

**A CRITICAL ANALYSIS ON THE USE OF CHILD LABOUR
ESPECIALLY IN EMERGING ECONOMIES AND THE STEPS TAKEN
BY THE WORLD TO ELIMINATE SUCH A HEINOUS ACT.**

Varya Khosla

Amity International School Noida

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ABSTRACT

The paper aims to investigate the reasons behind the prevalent use of child labour in emerging economies. It seeks to determine whether this phenomenon is exclusive to overpopulated and underdeveloped countries or if it extends to economies worldwide. Additionally, it will delve into the underlying factors contributing to this inhuman practice and will examine how governments have sought to curb child labour through legislative measures and the effective implementation of these initiatives. The study will identify common factors that contribute to the prevalence of child labour, such as poverty, lack of education, weak enforcement mechanisms, and social norms. It will also consider specific country contexts to uncover unique circumstances that might perpetuate child labour. The analysis will provide insights into the interplay between socio-economic factors, legal frameworks, and government interventions in addressing child labour. The findings of this research will contribute to a better understanding of the complex dynamics underlying child labour in emerging economies.

KEY-WORDS: child labour, emerging economies, International Labour Organization, conventions, poverty, lack of education

RESEARCH QUESTION: The paper will research the reasons that most emerging economies use child labour in the manufacturing of their products. Is this a phenomenon peculiar to overpopulated underdeveloped economies or is it a worldwide phenomenon? If it pertains to less developed economies, an attempt would be made to understand the reasons behind such an inhuman act. It would look at the legal aspect as well as government ordinances on how this aspect can and has been curbed. Have the respective governments achieved complete eradication?

1. INTRODUCTION

Child Labour refers to the exploitation of children through any form of work that deprives them of their childhood, interferes with their ability to attend regular school and is mentally, physically, socially, and morally harmful. The minimum age at which an individual is considered part of the workforce is 15 years. There are different ways in which child labour is defined. Some have indicated that if after school hours, the child assists the family business or earns pocket money during school holidays, these types of activities may in fact contribute to a child's development and provide them with skills and experience which may eventually help them to become productive members of society once they become adults.

The word 'work' could be considered 'child labour' as it depends on the child's age, the type and hours of work performed, and the conditions under which they are performed. The objectives of different countries are not always similar. They may vary within sectors of a country too.

Fig.1 Exploitation of children



Source: Times of India

2. DEFINITION:

All labour is not considered heinous and detrimental for children but that type of labour which involves children being enslaved, separated from their families, exposed to serious hazards and illnesses, and or left to fend for themselves on the streets of large cities at a very young age are

the worst type of crime.

International Labour Organisation (ILO) has put forward Article 3 of ILO Convention no.182 which states that:

- ‘All forms of slavery or practices similar to slavery such as the sale and trafficking of children, debt bondage, and serfdom as well as forced or compulsory labour including the use of them in armed conflict.’
- ‘The use, procuring or offering of a child for prostitution, for the production of pornography or pornographic performances.’
- ‘The use or procuring of a child for illicit activities, particularly for the production and trafficking of drugs which have been pronounced in relevant international treaties.’
- ‘Work that is carried out by these children which is extremely harmful to their health, safety and morals of the children.’

