

Addressing child labour through a child rights lens

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On a cold February day in 1997, an unprecedented event took place in Amsterdam. Representatives of the International Movement of Working Children had elbowed their way into the International Labour Organisation's (ILO) Consultation where 'Worst Forms of Child Labour Convention' was under consideration. Children had made a case for their participation on the grounds that they constituted one of the tri-partite of ILO, that is, 'workers'. Their presence at that high-level meeting had, as its foundation, years of their determined advocacy in Asia, Africa and South America. They were facilitated by supportive organisations such as ourselves (The Concerned for Working Children (CWC)—www.concernedforworkingchildren.org), and globally by the International Working Group on Child Labour.

At that meeting, these young people challenged long-standing prejudices and stereotypes. With tremendous conviction and insight.

We are not pests. Why do you always talk of eradicating us?

Do not keep saying that our families are 'dysfunctional'. It is true that our parents are poor. But does that mean they cannot create a home; does that mean they love us less than any other parent?

Why do you repeatedly say that without schooling we become anti-social elements? Our schools are failing to give us the education we need. We, working children are also very productive members of this society. We are proud of our contributions to our families. We are fighting for our right to survive, to remain safe, to be healthy, to have a good education and to participation. We are also fighting

for the rights of our communities and wellbeing of our communities.

If you really want to address the issues of children in exploitative work, don't just ban child labour. Solve the root causes which force us into such situations in the first place.

Their opinions created such an upheaval that the invitations extended to them to take part in the subsequent ILO meetings were withdrawn. However, finally, they were tentatively allowed into the ILO Consultation in Oslo where Convention 182 took shape. But soon those doors slammed shut against this vocal movement of working children, and they remain bolted to this day.

Working children and adolescents continue to ask fundamental questions. They are surviving in hostile situations and building a life despite their social, economic, cultural and political marginalisation. As an organisation that has close to four decades of work experience in this area, we, at CWC, have repeatedly seen how they face exclusion and discrimination in myriad ways. Their families are among the most vulnerable, with no access to basic facilities and protection. As they cope with microchallenges and macrochallenges, recent developments, such as COVID-19 and climatic havoc, have further worsened their situations.¹

Health issues children face are now gravely aggravated. Those who work in hazardous occupations face severe physical and mental setbacks, including chronic ailments. Even those in less harmful occupations face health risks of significant degrees. Most often, they are also malnourished without adequate access to developmental milestone monitoring. Their health problems are likely to go unnoticed until they are too stark to ignore. They lack medical or psychological support. Post workplace accidents, they are likely to lose jobs without any social security. Adolescent girls additionally struggle, for example, with lack of safe toilets and menstrual hygiene.² Some face sexual threats and harassment in their workplaces, with no respite.

The term 'child labour' is often defined as harmful work that deprives children of their childhood, their potential and their dignity; and that is harmful to their physical and mental development.³ Conversely, 'safe work' for children is work that enhances their potential and dignity and is beneficial to their physical and mental development.

Often schooling is considered a 'be-all' solution to child labour—this is a highly prevalent approach. But the belief that 'all school is good and all work is bad' is far from true.⁴ Schools often exclude many by design or default. For children who strive to attend schools, the system provides little support. It does not equip them for life in terms of empowerment, livelihood and well-being. A very large number of children actually labour to finance their own education. Such children do not receive any subsidy or support to stay invested in education such as sustained schooling assistance or options to transit to viable and professional training.

Many children express that their work experiences, despite being challenging, often provide them with the knowledge and skills they need to build a life. Some have even found a purpose, recognition and respect from their work, which they lacked in schools. It is true that these works may not always be 'safe work'—yet they point to elements that are valuable to young people. In such cases, the support the young people demand is for their work to be made 'safe' (with regulations and adequate modifications) so that they can benefit from their work in the short term as well as the long term—without being subject to its negative repercussions.

