CHAPTER VII

CHILD LABOUR AS GLOBAL ISSUE

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CHILD LABOUR A GLOBAL ISSUE

THE GLOBAL VIEW TODAY

At a UN seminar on child labour in 1985, while urging that the exploitation of child labour is an “intolerable evil” and must be eliminated at the earliest, the conclusion was that the total elimination of child labour was a long-term objective which would take many years to achieve. Nigel Cantwell, summing up the proceedings of the seminar (largely attended by government delegates) felt that even the ILO, which is generally seen as spearheading the thrust to eliminate child exploitation has:

In fact so far earmarked a minimal percentage of its resources to cope up with what this seminar qualified as ‘an intolerable evils’. With the possible exception of the World Health Organization, the other inter-governmental agencies have virtually not lifted a finger.

In other words, the international perspective on child labour seems to have changed. Most delegates from Western countries, said that child labour was not a major problem in their country when it existed, it was mainly among the marginalized groups, such as immigrants and ethnic minorities.
Interestingly, official delegates from the developing countries admitted that the child labour existed in their countries. Although there were laws, regulating this, legislation had been counterproductive and had not solved the problem. Most of them favoured the regulation of child labour rather than banning it.

The International Labour Organization, which as early as 1919 had advocated a minimum age for child work particularly in factories, has not come to the conclusion that child labour cannot be banned as it is a result of poverty. Most recent ILO publications on the then advocate regularizing child labour as an interim measure before it can be abolished.

It is disturbing to note that international agencies like the ILO can suggest that child labour be regularized rather than banned even if this is to be only an interim arrangement. It must not be lost sight of that child labour is not only detrimental to the overall development of the child, but has grave consequences for society as a whole both for adults who are deprived for a job and for children who, instead of going to school to upgrade their skills, are put to work at a very young age. Interestingly, this change of attitude comes at a time when child labour is no longer a problem in developed societies. Wherever child labour exists
in the economically developed nations, it affects only the marginalized, mainly migrants, who do not count for much.

**GLOBAL MARCH AGAINST CHILD LABOUR**

The battle against the enslavement and abuse of children is acquiring an international dimension. As part of the efforts to unite child workers the world over to protect them against exploitation three groups of children and activists who work to end child labour and child abuse have set out from Manila in the Philippines, Sao Pavlo in Brazil and the Cape of Good Hope in South Africa on a Global March to Geneva.

The Global March aimed to-

1. Create an awareness among the people about child labour and its causes,
2. Identify effective measure to eradicate the causes responsible,
3. To urge nation-states to ratify, enforce and monitor in the compliance with the international conventions on abolishing child labour,
4. Introduce, strengthen and implement with a strict timeframe national laws and programmes consistent with international obligations,
(5) Increase national and international funding for primary education,
(6) Promote effective strategies to send all working children to school,
(7) Produce goods without the use of child workers,
(8) Replace child workers with adults, and
(9) Broaden efforts to combat poverty and exploitation.

The South Asian Coalition Against Child Servitude (SACACS) in New Delhi was the international secretariat of the Global March. An international steering committee with regional representatives worked on the route, while the regional, national and local coordination committees worked out other details of the march. While the care fund came from some international organizations, considerable financial help came from local organizations and individuals.

The main demands of the Global March included the elimination of child labour, evolving a uniform definition of childhood as to age upto 18 years, free and compulsory education for all children up to age of 14, and the allocation of enough funds for primary education.

The Global March was the largest social movement in support of the working children of the world.
A) **ILO PERSPECTIVE**

The protection of children at work is one of the basic principles of the International Labour Organization (ILO) from its very beginning. The ILO called in the preamble to its constitution for the protection of children. ILO’s action against child labour has developed in scope and intensity since 1990, but the concern for child workers dates back to the earliest days of the organization’s founding.

The belief that childhood should be devoted to education and training, not to work, is already reflected in Convention No. 5 (1919), that prohibits the work of children under the age of 14 in industrial establishments. One of the principal ways in which the ILO has tried to combat child labour is through the adoption and application of International Labour Standards. At its first session in 1919, the International Labour Conference adopted the first of 11 conventions on minimum age for employment, and it has also adopted a number of other measures regulating the conditions of work of children. These conventions and accompanying recommendations have formed the basis for much of the legislation on child labour adopted by most of the member states of the ILO.
Convention No. 138, the minimum age convention, applies to all sectors of employment and commits members, upon ratification, to pursue a national policy designed to ensure the elimination of child labour. "One of the features of such a national policy is the setting of a minimum age that is not less than the age of completion of compulsory schooling, and in any case, not less than 15 years." In developing countries, this level is set at 14 years and an age of 18 years is stipulated for "light work".

The problem of child labour, ILO concludes, is so deeply rooted and diverse in its causes and manifestations that only "an active and concerted participation of all groups in the society" can hope to achieve progress. Respect for international labour standards needs reinforcing. National Policies need to spur immediate measures to eliminate the most dangerous forms of abuse. In the longer term government actions need to be geared up towards improved legislation and effective enforcement and to address the underlying causes of child labour.

