

OF DIM FUTURES AND HOPE



Edited by:
Dipendu Das
Debarati Pal

GLOBAL RISE IN CHILD LABOUR DURING THE PANDEMIC

*An extensive research project by the Indian
Centre for Child and Human Rights.*

Of Dim Futures and Hope

Global Rise in Child Labour during the Pandemic

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UMEED
A drop of hope

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About Indian Centre for Child and Human Rights

Indian Centre for Child and Human Rights (ICCHR) is a joint venture initiative by the Truth & Youth and Umeed NGO. In order to promote Research and felicitate Students and Researchers with proper understanding of Child and Human Rights, ICCHR is founded. This a national Research Centre initiative, which proposed to be a specialized Research Centre under the supervision of UNICEF India. The Centre purports towards providing integrated technical support to different legal institutions of governance in local, state and national level for protection of Child and Human Rights through knowledge, research and human resource. The Centre's mission is to engage with Child and Human rights from a multidisciplinary perspective with main emphasis on practical and ground Research. ICCHR also engages in publishing a quarterly Research Project on various contemporary issues concerning Child and Human Rights of National and International importance, covering suggestions and detailed analysis of the ground report for the concerned Authorities and Institution to work upon. Collaboration with various NGOs, conducting webinars, seminars and running awareness campaigns are some of the activities which the Centre mainly performs. The Centre also runs various PAN India internship programs to provide the opportunities to the students of various backgrounds and felicitate budding learners to show their skills on various platforms run by ICCHR and its associates.

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Indian Centre for Child and Human Rights

Of Dim Futures and Hope



CHAPTER 01

PREDICTIONS ABOUT RISE IN CHILD LABOUR

1.1. ILO & UNICEF Alerts

ILO Alerts

"The new estimates are a wake-up call. We cannot stand by while a new generation of children is put at risk." - Guy Ryder, ILO Director-General

The expressions of the chief general of ILO appear to be extremely frightening. There has been a new ascent in the evaluations of Child work which is most noteworthy in twenty years. Every one of the techniques, endeavors and hard work to control this number has gone to vain. This is additionally to take note of that the numbers are exacerbated because of the COVID - 19 Pandemic. Every one of the country's assets, be it financial or normal, were spent in immunization, keeping control, giving alleviation to poor people, etc. This circumstance is in fact a reminder which should be tended to right away. Some factual data which is extremely troubling to take a gander at, is distributed by ILO in their site which should be contemplated upon.

Child work ascends to 160 million – first expansion in quite a while. "The International Labor Organization and UNICEF caution 9,000,000 extra children in danger because of COVID-19 pandemic. The number of children in child work has ascended to 160 million around the world – an expansion of 8.4 million children over the most recent four years – with millions more in danger because of the effects of COVID-19, as indicated by another report by the International Labor Organization (ILO) and UNICEF. The report focuses to a critical ascent in the quantity of children



matured 5 to 11 years in child work, who currently represent simply over portion of the absolute worldwide figure. The quantity of children matured 5 to 17 years in unsafe work – characterized as work that is probably going to hurt their wellbeing, security or ethics – has ascended by 6.5 million to 79 million since 2016. The report cautions that universally, 9,000,000 extra children are in danger of being driven into child work before the finish of 2022 because of the pandemic. A recreation model shows this number could ascend to 46 million on the off chance that they don't approach basic social assurance inclusion."¹

The farming area represents 70% of children in child work (112 million) trailed by 20% in administrations (31.4 million) and 10 percent in industry (16.5 million). Nearly 28% of children matured 5 to 11 years and 35 percent of children matured 12 to 14 years in child work are out of school.²

Child work is more common among young men than young ladies at each age. At the point when family tasks performed for 21 hours or more every week are considered, the sexual orientation hole in child work narrows. The pervasiveness of child work in rustic regions (14%) is nearly multiple times higher than in metropolitan regions (5%).³

Child Labor takes cost upon the wellbeing of Children. They are affected Mentally and Physically and particularly Corona possesses been an intense energy for them with no appropriate assistance and openings accessible to them. Terrible thing about Child work is that it undermines children's future, schooling and opportunities. If one age is engaged with Child Labour, then it draws in people in the future as well and hence it makes an endless loop.⁴

As examined, Corona has behaved like fuel in the fire. It has caused extra monetary shocks like where these children were working prior in a processing plant or work environment, they were either terminated or their pay rates definitely diminished. Coronavirus has additionally caused school

¹ 'International Labour Organization' (*ILO*) <www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_800090/lang--en/index.htm> accessed 24 June 2021.

