires practical measures that can improve their working and living conditions 44.

This being reality, national policies must be geared to the specific conditions that give rise to child labour and the most effective means of promoting the welfare of children. The ILO's policies and programmers take this diversity into account. They aim at: (I) attacking the basic causes of child labour through employment generating and poverty-eradicating policies; (II) providing vocational education and training opportunities for children and young persons; (III) restricting

41 Ibid., p.761
42 Ibid., p.763
child labour by promoting the ratification and application of International Labour Standards and by encouraging member-states to promote the ILO’s inspection; and (IV) protecting children at work by introducing measures for their immediate protection from adverse working conditions and for the improvement of their working and living conditions 45.

4.2.4. International Programme on the Elimination of Child Labour (IPEC):

IPEC came into being with a view to strengthen ILO’s operational activities in the field. The IPEC program is global in its orientation and activities and provides technical advisory services to all ILO member-states on request. Six countries, Brazil, India, Indonesia, Kenya, Thailand and Turkey, requested ILO’s assistance and were elected as priority countries for action. The program is now being extended to cover other countries also 46.

At the heart of IPEC are its nationally executed action programs which are a demonstration of the hope that child labour can be effectively combated and progressively eliminated. Governments, worker’s and Employer’s Organisations, non-governmental organisations, educators, parents and children are called upon for action against child labour, and in particular, for action against the worst abuses of child labour: hazardous work, forced labour, the employment of working children who are less than 12 or 13 years old, girls and street children. Another major activity is to promote a world wide movement against child labour, to expose the evil where it exists and to mobilize public opinion to press for action against it. In support of this global compaign, the ILO works closely with other United nations agencies to avoid duplication of effort and to maximise the impact of all available resources against the problem. The ILO and the Government of India signed a memorandum of understanding (MOU) of IPEC in 1992 wherein it was reaffirmed that national efforts in the country would be aimed at eventual elimination of child labour and that this objective could be attained only through vigorous action by Government and the active involvement of employer’s worker’s and non-governmental organisations 47.

45 Ibid., p.15
46 'International Programme for Elimination of Child Labour - India; ILO, (1994), 82
47 Ibid., p. 83
4.3. UNICEF APPROACH TOWARDS CHILD LABOUR:

UNICEF which now has 5 decades of experience of trying to improve the conditions of children worldwide, points out certain well defined indices of child exploitation, starting full time work at too early age; too many hours spent on work within or outside the family; so that children are unable to attend the school; work that results in excessive physical, social and psychological strain upon the child; work in mines, sweat shops and in dangerous situations such as fire works clearly cause damage to the health and safety to life; work and life on the streets in unhealthy and dangerous conditions; putting heavy family responsibilities on children such as child minding by ‘older’ siblings, while parents are away at work; work that does not facilitate the social and psychological development of the child including dull respective tasks; inhibition of child’s self-confidence and self-esteem, bonded labour and sexual exploitation are direct examples of this. Apart from the devastation of the health of the child, the separation of the child from the family has a deviating impact, making the working child highly vulnerable. Unicef has evolved certain approaches towards improving the lives of working children throughout the particularly in developing countries where the incidence of child labour is high.

Unicef - India on child labour:

Unicef acknowledges the need to seriously address labour as a key component of the organisation’s policy to advocate for implementation of the Convention on the Rights of the Child and the achievement of goals for improving the development and well being of children. This statement outlines Unicef India’s position on child labour, the objectives of its work on the subject and the strategies adopted to approach these objectives.

Unicef-India is developing a strong stand against child labour with the aim of its abolition within a specified period of time in a phased manner, by 2000 A.D. Basically, Unicef India policy on child labour may be stated as follows:

1. All forms of child labour should be eliminated to comply with agreed child rights.
2. As seen in other countries, the enactment and enforcement of legislation to make primary education compulsory is a pre-requisite for the elimination of child labour.

3. While poverty alleviation is clearly relevant, it is not necessary nor desirable to await economic development as a means of eliminating child labour.