In their Joint Declaration, addressing the ILO's fifth Global Conference on Child Labour in 2022, the International Movement of Working Children and Adolescents wrote:⁵

...while we are against all forms of exploitation, including unsafe and hazardous labour, human trafficking, bonded labour etc., we also value safe and non-hazardous work. Therefore, we demand that secure work options, earn and learn education opportunities, skills-based training and other enabling opportu-

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nities should be part of the global policy demands that inform the actions of national governments. Furthermore, we affirm that in all situations children must be supported to make informed decisions that determine their well-being, including whether or not they choose to do safe work.

In their declaration, they also touched on macro issues:

...we oppose the increasing capitalist measures by governments around the world that are plunging our countries into poverty by privatising/ reducing spending on basic services such as health care, education, child and youth development, etc. These policies, measures and decisions push children and their communities over the edge and perpetuate exploitative child labour.

The ILO adapted its Convention against Child Labour as early as 1919. In-country discussions were slow to follow. In India, the issue of child labour took centre stage in the mid-eighties. Our organisation, CWC, was in the forefront. In the early '90s, children's own movements such as Bhima Sangha of Asia, facilitated by CWC, braved against many odds, conducted their own research, advocated for their own rights from local to global levels. They challenged, head-on, many prevalent notions about child labour, working children and 'childhood' itself. They demanded to be heard during policy formulations. Pointing out how they also valued safe work—clearly distinguished from exploitative labour—they wanted their rights as workers and as children to be upheld; and causes of child labour to be addressed.

Despite national and international laws and policies, child labour not only persists, but has worsened. Their failure is primarily because they have not been formulated with meaningful involvement of the affected youngsters and their communities. So specifics of individual concerns and circumstances are blurred over; unique and decentralised responses are not forthcoming. Also, these legislations are fragmented and lack deep analysis. Simplistic definitions and equally facile solutions

naturally fail to address extremely complex problems. Most children fall through the cracks of broad-stroke, knee-jerk responses.

Global emphasis on the boycott of products made by children and national level strategies to ban child labour, raid their child labour venues and 'institutionalise/isolate' the 'rescued' children are the currently most prevalent mainstream strategies to address child labour. These, collectively and individually, shove children into invisible child labour spaces. In there, children, who are actually the victims, end up feeling 'criminalised' and they fear repercussions that may follow if they identify themselves as child labourers or (safe) workers.

This has deeply compromised their collective protagonism. So, while they continue their struggles within communities, their mass mobilisation has been significantly affected. With gradual acceptance of 'safe work for adolescents', adolescents are increasingly stepping out of the shadows. However, now adolescents can get brazenly exploited under the guise of 'safe work'.

Also, world over, labour rights are under the axe. Collective bargaining and negotiation of worker rights are curtailed like never before, and the fear of losing jobs and livelihoods places all workers and their unions, including that of working adolescents, in very precarious situations.

Child labour has to be viewed in the children's rights lens, incorporating their developmental milestones and upholding their best interests. The development framework argues that all children, irrespective of their cultural contexts or the level of development of their countries, have basic needs and capacities, largely determined by their age groups. The rights framework considers children as subjects and makes it mandatory for the State and other duty-bearers to enable them to realise all their rights, holistically. This also warrants that children are meaningfully involved in defining and also advocating for their own best interests.

Many examples that demonstrate the success of such approaches to create 'child labour free' thankfully exist. These illustrate how, when the specific problems that affect children and their communities are addressed, with their active participation, in a collaborative multisectoral approach, it is indeed possible to create communities where no child has to resort to child labour. For instance, this could mean provision

of hostel facilities or remedial teaching for children; ensuring water for irrigation, food and livelihood security for adults; and devolved administration with child budgeting in governance.

For interventions to truly benefit working youngsters, they have to be mechanisms for children's informed participation in decision-making processes—this is their right and also fundamental to gaining an insight about their unique concerns. Children know best their micro situations and are able to suggest solutions viable to their distinctive situations. Invariably, vulnerable children are the ones who spontaneously internalise the concept of rights as they are compelled to hone their survival skills. For them, rights are not theoretical—but fundamental to survive and thrive. Their level of participation may be in accordance with their abilities, yet their agency is central and non-negotiable. It is crucial for us to listen to children when they say 'we are not the problem, we are part of the solution'.

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