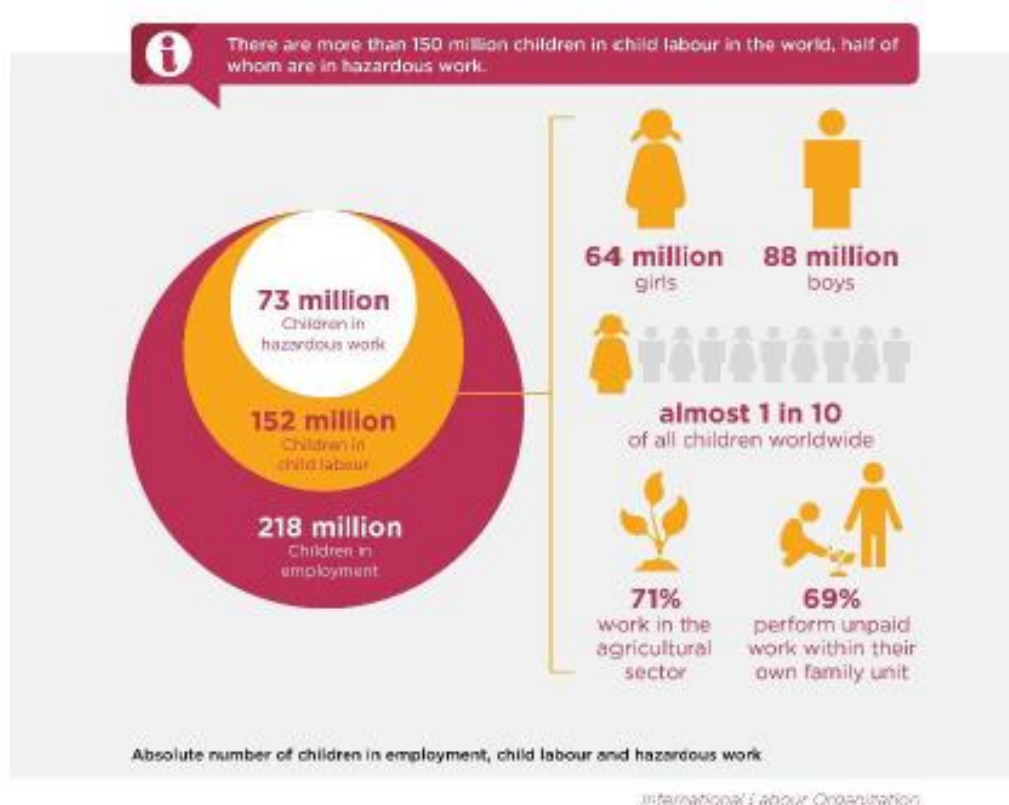
These types of activities are further spelt out by Article 3 of ILO Recommendation No.190 which clearly states the following:

1. ‘Work which exposes children to physical, psychological or sexual abuse.’
2. ‘Work, which is underground, underwater, at dangerous heights or in confined spaces.’
3. ‘Work with dangerous machinery, equipment and tools which involves manual handling or transport of heavy loads.’
4. ‘Work that exposes children to hazardous substances, agents, processes, temperature, noise levels and vibrations which are damaging to their health.’
5. ‘Work under difficult conditions such as long hours and during the night.’

2.1. CHILD LABOUR:

Very often, child labour working in dangerous or unhealthy conditions results in permanent disability, ill health, and psychological damage. Many of these issues may not show up or develop until the child is an adult. Hazardous child labour is the worst form of child labour, and it has been estimated that 79 million children in the age group 15-17 work in extremely dangerous conditions, for example- in agriculture, mining, construction, manufacturing, hotels, bars, restaurants, markets, and domestic services. This is found in both industrialised and developing economies.

Fig.2 Statistics of child labour in hazardous companies in June 2023



Source: The United Nations

According to the United Nations Children's Fund (UNICEF), nearly 1 in 10 children are subject to child labour worldwide, some of them being forced into hazardous work through trafficking. 160 million were subjected to child labour at the beginning of 2020, and 9 million additional children were at risk due to the impact of COVID-19. Child labour increases social inequality and discrimination. Unlike activities that help children develop, for example- contributing to light housework or taking on a job during school holidays, child labour limits access to education and harms a child's physical, mental, and social growth. This 'triple burden' of schoolwork and household chores, and child labour may increase the risk of the girl child falling behind, thus making them more vulnerable than the boy child to poverty and exclusion.

2.2 AREAS WHERE THEY ARE HIRED

India did ratify the United Nations Convention on the Rights of the Children in 1992 firmly stating that they stood against child labour.