4. The modification and enforcement of existing legislation on child labour is a necessary, supportive measure for the elimination of child labour.

5. In addition to continuing support for government programs on child labour, Unicef will seek to strengthen non-governmental alliances which are proving effective in drawing public attention to the issue and generating social mobilisation for the elimination of child labour.

6. While advocating for an end to child labour, Unicef will focus on programs to rehabilitate children released from labour into the educational system and to improve the livelihoods of their families through support from anti-poverty programmes.

Objectives of Unicef India work on child labour:

In collaboration with government, NGOs, trade unions, legal experts, international agencies and private industry Unicef works to promote the elimination of child labour and for integration of children released from labour into the educational system in line with the requirements of convention on the rights of child. The specific objectives of UNICEF India on Child Labour are as follows:

1. To promote compulsory primary education as the fundamental strategy for elimination and prevention of child labour by enrolling and retaining children in schools;

2. To advocate for revision and enforcement of legislation to prohibit child labour, particularly, in hazardous occupations and industries;

3. To assist central and State governments to develop and implement programs and action plans for the release and rehabilitation of children from labour in various industries and occupations;

4. To promote convergence of all sectoral and development programs on ‘at-risk’ families for prevention of child labour;

5. To strengthen monitoring systems on child labour;

6. To strengthen alliances between NGOs, media, industry and the legal sector for social mobilisation in support of elimination of child labour.

50. “Unicef: Goals to 2000 AD” UNICEF (1990), 2
Mid-Decade Goal:

UNICEF is committed for elimination of child labour in hazardous industries, in prostitution, and elimination of bonded child labour by the end of 1995\(^{51}\). To achieve this strategy is adopted.

The overall strategy of UNICEF is based upon advocacy for government to adopt and pursue firemen policies to eliminate child labour and promote compulsory primary education and for industry itself to respond constructively to pressures to replace child with adult labour. In addition the strategy seeks to develop and strengthen new alliances (NGO’s private industry, external agencies, tradeunions media, academics and advocates) which may bring innovative approaches to bear on the removal of children from work place. It is also recognised that more reliable data are required to assist advocacy and monitoring in the context of child labour\(^{52}\).

State based programmes:

Through Unicef State offices assistance will be provided in key states for the development of intersectoral programs for release and rehabilitation of child labourers. A start has been made in Tamil Nadu where a joint committee convened by the chief magistrate conducted research and developed an integrated strategy for combating child labour in the fireworks and matches industries of Sivakasi. Action has been initiated by the introduction of compulsory primary education in the state but the strategy also involves rural development and income generation schemes targeted to the children’s families. This approach to integrated planning should be replicated in other states, employing Unicef’s presence in the field and comparative advantage in being able to link different sectors in a common objective. Initially, planning may best be targeted to the more visible industries employing children in the State\(^{53}\).

Linkage to consumer movements and child labour free trademark:

Worldwide consciousness regarding child labour is rapidly growing mainly as a result of advocacy by NGOs and consumer groups. NGO networks in various countries are

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51 Ibid., p. 4
52 Ibid., p. 5
53 Unicef India: Policy on Child Labour, op.cit., p. 26
rapidly becoming strong allies of the movement for abolition of child labour. The media have also played and continue to play an important role in creating public awareness of the use of child labour in satisfying consumer demands. Recently some countries have begun to exert pressure on developing countries to refrain from using child labour in export oriented industries by proposing child labour deterrence legislations. Within this scenario, recent efforts stimulated by the Indo-German Export Promotion Project, together with NGOs, to discourage the use of child labour in carpet production in India are rapidly evolving. Crucial to these efforts is the introduction of a trademark for carpets made without child labour through an independent and internationally credible certification system. Carpet exporters committed to the non-employment of children and willing to subject their production units to registration and inspection by the certification company, would qualify for the trademark.