² *Ibid.*

³ *supra* note 1.

⁴ *supra* note 1.



terminations which has in turn constrained children previously doing child work to work longer hours or under conditions which might be impeding their psychological and actual wellbeing. Presently, since numerous families in Corona have gotten Jobless or are getting diminished livelihoods, they will constrain their children to work in regions where they will get cash yet there might be no assurance of work conditions.⁵

UNICEF Alerts

“We are losing ground in the fight against child labour, and the last year has not made that fight any easier.” - Henrietta Fore, UNICEF Executive Director

As we previously examined child work and the impacts of Corona Upon the equivalent, in this part some extra discoveries about child work in the Conflict region and different things have been talked about. Some of factual finding by the UNICEF about Child Labor can be seen.

There has been an expansion of 8.4 million children over the most recent four years – with 9 million extra children in danger because of the effect of COVID-19. Progress to end child work has slowed down without precedent for a very long time, switching the past descending pattern that saw child work fall by 94 million somewhere in the range of 2000 and 2016. The frequency of perilous work in nations influenced by outfitted struggle is half higher than the worldwide normal. 30 million children live external their nation of birth, expanding their danger of being dealt for sexual abuse and other work. Almost 1 of every 10 children are exposed to child work around the world, with some constrained into unsafe work through trafficking. The report focuses to a huge ascent in the quantity of children matured 5 to 11 years in child work, who presently represent simply over portion of the absolute worldwide figure. The quantity of children matured 5 to 17 years in perilous work –

⁵ *supra* note 1.



characterized as work that is probably going to hurt their wellbeing, security or ethics – has risen by 6.5 million to 79 million since 2016.⁶

Almost 1 out of 10 children are exposed to child work around the world, with some constrained into dangerous work through trafficking. The report focuses on a critical ascent in the quantity of children matured 5 to 11 years in child work, who presently represent simply over a portion of the complete worldwide figure. The quantity of children matured 5 to 17 years in risky work – characterized as work that is probably going to hurt their wellbeing, security or ethics – has risen by 6.5 million to 79 million since 2016.⁷

1.2. Child Labor: Global Estimates 2020

The term "child labor" is often referred to in the name of work which is harmful to physical and intellectual development that takes away children their childhood, potential, and dignity. It refers to work that is: psychological, physical, social, or ethically dangerous and harmful to children, or impairs schooling by denying it the chance to attend school; forcing it to leave school at a time; or requiring it to combine attendance at school with excessive and heavy work. This applies to children.

It depends on the age of your child, the type and hour of work performed, the conditions under which this work is performed, and the aims of individual countries whether or not particular forms of 'work' can be called 'child labor.' The response varies between countries and between sectors within countries.

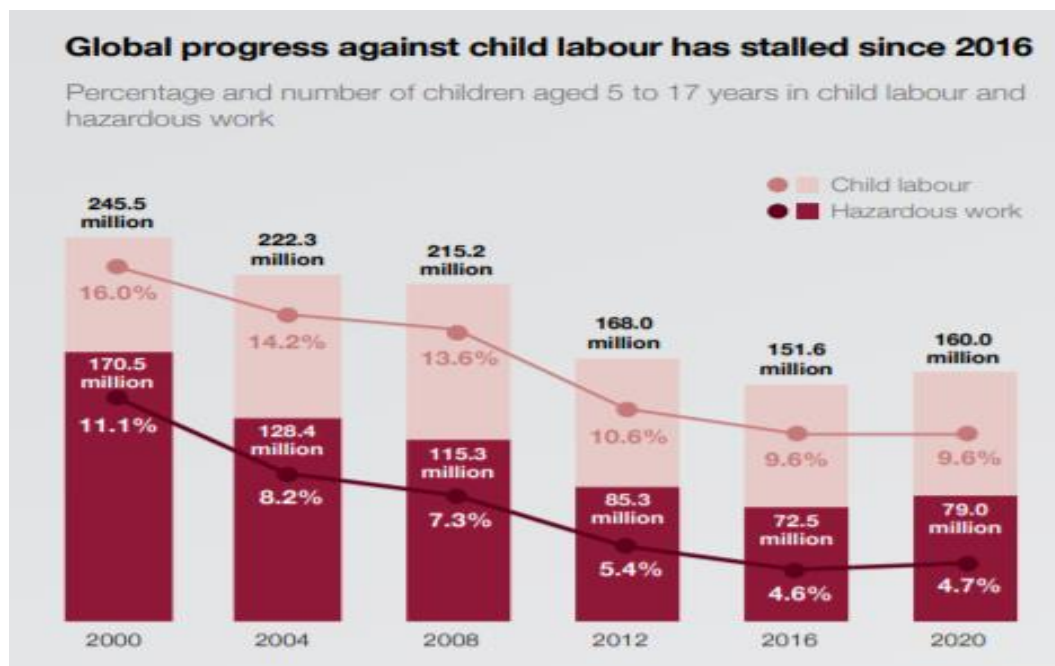
The latest global estimates show that child labour, in the last four years, has increased to 160 million in the world – an increase of 8.4 million children. At the beginning of 2020, there were 63 million children and 97 million children working worldwide, representing nearly one in ten children all over