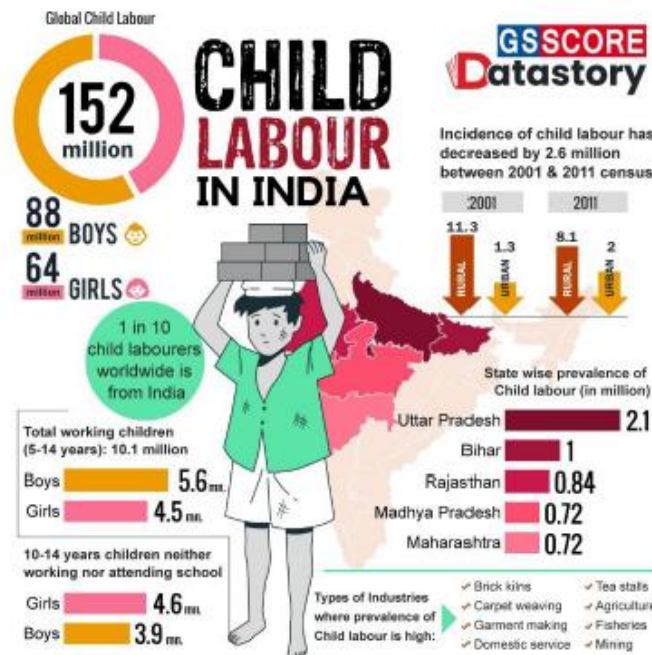
Fig.3 United Nations Convention on the Rights of the Child



Source: Geneva Association for Baby Food, member of the IBFAN Network

After 1992, India’s fight against child labour continues unabated. Bihar, Uttar Pradesh, Rajasthan, Madhya Pradesh, and Maharashtra are India’s biggest child labour employers. They hire over half of India’s total child labour market.

Fig.4 State-wise child labour numbers in India



Source: GS Score

There are five different sectors which are noted for their high child labour employment and adverse working conditions:

- **Garment Industry:**

Child labour is employed in this industry as many small workshops are hidden away in small owner-operated enterprises and home setups. A Report on the Garment Industry in Delhi in 2015 found that there were 8000 plus labourers who experienced loud noise, poor lighting, poor ventilation, and exposure to sharp tools.

Fig.5 Garment Industry using child labour.



Source: The Guardian

- **Brick Kilns:**

This industry has traditionally used child labour where they assist their parents, work long hours, and neglect their education.

Fig.6 Brick Kilns employing child labour



Source: The Softcopy

- **Unorganised Sectors:**

Here children are spotted in tea shops, dhabas, small shops, personal servants, and errand boys. It is the unorganised informal agricultural sector which is the biggest child labour employer. This informal sector is largely family-owned and prefers child labour for its low-cost and easy-to-hire, easy-to-fire policy. In this area, jobs are performed by both school-going and non-school-going children. School-going children work after school hours.

- **Agriculture:**

Here children are hired for everything from cotton and cotton seed production to sugarcane, and soybean, as well as paddy transplantation. They work long hours with little pay. This indicates that the states in which these crops are grown would have a higher number of child labour.

Fig.7 Agriculture using child labour



Source: The Humanium

- **Fireworks:**

This sector is notorious for employing child labour. It is one of the most well- hidden employers of child labour. Sivakasi in Southern India is a famous town that produces matches and fireworks. Children in this area, especially during the festive season work long hours and in cramped conditions. Besides these inhuman conditions, exposure to harmful chemicals which are used in fireworks harms their lungs and skin leading to diseases in the future. As child labour in this sector is 'hidden', the manufacturers use them to their advantage, lowering costs and thus making large profits.

Fig.8 Sivakasi using ‘hidden’ child labour for manufacturing fireworks



Source: The Citizen

2.2.2 COUNTRIES

Primarily the countries that use child labour are South Asian countries and African countries. In fact, Sub-Saharan Africa is where child labour is most prevalent and where the progress of reducing is not making much headway. India, in fact, is ranked 48th in an index which is the Child Labour Index and comes in the high-risk category.