The trademark foundation (Rugmark) would not be concerned only with the abolition of child labour and monitoring of the industry. In addition, it will seek to develop and implement programs for the rehabilitation of child labourers, education and community development. Unicef will assist the design and implementation of these rehabilitation programs arising from the Rugmark initiative.

Advocacy and Public Awareness:

There has been growing press coverage on the plight of child labourer both in India and overseas. Unicef has recently made its position on child labour public and will continue to provide reliable information to the media. A parallel initiative has been established to promote national awareness and action on the Child Rights Convention through information dissemination, NGO activities, state wise schemes and activities to mobilize children. Efforts will also be made to persuade National and State confederation of industry and chambers of commerce to adopt principles related to the abolition of child labour. Unicef has already attached a clause requiring equipment suppliers to certify that the products are not manufactured using child labour when bidding for contracts. This has stimulated other international agencies and major industrial houses to consider similar measures.

55. Ibid., p.95
Monitoring, Research and Documentation:

There is a clear need of more data on number and circumstances of child labourers in different sectors and geographical areas, and on the economic implications of substituting child by adult labour. Sound economic, as well as ethical arguments would considerably strengthen advocacy on the issue. Opportunities for supporting reliable and location-specific research will, therefore, be explored in collaboration with ILO, National Labour Institute and the International Confederation of Free Trade Unions. Monitoring systems for child labour require detailed review and further elaboration. Given the difficulties of acquiring accurate data, proxy indicators, such as number of children out of school, should be considered. Monitoring is presently the responsibility of the child labour cell, housed at the National Labour Institute. Unicef will continue supporting the cell for monitoring and research activities and will explore ways of generally strengthening the monitoring function at national, state and district levels.

4.4 WORLD SUMMIT FOR CHILDREN, 1990:

The children who are the victims of preventable malnutrition, disease, and illiteracy are being most shamefully failed by the present world order. But, in the last five years, that failure has begun to feature on the political agenda in a way that is unprecedented in Unicef’s 50 year history.

The most important signal of that new priority was the convening of the World Summit for children on 29 and 30 September, 1990. Over these two days, the largest ever gathering of heads of state met to consider the possibility of bringing to an end, in our times, the long-running tragedy of the vulnerable children. The Summit, bringing together representatives of 159 governments.

57. Ibid., p. 38
58. ‘Keeping the promise, The State of World’s Children,’ Unicef, (1992), 5
59. Ibid.,
had formally adopted a series of goals for the year 2000\textsuperscript{60}. It was subsequently agreed that a set of intermediate goals should be achieved by the end of 1995\textsuperscript{61}. After widespread consultation among governments and the agencies of the United Nations, these targets were considered to be feasible and financially affordable over the course of the decade ahead\textsuperscript{62}.

The world summit for children called upon all nations to be guided by the principle of “first call for children a principle that the essential needs of all children should be given high priority in the allocation of resources, in bad times as well as in good times, at national and international levels as well as at family levels\textsuperscript{63}.