⁶ 'United Nations International Children's Emergency Fund' (*UNICEF*) <www.unicef.org/protection/child-labour> accessed 24 June 2021.

⁷ *Ibid.*



the world. This report warns that worldwide progress towards stopping child labor has first stalled in 20 years. Since 2016 there has been an increase from 6,5 million to 79 million children aged 5 to 17 years working in dangerous work – defined as work that may harm their health, safety, or morality. Over the last four years, there have been additional 16,6 million child laborers in Sub-Saharan Africa, population growth, extreme poverty, and inadequate social protection measures.



Trends and the way forward

The International Labour Organization (ILO) and the UN Children's Fund (UNICEF) report calls on governments and the international bank for development to give priority to investments in programs that can help children out of their workforce and back to school, UNICEF Executive Director Henrietta Fore said.

The report *Child Labour: the 2020 global estimates, trends and the road forward* take stock of where we stand in the global effort to stop child labor, first published together by ILO and UNICEF as co-custodians of the Target 8.7 of Sustainable Development Goals.⁸

⁸ 'Child labor: Global estimates 2020, trends and road forward', (*International Labour Organisation & United Nations International Children's Emergency Fund*, 2020) <www.ilo.org/wcmsp5/groups/public/--ed_norm/---ipec/documents/publication/wcms_797515.pdf> accessed 26 June 2021.



The calculations for 2020 are based on the extrapolation of data from national household surveys according to child labor forecasts produced every four years since 2000 by the ILO. More than 100 domestic surveys covering two-thirds of the world's children's population aged 5-17 years are used in new estimates.

Findings of the Report

This publication from the International Labor Organization (ILO) and UNICEF gives updated international and regional child labour estimates.

By 2020, it has been anticipated that 160 million youngsters – 63 million girls and 97 million children – are employed worldwide. Almost half, 79 million, of those children were at risk.

Global estimates for 2020 include key findings:

- Global child labour progress has halted since 2016: in the last four years, the child labour proportion remained same.
- In Africa, since 2012, there has been both a rise in the quantity and percentage of child labour. In sub-Saharan Africa, there are now more children working than in the rest of the world combined. On the other hand, throughout Asia and Latin America, the prevalence of child labour decreases.
- In rural areas, child labour is far higher: 122,7 million rural children are child labourers compared to 37,3 million urban children.
- 70% of all children in child labour, approximately 112 million youngsters, work in the agricultural sector.
- Since 2016, children between 5 and 17 years old have grown from 6.5 million to 79 million in hazardous labour - defined as work that is likely to damage their health, safety or morality.
- The majority of child labour in families, often on the family farm or in family businesses, is 83 percent.



- The potential of physical and mental injury is present for children in child labour. Child labour undermines schooling for children, restricts children and reduces their rights and future chances and leads to vicious cycles of poverty and child labour between generations.

The report requires that the repercussions of the Covid-19 epidemic be dealt with immediately. One of these activities, which is deemed crucial, is to encourage children to get back to school, expand social security to address poverty, and promote sustainable rural livelihoods through income diversification.

Some of the causes in increasing Child Labor

The experts say that unhealthy family life and economic deprivation are the main reasons for the emergence of child labor in larger cities. Families strained by financial difficulties cannot cope with and sometimes even fail to provide adequate nutrition for their children's increasing demands. It seems that this is the main reason why children look for their income.

This seems to be the primary reason why children seek their revenue sources. In socially disadvantaged, alcoholic, and morally bankrupt families, financial challenges are often linked to destructive relationship dynamics. These factors combine to temporarily or permanently spur children onto the street, leading them to a dreadful life, which is necessary too early to make independent choices. Consequently, the major causes of child labor can be identified as economic hardships and family dysfunction. The general social and economic situation in the country is another important issue mentioned by the experts.

Impact of Covid-19

COVID-19 is putting progress in Asia, the Pacific, and the Caribbean, and Latin America at risk.

The report warns that globally and without access to critical social coverage, another 9 million children may be pushed into child labor by the end of 2022, due to a pandemic of 46 million.

