



ORIGINAL RESEARCH PAPER

Commerce

CHILD LABOUR AND CHILDREN RIGHTS

KEY WORDS:

Mary Josephine Isabella

PG Department of Commerce Sakthi College of Arts and Science for Women Oddanchatram

Introduction

Today, close to 250 million children are working in the world. More than 150 million of these children are working in dangerous conditions. Additionally, each year more than 1 million of these children will be victims of human trafficking.

Child labour

Child labour refers to any work or activity that deprives children of their childhood. In effect, these are activities that are detrimental to the physical and mental health of children and that hinder their proper development.

Child labour includes:

Child labour before the minimum legal age :

The basic minimum legal age at which children are authorized to work is 15 years (14 in developing countries). For light work (only a few hours from time to time) the limit is fixed at 13 to 15 years (12-14 in developing countries). Finally, for hazardous work, the limit is pushed up to 18 years (16 years under certain conditions in developing countries).

The worst forms of child labour :

This encompasses all forms of slavery or similar practices such as forced labour, trafficking, debt bondage, serfdom. It also includes illicit activities and/or activities likely to endanger the safety, health, and morals of children, such as prostitution, pornography, forced or compulsory recruitment for armed conflict, drug trafficking, etc.

Hazardous work :

This encompasses domestic tasks carried out over long hours in an unhealthy environment, in dangerous places requiring the use of dangerous tools or materials, or forcing the child to carry objects that are too heavy. Certain activities are not considered labour or exploitation. Activities which simply involve helping parents to complete everyday family chores, to which children can dedicate a few hours a week and which permit them to earn some pocket money, are not considered child exploitation because they do not hinder their well being.

Negative effects of child labour

The difficulty of tasks and harsh working conditions create a number of problems such as premature ageing, malnutrition, depression, drug dependency etc. From disadvantaged backgrounds, minority groups, or abducted from their families, these children have no protection. Their employers do whatever necessary to make them completely invisible and are thus able to exercise an absolute control over them. These children work in degrading conditions, undermining all the principles and fundamental rights based in human nature.

In certain cases, child labour also endangers a child's dignity and morals, especially when sexual exploitation is involved, such as prostitution and child pornography. Furthermore, a child who works will be more exposed to malnutrition. These children are often victims of physical, mental, and sexual violence.

Overview of child labour in the world

Child exploitation exists on all continents and takes various forms according to the traditions and cultures of the region.

- In *South East Asia* and in *Pacific*, girls are sold to supply prostitution networks or to work as domestic workers. Many children are also sold to work in textile factories as well as to

cover family debts.

- In *Africa*, parents sell their children, often for livestock (generally, the child will be sold for a cow). These children are exploited in plantations, mines, or will become domestic workers.
- In *North America* and in *Latin America*, children are victims of prostitution to satisfy the perverse appetite of tourists, and are exploited more and more by drug traffickers.

Child Labour in India

More than 200 million children worldwide are still working as child labourers and a staggering 115 million at least, are subject to its worst forms. As per the National Census 2011, there are close to 10.1 million child labourers in India, in the age group of 5 to 14 years.

- 10.13 million child labourers between 5-14 years in India (2011 Census data)
- Child labour in 2011 has decreased by around 20% from 2001 Census Figures
- There are 22.87 million working children in India between 15-18 years.
- As per 2011 Census, 1 in 11 children are working in India (5-18 years)
- 80% of the child labour in India is concentrated in rural areas
- 168 million children are estimated to be engaged in Child Labour around the world (ILO, 2012) that means every 17th working child in the world is in India

About 1.4 million child labourers in India in the age group of 7-14 years can't write their names, analysis of Census data by CRY-Child Rights and You reveals. This means one in three child labourers in the said age group are illiterate. This is the grim reality of children who work for more than six months in a year. Even for children who support the family economy by working for less than six months in a year, which is very common in a country like India, the situation is equally, if not more, worse. A shocking 2 million of these marginal workers have compromised their education as well. There is a high potential of early school leavers and those not learning at school to remain outside the world of employment.

India's legal framework is based on the assumption that children can work and still be educated. The numbers stated earlier blatantly contradict this assumption and are evidence enough that this needs to change, for main as well as marginal child labourers. In 1992 when India ratified the United Nations Convention on the Rights of the Child (UNCRC), a reservation was made in article 32, wherein the Government of India articulated that it would progressively ban all forms of child labour.

The Census 2011 data for children in labour, states that 6.5 million children in India in the age group of 5 to 14 years work in agriculture and household industries. This makes a staggering 64.1% of child labourers in this age group. CRY's on ground experience reveals that a large number of children engaged in these occupations are working with their families, thus exempting them from the proposed ban. Allowing children to work in family enterprises is likely to have far reaching implications affecting not only their education and learning outcomes but also their health and overall development.

Understanding Children's Rights Right to Life

The right to life means that each child must be able to live his or her own life. Children have the right not to be killed. They have the right to survive and to grow up in proper conditions.

Right to Education

The right to education allows each child to receive instruction, to enjoy a social life, and to build his or her own future. This right is essential for economic, social and cultural development.

Right to Food

The right to food is the right of each child to eat. It is the right to not die of hunger and to not suffer from malnutrition. Every five seconds, a child dies of hunger somewhere in the world.

Right to Health

The right to health means that children must be protected against illness. They must be allowed to grow and become healthy adults. This contributes to developing an active society.

Right to Water

The right to water means children have the right to safe drinking water and proper sanitary conditions. The right to water is essential for good health, survival and proper growth.

Right to Identity

Each child has the right to have a surname, a first name, a nationality, and to know who his or her relatives are. The right to identity also means that each child's existence and rights must be officially recognised.

Right to Freedom

The right to liberty is the child's right to express him or herself, to have opinions, to have access to information, and to participate in decisions which affect his or her life. Children also have the right to religious freedom.

Right to Protection

The right to protection is the right to live in a secure and protective environment which preserves the child's well-being. Each child has the right to be protected from all forms of mistreatment, discrimination, and exploitation.

Child labour in India, somehow, has become a social norm that we accept and tolerate in our society. This exploitative and abusive practice will continue unless society adopts a zero tolerance attitude towards it. Children continue to be exploited and abused because the State and people do not address children's issues comprehensively and effectively.

However, only 'rescuing' children, often will not help. What is required is addressing the reasons that force children to work. Children work mainly to help their families because the adults do not have appropriate employment and adequate income.