\begin{itemize}
  \item \textsuperscript{60} “Year 2000 Goals, The State of World’s Children”, Unicef, (1992), 61. The Goals are as follows:
  \begin{enumerate}
    \item A one-third reduction in 1990 under-five death rates (or to 70 per 1,000 live births, which ever is less);
    \item A halving of 1990 maternal mortality rates;
    \item A halving of 1990 rates of malnutrition among the world’s under-fives (to include the elimination of micronutrient deficiencies, support for breast feeding by all maternity units, and a reduction in the incidence of low birth weight to less than 10 per cent);
    \item The achievement of 90 per cent immunization among under-ones, the eradication of polio, the elimination of neonatal tetanus, a 90 per cent reduction in measles cases, and a 95 per cent reduction in measles deaths (compared to pre-immunization levels);
    \item A halving of child deaths caused by diarrhoeal disease;
    \item A one-third reduction in child deaths from acute respiratory infections;
    \item Basic education for all children and completion of primary education by at least 80 per cent to girls as well as boys;
    \item Clean water and safe sanitation for all communities;
    \item Ratification and effective implementation of the Convention on the Rights of the child by all countries;
    \item Universal access to high-quality family planning information and services in order to prevent pregnancies that are too early, too closely spaced, too late, or too many.
  \end{enumerate}
  \item \textsuperscript{61} “Goals for 1995, The State of the World’s Children”, Unicef (1995), 10. The Goals are as follows:
  \begin{enumerate}
    \item Immunization against the 6 major vaccine-preventable diseases of childhood to reach at least 80 per cent in all countries;
    \item Neonatal tetanus to be virtually eliminated;
    \item Measles deaths to be reduced by 95 per cent and measles cases by 90 per cent (compared with pre-immunization levels);
    \item The elimination of polio in selected countries and regions (as a step towards worldwide elimination by the year 2000)
    \item The ending of free or low-cost distribution of breast milk substitutes in all maternity units and hospitals, and achievement of ‘baby-friendly’ status for all major hospitals;
    \item The achievement of 80 per cent ORT use, as a part of the effort to control diarrhoeal disease;
    \item The virtual elimination of vitamin A deficiency;
    \item The universal iodization of salt in countries effected by iodine deficiency disorders;
    \item The virtual elimination of Guinea worm disease;
    \item The Universal ratification of the convention on the Rights of the child.
  \end{enumerate}
  \item \textsuperscript{62} “Year 2000 Goals”, op.cit., p.61.
  \item \textsuperscript{63} “First call for Children, the State of World’s Children”, Unicef, (1992), 15.
The largest global Summit meeting in history pledged to do better by the World's children. Their promises were eloquent, their goals ambitious. But children cannot survive or thrive on promises. The world’s leaders now have an obligation to find the resources and the political will necessary to translate hope into reality 64.

Five years on, how much translation into reality has there been? In sum, the answer is that more than 100 of the developing nations with over 90 percent of the developing world’s children are making significant practical progress towards the goals that were set five years ago, according to the Unicef Report on the state of world’s children 1995 65.

But, still children continue to go hungry, to succumb to preventable disease, to be denied even an elementary education. They continue to be abused in the home, in the workplace and in worse. they continue to be exploited, prostituted, raped and sold in many of the countries where the convention on the Rights of the child has been solemnly signed and which promised to implement the goals adopted by the world summit for children 66.

More fundamental change is necessary if today’s consensus is to be implemented. In particular, the problem of the economic marginalization of the poorest nations, and of the poorest people within nations, must be confronted. No social progress can be sustained, no human development can be anticipated, if social and economic exclusion continues to be the chief characteristic of national and global economic systems 67.

65. Malnutrition has been reduced; immunization levels are generally being maintained or increased; measles deaths are down by 80% compared to pre-immunization levels; large areas of the developing world have become free of polio; iodine deficiency disorders and vitamin A deficiency are being overcome; the use of rehydration therapy is rising (preventing more than a million child deaths a year); guinea worm disease has been reduced by some 90per cent and complete eradication is in sight; thousands of hospitals are actively supporting breast feeding; progress in primary education is being resumed; and the convention on the rights of the child has become the most widely and rapidly ratified convention in history. Such progress means that approximately 2.5 million fewer children will die in their development by malnutrition. And it means that, at least three quarters of million fewer children each year will be disabled, blinded, crippled, or mentally retarded.

For the first time, therefore a series of internationally agreed social development goals is being made good on a significant scale is majority of countries. (For more details, see: “words into deeds”. the State of the world’s Children, Unicef, (1995),35-42.
66. “Promise and progress”, op.cit., p.32.
In many developing countries for example, it is difficult to see how poverty can be overcome without tackling the related issues of discrimination, landlessness and massive unemployment. In Latin America today, fewer than 10 percent of landowners own almost 90 percent of the land. In the Philippines, the proportion of rural workers who are landless has risen from 10 percent in the 1950s to 50 percent in the 1990s. In Bangladesh, the poorest 60 percent of landowners have seen their share of the nation's farm land fall from 25 percent in 1960 to 10 percent in 1980. In Africa, which has a reputation for greater equality, it is increasingly the case that most productive lands are devoted to export agriculture while the lands of the poor majority are of lesser quality, receive less investment, and are rapidly becoming degraded and depleted. The notion that inequality is significantly less in Africa also finds no support whatever from the little information that is available on income distribution: the poorest 20 percent of the population share only 2.44 percent national income in Tanzania, 2.74% in Kenya, and 3.98 percent in Zimbabwe; in all three of these countries, over 60 percent of national income accrues to the richest 20 percent of the people.

