

# Human Rights and Child Labour: A Critical Appraisal

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**Abstract – The human rights are essential for the growth and the development of every human being including the children. At present, the violations of children’s rights become the serious issue. Many children are working in the worst forms of labour like bondage, semi-slavery, prostitution and so on. They are depriving their basic rights such as right to education, right to development, right to survive and even right to childhood. Consequently, they are becoming victim of maltreatment, child marriage, kidnapping and abduction, immoral trafficking and child rape or sexual abused etc. The paper is trying to analyses the various aspects of child labour. Further, the study finds out the roots causes of the problems.**

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The concept of human rights and child labour are very wide and dynamic one. It is generally accepted that human rights are essential for leading good, normal and dignified life as human being including children. These are natural privileges of all individual from human family and each person is qualified for appreciate and ensured. In any case, the way toward changing constrained concern in regards to child labour into a wide social accord was moderate one, including much open discussion amid which the impression of youngster continuously moved from one of crucial worker to that of powerless individual, to be adored and ensured (Nanjunda, 2009)

The child labour is one of the most exceedingly terrible types of infringement of child rights, specifically and human rights, by and large. The issue of child labour is overall marvel, which exists over the world. The International Labour Organization (ILO) has assessed that 250 million child’s between the age of five and fourteen are working in creating nations, somewhere around 120 million on a full time premise, half of them is working in dangerous conditions (O’Byrne, 2005) A large portion of the working youngsters in country territories found in agribusiness, some work as residential laborers, in urban zones, they work in exchange and administration, with less in assembling and building locales. The human rights try to shield youngsters from social, monetary misuse and in addition request prohibition on the work of child’s underneath the specific age. In this way, the preface to the Universal Declaration of Human rights was received by UNO on tenth December 1948, which perceives the respect, equivalent and basic privileges of all individuals from the human family. It additionally underscored that privilege of each

individual to be free from cruel and debasing treatment, subjugation, slave exchange and so forth (Ashraf, 2010).

## CONCEPT AND MEANING OF CHILD LABOUR

The term of child labour is not as simple and straight forward as it appears. It may be defined, as the labour of children, employed child or working child. So, the word child labour has been differentially defined by various scholars. V. V. Giri, former President of India, interpreted the concept in two different ways. First, labour is as an ‘economic practice’ and second, labour is as a ‘social evil’. In the first context, it signifies employment of children to gain full occupation with a view to add income of the family. In the second context, labour is now, more generally used. In assessing nature and extent of the social evil, it is necessary to take into account the characters of the job on which children are engaged. The dangerous involved in the work to which they are exposed and the opportunities of development which they denied. However, United Nation International Children’s Emergency Fund (UNICEF) distinguished between work, which is beneficial and work that is, intolerable and to recognize that much chunked work falls into gray area between these two extremes. In this manner, the child work is exploitative in following ways:

- (a) Full time work at an early age;
- (b) Too numerous hours spent on working;

- (c) Work that applies under physical, social or mental pressure;
- (d) Work and life in the city in awful conditions;
- (e) Inadequate pays;
- (f) Too much duty;
- (g) Work that hamper access to training;
- (h) Work that undermine youngsters' poise and confidence, for example, subjugation or bound work and sexual misuse;
- (i) Work that is adverse to full social and mental improvement;

In this way, the child labour is infers something other than what's expected in which youngsters are being misused or exhausted or denied of their rights to wellbeing, training or just to youth. It hinders their wellbeing, their generally speaking physical, mental and social development.[4] As it were, the child labour is finished by any working child, who is under age determined by law. The work implies full time business work to continue self or add to the family pay. The child labour is 'peril' to child's psychological, physical, social, instructive, passionate and otherworldly growth. Comprehensively any tyke who is utilized in exercises to nourish self and family is being oppressed to child labour. In deep, a key problem with idea of children's rights lies in the definition of childhood, which of course differs across time and space.

