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Research Paper

Law

Right Against Exploitation as Human Right the Case of Cote-D'ivory

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ABSTRACT

Child labour involves, a) children being enslaved b) children separated from their families c) children exposed to serious hazards and illness d) children forced to tend for themselves on the streets of large cities. Issue of poverty has a major influence in the employment of children. Employment of children has become a common practice in every country.

One of the basic issues of ILO is prohibition of employment of children. Total abolition of child labour is specifically noted in its Preamble. It's aim to protect the young persons and children from long hours of work and from hazardous occupations. Those who labour as slaves also suffer frequent beating and other cruel treatment. Cote d'Ivoire's child labourers are robbed not only of their freedom but also of the right to basic education. In a country where more than half the population is illiterate, basic education of "cocoa children" takes on an even more critical significance for Cote d'Ivoire's future.

KEYWORDS: Child labour, Employment, International Labour Organization, Cote d'Ivoire

"Social justice must begin with children. Unless tender plant is properly nourished, it has little chance to grow into a strong and useful tree. So first priority in the scale of social justice shall be given to the welfare of children".

------ *Justice Subba Rao.*

The problem of employment of children is not a problem in or by itself but it is a part of the larger problem of child welfare.

Introduction:

Child labour who are deprived of human rights is worth mentioning. These children work in residential, commercial and Industrial establishments for material contribution to the income of the family. Issue of poverty has a major influence in the employment of children. Employment of children has become a common practice in every country.

Common Practice:

In England, in the early stages of industrial revolution, poor children from London and other towns were put to work in cotton factories in Lancashire and Yorkshire. Under the provisions of poor law; children were to work in the factories under conditions worse than those found in slavery. With the advent of modern industrialization, there is an increasing tendency to reduce working costs and earn quick profits. It resulted in increase in production Worldwide; rich countries have a marked rise in the number of children entering into their workforce. In Asia and Africa also child working like slave.

Protection of Children under International Instruments:

The first International Conventions that protected children began in the late nineteenth and early twentieth centuries. In 1959 the UN General Assembly adopted 'The Declaration of the Rights of the Child', recognizing the need for social safeguards for children. It is mainly concerned with economic, social and cultural rights. In December 1976, the United Nations adopted a resolution which proclaimed 1979 as International year of the Child. The UN committee on the rights of child brought the convention based on four main areas of children's rights viz, survival, development, protection and participation. It consists of 35 Articles. The rights to survival include provision of adequate food, shelter, clean water and primary health care. This convention for the first time brought these together in one document. The Vienna Declaration of Human Rights 1993, while fully supporting the Convention, adopted a Resolution unanimously at the Geneva UN Human Rights conference on March 9, 1995. It brings out awareness on the need to save the deprived child. One of the basic issues of ILO is prohibition of employment of children. Total abolition of child labour is specifically noted in its Preamble. The ILO has so far adopted 18 conventions and 16 recommendations in the interest of working children all over the world. India has ratified 6 out of the 18 conventions. These ratified conventions aim to protect the young persons and children from long hours of work and from hazardous occupations.

Cruel Treatment:

Those who labour as slaves also suffer frequent beating and other cruel treatment. Cote d'Ivoire's child labourers are robbed not only of their freedom but also of the right to basic education. In a country where more than half the population is illiterate, basic education of "cocoa children" takes on an even more critical significance for Cote d'Ivoire's future. Increased access to education must be a key component in any effective strategy to reduce poverty and exploiting child labour.

Corporate Responsibility:

In 2001, in an attempt to avoid government regulation and intense media scrutiny, major cocoa companies made a voluntary commitment (the Cocoa Industry Protocol) [view ILRFs Protocol Critique] to certifying their cocoa "child labour free" by July 2005. The cocoa companies trumpeted a few pilot programs, yet continued to purchase and reap profits from child labour cocoa. The major cocoa importers need to use their vast influence on the cocoa market to bring about the kind of systemic changes necessary to eliminate child slavery once and for all. The International Labour Rights Fund is committed to combating the scourge of forced child labour in the cocoa industry through public education and corporate responsibility initiatives. In pursuance of government's commitment to eliminate child labour in hazardous areas, employment of children working as domestic servants and in tea-shops and dhabas, etc. has been prohibited with effect from 10th October, 2006.

About 43% of the world's supply of the cocoa beans, from which chocolate is produced, comes from the politically troubled Cote d'Ivory (English Ivory Coast). Although a long running violent war between the government in Cote d'Ivory and rebel militias was largely resolved by a peace agreement in 2007, after years of both UN and French peacekeeping and pressures to resolve the conflict, ugly problems such as child slavery and human trafficking still flourish in this West African nation.