Internationally, inequality has now reached monstrous propositions. Overall, the richest fifth of the world now has about 85 percent of the world Gross National Product while the poorest fifth has just 1.4 percent. Gross inequality, and the rapid population growth which it helps to maintain - mean that large number of people are landless, jobless and incomeless. Add to this poor levels of nutrition, health care, and education, and such people are doubly marginalised, doubly debarred from contributing fully to, or benefiting fully from, the processes of economic and social development. These are some of the obstacles, buttressed on all sides by powerful vested interests, that must also be overcome if the new challenges to human security are to be met.

For addressing these issues effectively, jobs can be created, and productivity by policies combining land tenure reform with credit, training, essential infrastructure, and making available of the right technologies to small farmers, and economic policies favoring the use of labour over capital. Government expenditures can be restructured to make major investments in the health, nutrition and education of the poor. And as many studies have demonstrated, a well nourished, healthy, and educated population is the most basic investment that can be made in economic and social development.

68. “Pain now, gain later”, op.cit., p.44.
69. Ibid, p.45.
70. Ibid,
More than 40 years ago, the nations of the world, speaking through the Universal Declaration of Human Rights, asserted that "everyone has right to education". Despite notable efforts by countries around the globe to ensure the right to education for all, the following realities persist:

1. More than 100 million children, including at least 60 million girls, have no access to primary schooling;
2. More than 960 million adults, two-thirds of whom are women, are illiterate and functional illiteracy is a significant problem in all countries, industrialised and developing;
3. More than one-third of the world’s adults have no access to the printed knowledge, new skills and technologies that could improve the quality of their lives and help them shape, and adopt to, social and cultural changes; and
4. More than 100 million children and countless adults fail to complete basic education programmes; millions more satisfy the attendance requirements but do not acquire essential knowledge and skills.71

At the same time, the world faces daunting problems, notably, mounting debt burdens, the threat of economic stagnation and decline, rapid population growth, widening economic disparities among and within nations, war, occupation, civil strife, violent crime, the preventable deaths of millions of children and widespread environmental degradation. These problems constrain efforts to meet basic learning needs, while the lack of basic education among a significant proportion of the population prevents societies from addressing such problems with strength and purpose.72

Therefore, the participants, including 155 governments and 150 NGOs and 20 international bodies, of the world conference on Education for All Convened jointly by Unicef, United Nations Development Program, UNESCO at Jomtien, Thailand, 5-9 March 1990, adopted the world Declaration on Education for All, by

1. recalling that education is a fundamental right for all people, women and men, of all ages, throughout the world;

understanding that education can help ensure a safer, healthier, more prosperous and environmentally sound world, while simultaneously contributing to social, economic and cultural progress, tolerance, and international cooperation;

3. knowing that education is indispensable key to, though not a sufficient condition for personal and social improvement;

4. recognising that traditional knowledge and indigenous cultural heritage have a value and validity in their own right and a capacity to both define and promote development;

5. acknowledging that overall, the current provision of education is seriously deficient and that it must be made more relevant and qualitatively improved, and made Universally available;

6. recognising that sound basic education is fundamental to the strengthening of higher levels of education and of scientific and technological literacy and capacity and thus to self-reliant development; and

7. recognising the necessity to give to present and coming generations an expanded vision of and a renewed commitment to basic education to address the scale and complexity of the challenge.

One of the main goals of the Declaration is Universal access to and completion of primary education by the year 2000.