### **VARIOUS CONVENTIONS AND CHARTER RELATED WITH CHILD LABOUR**

The conventions and charters are most important because these are legally binding and implements the standards outlined in the earlier Declaration in international laws. In 1919 International Labour Organization (ILO) gave an effective guideline to improve working condition of children across the globe and ordered to ban on hiring children before the age of fourteen. The ILO convention number 138 made obligatory provision for all countries to set a minimum age for finishing compulsory schooling i.e. not below the age of fifteen. The developing countries are permitted to set the base age fourteen years as per their financial conditions. The Indian Mines Act recommended age limit fifteen years where as it is twelve years in Plantation Labor Act. The Article 24 of the Indian constitution states "no child beneath the age of fourteen years ought to be utilized to work in any plant or mines or occupied with some other dangerous employment.[5]

The Convention of the Rights of the Child (CRC) drafted by the UN Commission on Human rights adopted by the General Assembly of the United

Nation on 20<sup>th</sup> November 1989, which set international standards and measures meant for protecting and promoting the well being of children in society. By the end of 1995, almost all countries of the world would have ratified the convention (Das and Mohanty, 2007) The CRC divided into three parts, which contains fifty four articles. Many of these articles merely uphold human rights and liberty, which applicable to all humans according to the Universal Declaration of the Human Rights, such as the right to life under article six, the right to freedom covered under article fourteen, article fifteen deal with the right to association etc. These articles are designed to clarify the obvious but often contested point that children are human.

Other articles uphold more child specific rights, but have wider implication and interpretation. The article seven talks of child's right to be registered after birth, to give a name and to know and be cared for her or his parents (human rights to nationality), article eleven bars illicit transfer and non-return of children abroad and article nineteen specifies the role of state in preventing physical or mental violence, injury, abuse, neglect or negligent treatment, maltreatment or exploitation toward the child, is clearly a focused on the application of human right conventions outlawing torture or cruel and degrading treatment (Byrne).

These conventions reaffirm commitment to promote social progress that will ensure better quality of life and greater freedom for people in general and children in particular. Therefore, children are human and respected to human right standards. They are given same and equal basic rights as adults.

However, they are vulnerable in both developing and developed countries who cope, daily with street violence, pressure to use drugs, sexual exploitation and abuses. They work long hours at job that are often damaging to their health, without the opportunity for rest and recreation. Indeed, the various convention which make specific reference to children and childhood do not always do so, from the Geneva Declaration on the Rights of Child 1959, to the Convention on the Rights of the Child 1989.

### **STAKEHOLDERS IN CHILD LABOUR**

The child labour is sustained by triangular foundation framed by three corner players: first is the parent, second is bosses and the last worry with state. It is commonly perceived that the initial two are the prompt violators and consider the state in charge of neglecting to ensure youngsters' rights by enabling the businesses and guardians to abuse kid work. The businesses use child labour since it is most gainful and children are accommodating and simpler to oversee. They are prepared to work for lower compensation and in unwanted work

conditions, unequipped for aggregate haggling. The child labour is requesting in different businesses, for example, cover weaving, silk generation, engineered gemstone assembling and jasmine picking and so forth. The Labour Commission of India in its report highlighted that children are in agriculture work as bounded agriculture labour and at the age of ten a child is found to replace his father as bounded worker. As a result, they are working in unhygienic and crowded conditions suffer from many occupations related diseases. They become old and unproductive citizens at a time when most other people are just beginning to participate in full life (Subhash, 2018) The powerful employers of national or transnational partnerships more often than not utilize their capacity to pay off authority to ignore violations, put pressure on the government to release employment restrictions and encourage or support government to restrict labour rights and union activities on the one hand, some time government become blind to implement laws because they are willing to welcome any form of investment, on the other. The parents, who ordinarily care about the welfare and eventual fate of their children to work, take an interest in the process by permitting or notwithstanding driving their children to work.

## **CAUSES OF THE CHILD LABOUR**

There are various factors associated with child labour in different context. The practices of child labour deprive the children of their right to education, right to development, right to survive and right to childhood. Some neo-classical economists believe that it is linked with illiteracy and poverty. John Locke, political scientist considers idle children as potential threat to the society. Hence, he used to be happy to see children at work from an early age because the discipline of work would mould them into diligent future citizen. However, poverty is still considered as one of the major factor associated with child labour because most of such children belong to poor families (Nanjunda). In other words, the poor parents are unable to make an adequate living, they rely upon the contribution of the youngsters either in form unpaid labour in family farms and business or as wage labour paid by other employer. Mostly, they unfit to pay bills for a therapeutic crisis or burial service join, their children to work in subjugation for their creditor (Sharma). A study on the child labour in Savakasi, Tamil Nadhu point out that seventeen percent of the house-holds get more than half of their income from child work, forty percent get one third to half of their income from child labour while remaining households children contribute about twenty-thirty percent of the family income (Aggarwal, 2004)

The other regular reasons for child labour are parental absence of education, social aloofness, obliviousness, absence of training and introduction, misuse of shabby and disorderly work. The family practice to instill conventional aptitude in adolescents

likewise pulls minimal ones unyieldingly in the device of tyke work, as they never inspire the chance to pick up whatever else. Most importantly, destitution and over populace has been distinguished as the significant reasons for child labour. The guardians are compelled to send little kids into dangerous employment for survival, notwithstanding when they realize it isn't right. The money related requirements and the requirement for sustenance, haven and attire drive their child in the device of untimely work.