This Child Labour Index is measured in the following manner:

It is measured by calculating whether children between the age of 5 and 17 were the main workers, that is those, who were working for more than 6 months in a year according to the Indian Census. Along with this, the International Labour Organization (ILO) methodology is used to define hazardousness and combine it with the recent United Nations Children’s Fund (UNICEF) thresholds for economic work and household chores. The data so collected was then subjected to the Bayesian hypothesis of probability, resulting in an increase in the accuracy of child labour estimation.

The worst countries with respect to Child Labour in descending order of employing child labour of the maximum percentage are:

- Somalia (being the largest employer)- Children are hired for fishing, threshing grain, and construction. Abject poverty is one of the reasons which may force parents to give up

their children to work as labourers.

- Pakistan- Poverty seems to be the single most major factor responsible for the high prevalence of child labour in the country mainly in the agricultural sector, fishing, and shrimp harvesting.
- Nigeria- Poverty seems to be the major reason for children entering the workforce. Children are used as labourers in household work, agricultural work, mining, and construction.
- Myanmar- Here children are employed in the agricultural sector, construction, and small-scale industries.
- Liberia- Children are involved in agriculture and other hazardous jobs. Severe poverty and an inefficient justice system are the main reasons.
- India- Children here work in mines, farms, and garment factories. Despite legislative efforts, the number of child labour has increased in recent years, especially in big cities.
- Ethiopia- Despite government efforts to curb this menace, children are forced into areas like shoe-shining, vending, mining, and at times unpaid labour.
- The Democratic Republic of Congo- Here children are forced to work in the agriculture industry and services sector as well as in gold and coltan mines. At times they are forcibly recruited into the armed services.
- Chad- The children are engaged in agriculture. There are some who are sold and trafficked to areas related to oil production.
- Bangladesh- The children in this country work in garment factories and farming. Poverty is the main reason for underage work.

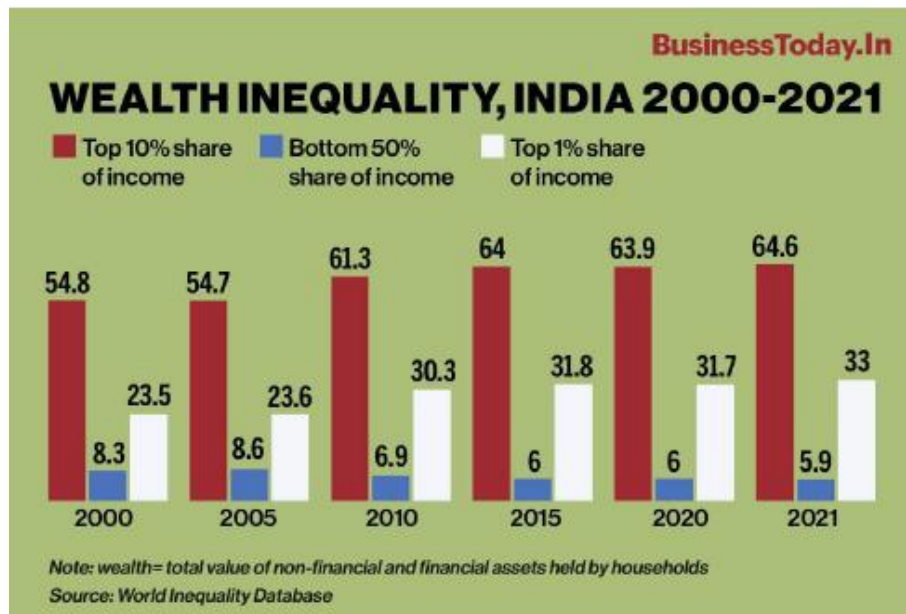
The common thread in all the countries listed above is the extent of poverty and the inefficient implementation of laws regarding the prevention of child labour.

3. REASONS FOR THE USE OF SUCH UNDERAGE LABOUR

The main reason for the rampant use of young children in various activities is the abject poverty of the families. GDP has been growing in both India and Bangladesh, but it obviously has not been transferred to the poor in the economy. The Government of India moved on the premise that there would be a trickle-down effect. But with increasing GDP growth rates, what has

emerged is that inequality levels have increased leaving the poor at the bottom of the pyramid and leaving the families to fend for themselves.