The Declaration under Article, provides that, every person, child, youth and adult shall be able to benefit from educational opportunities designed to meet their basic learning needs. These needs comprise both essential learning tools (such as literacy, oral expression, numeracy and problem solving) and the basic learning content (such as knowledge, skills, values, and attitudes) required by human beings to be able to survive, to develop their full capacities, to live and work in dignity, to participate fully in development, to improve the quality of their lives, to make informed decisions and to continue learning. The scope of basic learning needs and how they should be met varies with individual countries and cultures, and inevitably, changes with the passage of time.

73. Ibid, p.3.
74. “Frame work for Action to meet basic learning needs”, WORLD DECLARATION ON EDUCATION FOR ALL, (1990), 3.
75. “World Declaration on Education for All”, op.cit., p.3.
Article 3 provides that, basic education should be provided to all children, youth and adults. To this end, basic education services of quality should be expanded and consistent measures must be taken to reduce disparities. An active commitment must be made to remove educational disparities. Undeserved groups: the poor, street and working children; rural and remote population; nomads and migrant workers; indigenous people; ethnic, racial and linguistic minorities; refugees; those displaced by war; and people under occupation should not suffer any discrimination in access to learning opportunities76.

Article 5 of the Declaration provides for broadening the means and scope of basic education. The main delivery system for the basic education of children outside the family is primary schooling. Primary education must be universal, ensure that the basic learning needs of all children are satisfied and take into account the culture, needs and opportunities of the community. Supplementary alternative programmes can help meet the basic learning needs of children with limited or no access to formal schooling, provided that they share the same standards of learning applied to schools, and are adequately supported77.

Article 10 provides that meeting basic learning needs constitutes a common and universal human responsibility. It requires international solidarity and equitable and fair economic relations in order to redress existing economic disparities. All nations have valuable knowledge and experiences to share for designing effective educational policies and programmes78.

Substantial long-term increases in resources for basic education will be needed. The world community, including intergovernmental agencies and institutions, has an urgent responsibility to alleviate the constraints that prevent some countries from achieving the goal of education for all. It will mean the adoption of measures that argument the national budgets of the poorest countries or serve to relieve heavy debt burdens. Creditors and debtors must seek innovative and equitable formula to resolve these burdens, since the capacity of many developing countries to respond effectively to education and other basic needs will be greatly helped by finding solutions to the debt problem79.

76. Ibid., p. 4 -5.
77. Ibid, p. 5 -6.
78. Ibid, p. 8.
79. Ibid., p.9.
Basic learning needs of adults and children must be addressed wherever they exist. Least developed and low-income countries have special needs which require priority in international support for basic education in the 1990s. All nations must also work together to resolve conflicts and strife, to end military occupations, and to settle displaced populations, or to facilitate their return to their countries of origin, and ensure that their basic learning needs are met. Only a stable and peaceful environment can create the conditions in which every human being, child and adult alike, may benefit from the goals of this Declaration.

4.6. United Nations World Summit for Social Development, 1995:

The persistence of large scale poverty, unemployment, and social exclusion, despite rapid strides in economic progress are a reflection of social and moral crisis that afflict the world community today. The UN world summit for social Development held at Copenhagen in March 1995, has addressed these problems at length and has evolved a Declaration and Programme of Action to effectively address these major social concerns.

The Summit witnessed in countries throughout the world the expansion of prosperity for some, unfortunately accompanied by an expansion of unspeakable poverty for others. Further, within many societies, both in developed and developing countries, the gap between rich and poor has increased. This glaring contradiction is unacceptable and needs to be corrected through urgent actions.

The Summit recognised that more than one billion in the world live in abject poverty, particularly, women and children are vulnerable to stress and deprivation. Poverty, unemployment and social disintegration too often result in isolation, marginalization and violence.