Over population in some regions creates paucity of resources. When there are limited means and more mouths to feed, children are driven to commercial activities and not provided for their development needs. Besides, migration, unemployment, deep social prejudices, unattractive education system (boring and unpractical school curriculum, non-availability and non-accessibility of schools) large family size, traditional family occupation, inadequate measure of social security, ineffective law enforcement machinery, low government expenditure on education and poverty reduction programmes as well as the wage structure of adult workers are more factors, which promote the child labour (Nanjunda). The reports show that majority of the child workers live in underdeveloped countries of Latin America, Asia and Africa but there are also pocket of child labour in many industrialized nations.

## **HAZARDOUS AND NON-HAZARDOUS CHILD LABOUR**

On the basis of nature and occupations of child labour, there are two major type of risk involved. First is hazardous work/labour and, second is non-hazardous. The International Labour Organization survey show that nineteen percent child labourers in agriculture sector, which is the highest than the rest of the sectors. They can be found mixing, loading and applying pesticide fertilizer or herbicides, some of which are highly toxic and potentially carcinogenic (cause cancer) in Egypt, Ecuador United state and other parts of the world. The Human rights Watch reports show that they began working in the fields as early as age twelve. They routinely worked twelve hours in a day and during harvest season work more than fourteen hours or more. They start their working as early as four am and even may spend two hours or more, each morning and evening traveling to the field they work.

In these countries, children stated to Human Rights Watch that they continued working while fungicides were sprayed from airplanes, which were flying overhead. They are trying to protect themselves by hiding under banana leaves, covering their faces with their shirts or placing banana cartons on their heads. Consequently, the children have the symptoms of exposure including headaches, fever, dizziness, nausea, rashes diarrhea. The long term

effects also include cancer, brain damage sterility or decreased fertility and birth defects (Ibid). The mining, and carpet industry, glass and molding, construction work, sericulture, beedi rolling, fireworks are some of the other most hazardous sectors where most of children are found employed. In India, around about 3, 00,000 children in carpet industry and 40,000 child laborers are employed in glass industries. The survey shows that child workers in glass industries operate in front of furnace where temperature goes up to 1550<sup>0</sup> Celsius. Many of them, due to the harsh working environment, get physically and mental scared and may suffer from chronic illness, lost eyesight and even pre-mature death.[14]

International Labour Organization convention No. 182 considers that child soldiering is another worst form of child labour. The children's rights campaigners have argued that the age of fifteen is inappropriate and that minimum age for active service in conflict service should be raised to eighteen. According to Amnesty International statistics, it is an estimated that 3,00,000 under age children some are as young as seven years participated in armed conflicts in thirteen countries (Byrne). The 5,000 children involved in armed conflict in Sierra Leone alone. In Sri Lanka, where anti-government-Tamil Tiger frequently recruited children either with consent or by force into their rank. In Pakistan and Afghanistan children are generally recruited into armed force through *Madrassa* (religious school) without parental consent. The military leader's generally believes that children make good soldiers because they rarely question the orders of their commanders.[16]

The targeting of children as victim of human rights abuse has received considerable attention from non-governmental organization (NGO). Generally the offences against children are common, in which they are victim of maltreatment, child marriage, kidnapping and abduction, immoral trafficking and child rape or sexual abused etc. It is estimated that number of children under eighteen involved in prostitution exceeds two million, one million of whom are in Asian countries particularly in Sri Lanka, Thailand, Hong Kong, Philippines. The UNICEF reports indicate that from 5000 to 7000 girls are trafficked into India from Nepal every year. The Nepalese girls are young virgins and desired for their fair skin. Thus, sex tourism has spread its illicit wings wide and paedophiles are searching for their victim in all part of the world. The problem is compound by criminal network, which benefit from the trade in children. Gary Glitter sentenced three years for molesting two minor girls age ten and eleven year in Vietnam, but released in August 2008 for good conduct and sent home to United Kingdom (UK). According to information, the number of England citizens misbehaving abroad is on rise. In Thailand alone, fifteen UK National's were charged with sexual abuse of children between 2006 and 2008.

The media coverage of Glitter case has been incredible for its depth and this offer the hope that message against this form of crime will spread far and wide both in UK and in Europe, which incident is home to a surprisingly a large number paedophiles.