Fig.9 Economic inequality in India



Source: Business Today

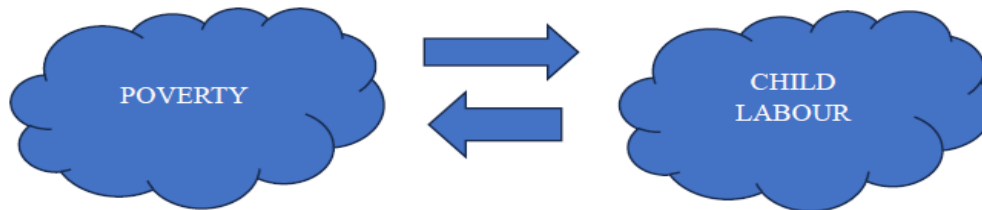
The above figure reiterates the fact that growth rates tend to settle with the top 10% of the population. The attempt of the Government of India should be to work on a strategy which should be ‘trickle-up’ instead of ‘trickle-down’.

Along with this strategy, attempts must be made in the form of women empowerment, women’s education, universal education, skilling the labour force, and provision of certain basic social securities in the form of health, education as well as clean drinking water and electricity. All the above would go a long way in empowering women and thus, preventing children from entering the workforce.

4. INTERNATIONAL AND GOVERNMENT REGULATIONS ON THE PREVENTION OF CHILD LABOUR

International companies’ policies with respect to products made by child labour (exports) Child Labour is a violation of fundamental human rights, potentially leading to lifelong physical and (or) psychological damage.

Fig.9 Relationship between Poverty and Child Labour



Source: Own

The diagram above indicates that poverty begets child labour and child labour perpetuates poverty.

Studies have indicated that if child labour is abolished, it will generate economic benefits which are far greater than the costs involved in terms of schooling and social service. There are two legal pillars of Global Action to prevent Child Labour.

I. MINIMUM AGE CONVENTION

The minimum age for employment is 15 years and the minimum age for hazardous work is 18 years.

II. WORST FORM OF CHILD LABOUR CONVENTION

This Labour Convention indicates that if the child is under 18 years, it wants all governments to eliminate the ‘worst’ form of child labour that includes slavery, sale and trafficking of children, debt-bondage, serfdom, child prostitution, and employing children for illicit activities, especially drugs. It requires governments to provide direct assistance for the removal of children from such activities and requires them to rehabilitate and socially integrate them, provide free basic education, and provide vocational training for them.

In India, the laws with respect to child labour are based on the recommendations of the Gurupadaswamy Committee (The Child Labour Prohibition and Regulation Act of 1986). This prevents the employment of children in certain specified hazardous occupations and regulates the working of others. This Act was further amended in 2016 with the enactment of The Child Labour (Prohibition and Regulation) Amendment Act 2016 prohibiting the employment of children below 14 years in all forms of employment.

The policy of Child Labour formulated in 1987 aimed to provide a gradual and sequential approach to the rehabilitation of children. It is as follows:

1. Legislative Action Plan for strict enforcement of the Child and Adolescent Labour Act.
2. Project-Based Action Plan in those areas where there is a high concentration of Child Labour.
3. Development Programs that would be beneficial for the families of the children.

Besides this in India, there are other Acts like The Factory Act of 1948 which prohibits the employment of children below the age of 14 years in any factory.

Besides the above, the government has become proactive in dealing with this issue by expanding its reach to other ministries like-

- Ministry of Home and Child Development
- Ministry of Human Resource Development
- Ministry of Rural Development (Poverty Alleviation and Panchayati Raj) as focal points in achieving a reduction in child labour.