80. Ibid.,
83. Ibid., p.5.
All the Heads of State and Government participated in summit are committed to a politi­
cal, economical, ethical and spiritual vision for social development based on human dignity, human
rights, equality, respect, peace, democracy, mutual responsibility and cooperation and full respect
for the various religious and ethical values and cultural backgrounds of people. Accordingly, we will
give the highest priority in national, regional and international policies and actions to the promotion
of social progress, justice and the betterment of the human conditions, based on full participation by
all84. To this end the Summit aimed interalia at:

1. Placing people at the centre of development and direct the economies to meet human needs
   more effectively;
2. Promoting the equitable distribution of income and greater access to resources through
   equity and equality of opportunity for all;
3. Recognising the family as the basic unit of society and acknowledge that it plays a key role
   in social development and as such should be strengthened, with attention to the rights, capa-
   bilities and responsibilities of its members. In different cultural, political and social systems
   various forms of family exist. It is entitled to receive comprehensive protection and support;
4. Ensuring that disadvantaged and vulnerable persons and groups are included in social devel-
   opment, and that society acknowledges and responds to the consequences of disability by
   securing the legal rights of the individual and by making the physical and social environment
   accessible;
5. Promoting equality and equity between women and men; protecting the rights of children
   and youth; and promoting the strengthening of social integration and civil society85.

The Summit acknowledged that it is the primary responsibility of states to attain these
goals. These goals cannot be achieved by states alone. The international community, the United
Nations the multilateral financial institutions, all regional organisations and local authorities and all
members of civil society need to positively contribute their own share of efforts and resources in
order to reduce inequalities among people and narrow the gap between developed and developing
countries in a global effort to reduce social tensions, and to create greater social and economic
stability and security86.

84. Ibid., p.7.
85. Ibid., p. 8 - 9.
86. Ibid., p.10.
The Summit particularly committed to promoting and attaining the goals of Universal and equitable access to quality education, the highest attainable standard physical and mental health and the access of all to primary health care, making particular efforts to rectify inequalities relating to social conditions and without distinction as to race, national origin, gender, age or disability. The purpose of these activities is to eradicate poverty, promote full and productive employment and foster social integration.

Sustainable human development is development that not only generates economic growth but distributes its benefits equitably; that regenerates the environment rather than destroying it; that empowers people rather than marginalising them. It gives priority to the poor, enlarging their choices and opportunities, and provides for their participation in decisions affecting them. It is development that is pro-poor, pro-nature, pro-jobs, pro-democracy, pro-women and pro-children.

To meet this development, government expenditures can be restructured to make major investments in the health, nutrition and education of the poor. And as many studies have demonstrated, a well nourished, healthy and educated population is the most basic investment that can be made in economic and social development.

The Action programme of the social summit outlines policies, actions and measures to implement the principles and fulfil the commitments enunciated in the Declaration adopted by the UN world summit for social Development. Our success will be based on the results that we achieve.

4.7. SUMMARY:

The problem of child labour was in existence in different parts of the world. Attempts were made by the International community from time to time to eradicate child labour. The conceptualisation of global children’s rights at the international level dates back to the “Geneva Declaration” of 1924, which was adopted by the then league of Nations. In 1948, the United

87. Ibid., p.22.
Nations General Assembly approved a Universal Declaration of Human Rights within which the rights of children were implicitly included. It was expanded in succeeding years into the basis for what was to become the Declaration on the Rights of the child adopted by the General Assembly of the United Nations in 1959. This Declaration mentions that a child shall not be employed before an appropriate age; that a child shall not be permitted or engaged in any occupation or employment which would prejudice his education or interference with his physical, mental or moral development. Article 24 of the International convention on civil and political rights and article 10 of the International covenant on Economic, social, and cultural Rights deal particularly with the rights of children. United Nations declared 1979 as the International year of the children. At this juncture, certain number of protective safeguards are adopted relating to the employment of children.