Consequently, child loses its childhood, its dignity, self-respect, often its future. Their lives become miserable leading to the end of suicide. They caught in the cycle of business sex are frequently physically manhandled, beaten, consumed, tormented and denied of sustenance, air and development. They are likewise defenseless against kidney contamination, cervical malignancy, early and rehashed pregnancies and additionally explicitly transmitted ailments.

The successors won't pardon us in the event that we don't contribute no less than a little to spreading the message that sexual maltreatment of kids not be under-assessed and that whenever left unchecked it could cast a permanent slur on an entire age (Weissbrodt and Kruger, 2003). The state of the world's children 1997 reported by UNICEF identifies that domestic work, in developing countries, another worst form of child abuse and exploitation. The reports note that domestic child workers, most of whom are girls, suffer from a wider range of abuse. In addition to working for long hours and living in unsuitable conditions that is sleeping on the kitchen floor etc. They are exposed to physically, emotional and sexual abuse by household members deprived of their parent affection, support and exposed to humiliation by the children of their employers. They earn very little and sometime are paid only in kind of the form leftover food and used clothing.

## TRANSNATIONAL CORPORATIONS AND CHILD LABOUR

At present, International Finance and Development Agencies, however, tend to ignore human rights and their interdependency in their dealing with developing world. These policies formulation have no direct reference to children but their adverse impact are probably most remarkable on the children from poor household's on the one hand, and foreign direct investment by transnational corporations (TNC) or multinational corporation (MNC) frequently involved in human rights abuse in the area of economic, social and cultural rights of adults, in general and child in particular, on the other.

The TNCs wield an enormous amount of power in national economies, controlling to a great extent some of the most dynamic sectors such as electronic, apparel, foot-wear, tele-communication and transport. Some of the MNCs or TNCs operating in developing countries are not seen to respect even basic human rights issues such as employing child laborers, failure to provide safe

working conditions, dumping of toxic waste, not providing the right to collective bargaining and suppressing trade unions.[18]

The Coca-Cola and IZALCO used child labour for plantations, which supply raw sugar to the supply chain of corporations. In another region, Coca-Cola and Philips-Van-Heusen in Colombia and Guatemala respectively, have been associated with intimidation, torture, unlawful detention and murder of trade unionists. The Nike and The Gap are paying unfair and inadequate wage to worker and providing unsafe working conditions. The children from the third world countries like Pakistan make soccer ball for famous companies like Nike and Adidas. In order to maximum the profit, it is alleged that Nike also has used child labour in South East Asia. Soft fuzzy animals are sold as toys in developed nations. So, MNC have become increasingly globalizes and effecting the life of a numbers of worker including child laborers. Therefore, TNCs would be required to ensure to abolish all such practices that will fall within the preview of ILO convention number 182 under heading "The worst form of child labour". Thus, new mechanism at the international level need to developed to address the complex issue with respect to the means of enforcement of these human rights obligations by the TNCs.[19]

#### **LIBERALIZATION, PRIVATIZATION, GLOBALIZATION AND CHILD LABOUR**

At present, in the name of economic reforms and economics stability, the governments are freezing wages, reducing government spending and privatization of public enterprises, which led to cutting down of social expenditure on health and education on one hand, so as to expand their intensity in worldwide market, official and administrative bodies in created and creating nations have been occupied with rethinking their welfare strategies, standardized savings system, retirement policies and above all labour laws, on the other, which definitely effect the common man life in general and child in particular. As a result of this, the cost of living and unemployment increased, government cuts in social welfare spending hit hard particularly education sectors. Trying to cope with the shrinking family income, poor parent is stopping sending children to school or take the amount of school to reduce household expense, to send children to work or to keep them at home to watch their sibling.[20] In nut-shell, child laborers are underpaid, underfed, overworked and prone to diseases and ill-health. There are various conventions, convent and law which ban child labour but casually fail to implement due to back draw and weak enforcement machinery.

Moreover, it is urgently required to save children from murderer's clutches of social injustice and educational deprivation. It should be ensure that they are given opportunities for healthy, normal and

happy growth. Because, the future of a community is in well being of its children i.e. "The child is father of a man." Therefore, children are a supremely important asset of the nation. Their care is the responsibility of the country. The government should increase education expenditure so that, every child will get at least elementary education of 'satisfactory quality', including minimum books, basic needs, clothing and hygiene. The legislations must be upgraded to prevent exploitation of child labour. The product made by child labour should be banned. There is urgent need to have "child charter", which will strictly followed by every country in the world.

#### **END NOTES**

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