Consumers who care about the welfare of children in West Africa even considered a consumer boycott of any chocolate products not labeled as coming from a "fair trade" source until these serious human rights problems are resolved in Cote d'Ivory, as morally the only real option.

Often, starving young boys in neighboring Mali are known for hanging around near bus stations begging for food, and then recruited by slavers for what they believe to be a job opportunity that promises them food, money and a place to live. Instead, they are then sold to farmers in Cote d'Ivory and American and European chocolate manufacturers only openly allow this cycle of child slavery and human trafficking to continue because it dramatically cuts their labor costs and enhances their profits.

Most American chocolate manufacturers are openly guilty of allowing this to continue and have done little to stop the problems outside some voluntary program of limited farm inspections devised by the

U.S. Chocolate Manufacturers Association to avoid tougher legislation from Congress.

The problem of human trafficking and child slavery is so widespread that an estimated 200,000 children may be entrapped in such a violent system within just the West Africa area according to UNICEF. The Child Labor Coalition estimates that 600,000 Cocoa farms currently exist in Cote d'Ivory, with thousands of children likely largely enslaved on these cocoa farms by the farm owners. Beating, sexual abuse, and a poor diet usually consisting of little more than a little corn paste for the child workers are only part of the horrible and inhuman treatment tolerated by major American chocolate manufacturers because it lowers their manufacturing costs.

Instead, the U.S. Chocolate Manufacturers Association was allowed to take up some voluntary action through something known as the Harkin-Engel Protocol to clean up the worst of farm labor problems somewhat. However, only about 3,000 of the 600,000 estimated cocoa farms in Cote d'Ivory are investigated each year by this voluntary U.S. chocolate manufacturers program, still leaving the problem of child slavery in the West African cocoa industry as largely unresolved. On September 30, 2010, the Payson Center for International Development at Tulane University released its fourth annual report on Oversight of Public and Private Initiatives to Eliminate the Worst Forms of Child Labor in the Cocoa Sector in Cote d'Ivoire and Ghana. Global chocolate companies have been told that they have a moral responsibility to do more to stop children working on cocoa farms in West Africa. A recent report commissioned by the US government found that more than 1.8 million children in West Africa were involved in growing cocoa. Many were at the risk of being injured by machetes, pesticides or through other hazards. The Ivory Coast exports nearly half the world's cocoa. After years of civil war, the new government says, ending poverty and child labour is a priority and the chocolate industry must be involved. "There is a moral obligation," said Gilbert Kone Kafana, Minister for Labour and Social Affairs. The chocolate companies have a duty to engage with us. We need to build roads, schools, hospitals and social centres; anything that would allow Ivory Coast to progress.

"This development is necessary for farmers to have a good life, and it is in the interest of the industry to work with us." The chocolate industry is worth more than $90bn (£56.5bn) a year, and more than 40% of people in the Ivory Coast live below the poverty line. Ten years ago, under international pressure, chocolate companies signed an international protocol to stop the practice of dangerous child labour. They promised to "commit significant resources" and act "as a matter of urgency." Cocoa is the raw ingredient for chocolate and one of West Africa's main exports. The US study found that between 2001 and 2009, less than 4% of people in Ivory Coast's cocoa-growing communities had been helped by the industry's programmes, and about 33,000 children. The chocolate companies say they have done much more. But, the US Department of Labor, a signatory to the new agreement, backs the Tulane report, saying its figures are "credible and reliable". If that is the case, even if the 2020 target is achieved, almost a quarter of a million children would still be at risk, harvesting cocoa for global chocolate companies.

But it is an irony that despite the national and international scenario has taken initiatives to mitigate the problem of child labour, the problem is still serious in the developing countries including India, where maximum number of children are working in the organized and unorganized sector.

Conclusion:

We have been fighting with the problem of child Labour since 1929 but still we can't think once why we are not able to eradicate it completely. It is ashame for us that we are not able to eradicate it. We are playing with our future assets. Just by forming a Commission, we cannot solve the problem as compulsory education is one of the important methods to eradicate the child labour. Another method is economic rehabilitation of families of child labourers through convergence of existing welfare schemes of various departments. By enhancement of imposed punishment and fine it would check the child labour. The employer would think before keeping a child labourer. As the child labour is available on cheaper prices, employer gets benefit in hiring them. Some important steps can be taken by the consumers also. Some years ago, media took the lead to reveal that the in the fire crackers factory, where children are doing work, people stopped using crackers. That was the deterrent effect of that boycott. We must stand as it is our primary duty together to fight against it, to save our national assets.

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