On November 20, 1989, the UN General Assembly adopted, without a vote, the convention on the Rights of the child. It is a unique human rights treaty in that, it not only protects the child's civil and political rights but also extends protection to the child's economic, social and cultural rights and humanitarian rights. In less than five years, the vast majority of the world's nations, altogether, have ratified the convention on the rights of the child. India ratified it with some reservations in December 1992. Ratification itself is not sufficient for its effective implementation. As the Indian supreme court rightly observed in jolly George Varghese and another v Bank of Cochin, “Until the municipal law is changed to accommodate the covenant what binds the court is the former but not the latter”. Therefore, it is submitted that the parliament has to make a specific legislation to give effect to the provisions of the Convention on the Rights of the Child.

Child labour has been an area of special concern for the International Labour Organisation (ILO) since its inception in 1919. One of the principal ways by which the ILO has expressed this concern has been through the adoption of Conventions and Recommendations dealing with the employment of children and young persons. So far, the ILO has adopted 18 conventions and 9 Recommendations concerning the minimum age of employment, night work and medical examination of working young persons. Out of these, India, so far, ratified only 6 conventions. It is submitted that India has to immediately ratify all the ILO conventions and implement them effectively to eradicate child labour and to protect working young persons.

The ILO has also addressed the problem of child labour through programmes and projects at the national and local community levels. In 1990, the German Government offered to support the ILO in mounting a major global offensive against child labour. The International Programme on the Elimination of child labour (IPEC) came into being with a view to giving further impetus to ILO's
operational activities in the field. The IPEC programme is global in its orientation and activities, and provides technical advisory services to all ILO member-states on request. Six countries - Brazil, India, Indonesia, Kenya, Thailand and Turkey requested ILO's assistance and were in the operation of the IPEC programme. The programme is now being extended to cover other countries also.

UNICEF has five decades of experience of trying to improve the conditions of children worldwide, has evolved certain approaches towards improving the lives of working children, particularly in developing countries where the incidence of child labour is more. In collaboration with governments, NGOs, trade unions, legal experts, international agencies and private industry, the UNICEF aims at the elimination of child labour and integration of children released from labour into the educational system in line with the requirements of the convention on the rights of the child. The important goal of the UNICEF is to promote compulsory primary education as a fundamental strategy for elimination and prevention of child labour by enrolling and retaining children in schools. The UNICEF assists the central and state governments to develop and implement programmes and action plans for the release and rehabilitation of children from labour in various industries and occupations.

The World Declaration on Education for All which was adopted by the UN world conference held at Jomtien, Thailand, in March 1990, discussed major aspects of education for all and adopted some principal goals, inter alia, Universal access to, and completion of, primary education by the year 2000.

The World Summit for Children which had been held at New York, on 29th and 30th, September, 1990, brought together representation of 157 governments had adopted a series of goals for the year 2000. It was subsequently agreed that a set of intermediate goals should be achieved by the end of 1995. Too often, the commitments made on such occasions are forgotten, their resolutions calling ever more feebly from within the locked rooms of the past, their promises echoing ever more emptily down the years. But the five years since the World summit for children have been years of practical progress and measurable achievement. More than 100 of developing nations, with over 90 percent of the developing world's children, are making significant practical progress towards the goals that were set five years ago.

But, still children continue to go hungry, to succumb to preventable disease, to be denied even an elementary education. They continue to be abused in the home, in the workplace, in wars. They continue to be exploited, prostituted, raped and sold, in many of the countries, where
the convention on the rights of the child has been solemnly signed and which promised to implement the goals of the world summit for children.

The persistence of large scale poverty, unemployment, and social exclusion, despite rapid strides in economic progress, are a reflection of social and moral crisis that afflict the world community today. The United Nations World Summit for Social Development in March 1995 held at Copenhagen, has addressed these problems at length and has evolved a 'Declaration and Programme of Action' to effectively address these major social concerns. Sustainable human development is development that not only economic growth but distributes its benefits equitably; that re-generates the environment rather than destroying it; that empowers people rather than marginalizing them. It gives priority to the poor, enlarging their choices and opportunities and provides for their participation in decisions affecting them. It is development that is pro-poor, pro-nature, pro-jobs, pro-democracy, pro-human and pro-children.