ILO CONVENTIONS

The 58th International Labour Conference held at Geneva recommended that the minimum age at which young people should be allowed to work in industry, transport or commercial agriculture, should be 15 years, but it permitted
the lowering of the limit to 14 years in some of the developing countries which could not immediately comply with the overall minimum. In the case of work which might jeopardize the health, safety or morals of the young, it specified, the minimum age should be 18 years.

The ILO also urged that as soon as possible, the minimum age for employment should be raised to 16 years and that in any case, it should not be lower than the minimum age for compulsory education. Child labour and compulsory education are thus interrelated problems. As long as child labour survives in any country, young people are being deprived of proper education. In countries where the school leaving age is low, child labour is facilitated.

The ILO since its inception in 1919, adopted the following conventions and recommendations relating to children and young person.

**CONVENTIONS**

(a) Minimum age (industry) Convention, 1919

(b) Night work of young persons (Industry) Convention, 1919.

(c) Minimum age (Agriculture) convention, 1921.

(d) Minimum age (Trimmers and Stockers) Convention, 1921.
(e) Medical Examination of Young Persons (Sea) Convention, 1932.

(f) Minimum age (new Industrial Employment) Convention, 1932.

(g) Minimum age (Sea) Convention, 1932.

(h) Minimum age (industry) Convention (Revised), 1937.

(i) Minimum age (Non-industrial) (Revised), 1937

(j) Medical Examination of Young Persons (Industry) Convention, 1946.

(k) Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946.


(m) Night Work of Young Persons (Industry), Convention (Revised), 1948.

RECOMMENDATIONS

(a) Night Work of Children and Young Persons (Agriculture) Recommendations, 1921.

(b) Minimum age (Non-Industrial Employment) Recommendations, 1932.

(c) Minimum age (Family Undertakings) Recommendation, 1937.
(d) Medical Examination of Young Persons
Recommendations, 1946.

In India, the first factories act was passed in 1881, which defined a child as “any person below 12 and prohibited the employment of children below 7”. The hours of work of children between the age of 7 to 12 were fixed at 10 hours per day. Provision was also made for rest, intervals and holidays. The Act of 1891 raised the minimus age of employment of children, and restricted the hours of work of children between 9 to 14 to a maximum of 7 hours a day. The minimum age of employment was raised to 12 in 1922.

Article 24 of the constitution lays down that “no child below that age of 14 shall be employed to work in any factory or mine or engaged in any other hazardous employment.

Accordingly, there are several acts to the effects as follows:

Indian Merchant Shipping Act XXI of 1923; the Children Pledging of Labour Act II of 1933; The Employment of Children Act XXVI of 1938; the Indian Factories Act LXIII of 1948; the Plantation Labour Act LXIX of 1951; the Mines Act XXXV of 1952.
In the resolution concerning the progressive elimination of child labour and transitional measures adopted at the international Labour Conference in June 1979 at Geneva, all the member states of ILO, of which India is one, were called upon to introduce, pending the elimination of child labour, adequate educational, health care and other welfare measures for these unfortunate children.

The needs of the child workers cannot be different from the needs of children in general. Regarding the child, who because of his needs for himself we have an accepted guide in the ‘Declaration of the Rights of the Child’ unanimously adopted by the General Assembly of the UN on 20 November, 1959.

B) NGOs AND CHILD LABOUR

One of the most interesting promising development in the field of child labour is the growth of grass root initiatives by Non Governmental Organizations (NGOs). They provide insight into the obstacles encountered and the type of support needed, particularly from the government, to stimulate and promote widespread initiative for the protection of working children.

Next to the national and international bodies, NGOs are in a strategic position to address the issue of child
labour. Advocacy and campaign are the main tools of the NGOs. All other programmes of education, health and vocational training follow suit the campaign, and advocacy programmes. In their own level, they have been able to at least sensitize the masses, which no government body has ever done.

Major activities being undertaken by the NGOs with regard to child labour are as follows:

- Keeping vigil ever the enforcement machinery at all levels in order to ensure that the child labour laws are applied in their true spirit.

- Conducting surveys to identify child labourers and their working conditions, and to evolve suitable and innovative programmes for health, nutrition, education, recreation etc., geared towards the overall development and growth of working children.

- Building pressure through the press and media regarding the employment of children in hazardous occupation for their removal.

- Participation in Government programmes meant for child labour a relief and rehabilitation.

Above all, the NGOs have a crucial role to play in calling public attention to the tragic practice of child labour.
They can actively call press for proper implementation of labour laws regarding child workers and monitor governmental programmes to ensure that they serve the children concerned (Grassroots Action, 1999).