Other factors like:

- Implementing the Anti Human Trafficking Unit as well as involving the railways so that they could be vigilant whenever children are being used for trafficking and drugs.
- The National Child Labour Project (NCLP) Scheme which started in 1988 has been involved in rehabilitation of the young victims. They have joined hands with Non-Governmental Organizations (NGOs) and other Self-Help Groups to prevent, rehabilitate, rescue, and skill them such that they are able to earn a decent living.
- The government also provides funds for the smooth working of the above groups.
- Many international companies explicitly state in their policies that they strictly prohibit the use of child labour. They establish a minimum age for employment that complies with international labour standards, such as the International Labour Organization (ILO) Convention No. 138, which sets the minimum age for work at 15 (or 14 in developing countries under certain conditions).
- Supply Chain Due Diligence: International companies recognize the importance of understanding their supply chains and ensuring that child labour is not present. They implement comprehensive due diligence processes to assess and monitor their suppliers, subcontractors, and business partners. This includes conducting regular audits,

inspections, and assessments to identify any instances of child labour and take appropriate actions to address them.

- **Supplier Code of Conduct:** Many companies have a Supplier Code of Conduct or similar guidelines that outline the standards and expectations they have for their suppliers and business partners. These codes often include specific provisions prohibiting child labour, promoting fair and safe working conditions, and respecting human rights. Companies may require their suppliers to sign and adhere to these codes as a condition of doing business.
- **Certification and Verification Programs:** Some international companies participate in certification and verification programs to ensure compliance with labour standards and identify child labour risks. For example, they may join initiatives like the Fair Labour Association (FLA) or the Responsible Business Alliance (RBA) and require their suppliers to meet certain criteria and standards to obtain certification.
- **Remediation and Capacity Building:** When instances of child labour are identified, responsible companies take immediate action to address the situation. This may involve working with suppliers to develop corrective action plans, providing support for affected children to access education and rehabilitation programs, and investing in capacity-building initiatives to promote sustainable and responsible practices throughout the supply chain.
- **Collaboration and Advocacy:** International companies often collaborate with industry peers, non-governmental organizations (NGOs), and other stakeholders to address child labour collectively. They may participate in multi-stakeholder initiatives, support research and advocacy efforts, and share best practices and resources to enhance their collective impact in eradicating child labour.
- It's important to note that despite the existence of policies and efforts by international companies, child labour remains a complex issue deeply rooted in socio-economic factors. Eliminating child labour requires a comprehensive approach involving governments, civil society organizations, and other stakeholders working together to create an environment that promotes education, economic development, and social protection for children.

5. CONCLUSION

The reasons behind the prevalent use of child labour, especially in the manufacturing industries of emerging market economies have pointed to overpopulated nations. The underlying causes of this inhumane practice seem to be abject poverty, lack of education, weak labour regulations,

demand for cheap labour, and that there is no ‘trickle-down’ in the growth process. The solution lies in either a ‘trickle-up’ process of growth, implementation of the Right to Education and a stringent legal framework which is fool-proof and perfectly implemented by all government agencies. The findings indicate that child labour is not solely confined to overpopulated and underdeveloped economies; rather, it is a worldwide phenomenon that cuts across borders. While emerging economies may witness higher prevalence rates due to specific socio-economic challenges, it is crucial to recognize that child labour exists in varying degrees across different regions. The examination of legal aspects and government ordinances revealed that numerous countries have recognized the urgency of combating child labour and have implemented legislation and policies to address the issue. However, complete eradication remains elusive, and challenges persist in enforcing these measures effectively. The complexity of the problem, coupled with limited resources, corruption, and societal attitudes, hampers progress toward eradicating child labour comprehensively. International cooperation is vital to address the global supply chains that perpetuate child labour. There are international labour laws in place to prevent such occurrences, but despite that, there are products which are exported that are produced by child labour. Some progress has been made in curbing child labour, but there is still a lot more work to be done. Continued research, monitoring, and evaluation are necessary to identify gaps in existing policies and interventions and to develop more effective strategies. Ultimately, the fight against child labour requires sustained commitment and collective action to protect the rights and well-being of the world's children and create a more just and equitable future for all.

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