**NGOs ROLE**

Since all measures adopted by the government to eradicate or mitigate the problems of child labour have failed on many fronts due to public non-participation, the role of non-governmental organizations is expected to be of immense help. The effectiveness of the NGOs is attributed to two major factors: firstly, since its workers do not belong to the Government, Department they are relatively more acceptable to the people due to their aversion towards Government Officials in some areas. Secondly, since the workers of the NGOs operate at the grassroot level, they constitute the strongest source of motivating the people by their personal interaction and involvement with the problems that the people face in their day-to-day routine activities. However, it is suggested by some experts that the NGOs can adopt either of the three approaches given below or a combination of them to solve the problems of the mass in general and the problem of child labour in particular:

(a) Moralist approach;
(b) Legalist approach; and

(c) Paternalistic approach.

The NGOs adopting a moralist path can strive for bringing about a new consciousness among the people through mass education and demonstration of the problems involved in child labour and to familiarize the people with the constitutional provisions and legislative enactments made to effectively safeguard the interest of the children as a community. The legalist approach refers to timely and suitable legal counseling to the child labourers, their parents or well wishers to prevent the incidence of child abuse or to ensure the child labourers to get their due as per policy guideline by the government. The paternalistic approach is more protective in the sense that the NGOs can rehabilitate the child labourers and take the responsibility of their education and employment in due course. Whether it is one of these approaches or a judicious combination of all of them that the NGOs adopt, they are believed to be better motivators than the Government Machinery with respect to any problem area including child labour and child abuse. Therefore, the role of NGOs in this respect is most significant and we have every reason to trust their success in this endeavor.

This is effectively what happened in the Philippines, where activism by NGOs and church or community groups
provoked and enthusiastic response for the Government. This kind of mobilization is paying dividends all over the world: from the South Asian coalition that raids work sites and frees child labourers, to the Keynes employers association that has launched a plan of action against child labour to Sri Lanka’s multimedia campaign against the exploitation of child workers to the West African children who recently held their second campaigning conference in Mali.

C) TRADE UNION AND CHILD LABOUR

Trade Unions have a very important role to play in the elimination of child labour. The presence of child labour has a grave negative impact on trade unions and adult workers. Child labour affects trade unions and workers in at least two major ways.

Firstly, it reduces the bargaining power of organized workers and thereby weakens trade unions and secondly, the presence of children tends to decrease the wages of adult workers working in that particular sector.

According to Mahavir Jain (1998), trade Unions can play the following role in regard to elimination of child labour.

- Sensitizing and making the people aware of the exploitation of child labour,
• It can pressure the system to take up more interventions in terms of campaign and programmes,

• It can play a significant role in sensitizing employers of child labour

• Trade union can also play the role of a watch – dog for special schools, and interventions of NGOs can also be monitored by trade union leaders,

• It can enforce free and compulsory education of children upto 14 years of age through mass campaign.

D) GLOBAL RECOGNITION UNICEF RECEIVES

1965 Novel Prize for Peace

1985 (First) Maurice Pate Award conferred on National Institute of Public Co-operation and Child Development (NIPCCD)

1989 UNICEF Honoured with the Indira Gandhi Prize for Peace, Disarmament and Development

1993 Innocent Award to India in reorganization for achievement in converging basic service at community level to benefit children to ICDS.
The country moves ahead towards the twenty first century with a set agenda for the protection and promotion of children's rights and the development of children.

UNICEF was founded in 1946 to provide emergency, relief to children of post-war Europe. UNICEF's association in the country dates back to 1949. Beginning with supply of skimmed milk powder and medicines, UNICEF's mandate has broadened in focus to emphasize on the programme of long range benefits to children. The Government of India and UNICEF cooperation is governed by the Master Plan of Operation (MPO) agreed to be between the Government of India and UNICEF. The first basic agreement was signed on May 10, 1949. Today, UNICEF has its largest programming in India reflecting both the size of the child population and the needs. India has been contributing towards UNICEF's general resources which has progressively increased over the years.

UNICEF assistance is available for number of programmes like Integrated Child Development Services, Urban Basic Services, Women's Development and the programmes in the sectors of health, nutrition, education, water supply, sanitation, etc. which have a focus on children. The period 1996-97 has been declared as the bridging period before the next MPO cycle. The plan of UNICEF operations for the
bridging period attempted to usher in greater coordination between various departments in the social sector and infrastructure development comprising health, education, women and child development, rural development and urban development, with this adjustments of the bridging period plan, the UNICEF master plan for five years will synchronize with the next five year plan.

India is presently a member of UNICEF Executive Board. India has twice been elected to chair the board.

During the past five decades, India-UNICEF partnership has witnessed the unfolding of peaceful child revolution. The conditions of children have undergone a major transformation and we hope to move together towards the twenty first century with higher aspirations and ambitions with a sharper focus on child protection issue. Together we hope to hope to build an environment of trust and cooperation to give every child the best they deserve.

POLICY

1974 National Policy on Children
1983 National Health Policy
1986 National Policy on Education
1987 National Plan on Child Labour
1992 National Plan of Action for Children
1992 National Plan of Action for the Girl Child
1993 National Nutrition Policy
1995 National Plan for Action of Nutrition