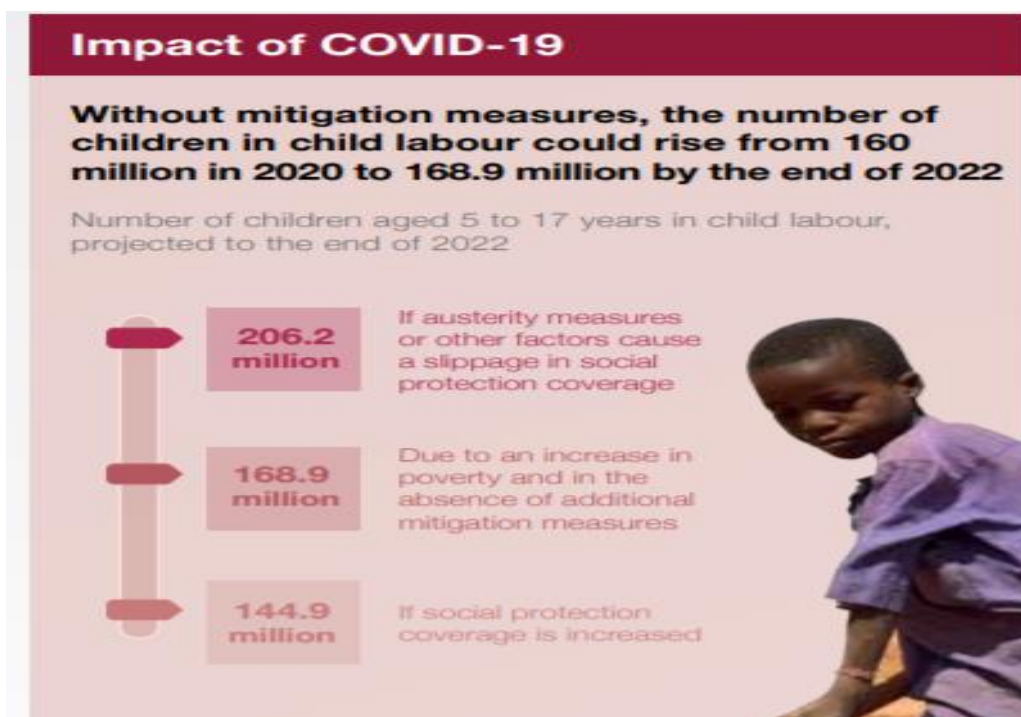
"Even in the face of economic hardship, including social protection allows families to keep their children in school. Increased rural development investment and decent agricultural work are essential," explained Mr. Ryder.



Additional economic shocks and the closure of schools due to COVID-19 means that children who are already forced to work or forced to labor can work longer hours or worse, while losses of jobs and revenues among vulnerable families may push many more into the worst forms of child labor.

The UNICEF Executive Director Henrietta Fore said "We are losing ground in the fight against child labor, but that has not been made easier last year.

"Families are forced to make heartbreak choices even in the second year of global lock-downs, school closures, economic disruption, and reduced national budgets," she added.⁹



Additional risk that Reports mentioned

It is alarming what the report says. For the first time since we started producing global estimates two decades ago, global progress against child labor has stalled. Furthermore, the COVID-19 crisis is likely to lead millions of more children to child labor without urgent mitigation measures. These results are

⁹ 'COVID-19 may push millions more children into child labor' (2020) <www.unicef.org/press-releases/covid-19-may-push-millions-more-children-child-labour-ilo-and-unicef> accessed 26 June 2021.



an important test of the international commitment to end child labour by 2025. If we don't have the will to act on an unparalleled scale today, the timetable for ending child labor will extend into the future many years.

The COVID-19 crisis is leading to the first increase in child labour in the next 20 years, a new brief from the International Labor Organization (ILO) and UNICEF says, leading to millions of children being put into child labour.

COVID-19 states that child labor has been reduced by 94 million since 2000, but now the gains are in danger of being reduced by crisis and time to work.

The report says that children already working for children may have longer hours or worse conditions. More of them can have to work in the worst forms, resulting in significant health and safety damage.

This could force more children into harmful and exploitative employment. Gender inequalities may increase more and more, with girls especially vulnerable to farm and domestic exploitation, according to the report.

The brief says that COVID-19 could increase poverty by using all available means to survive, thus increasing child labor. There have been studies that a one-point increase in child labor in certain countries leads to at least a 0.7% increase.¹⁰

In the report, immediate action is required to address the impact of the Covid-19 pandemic. Supporting children to return to school, extending social protection to tackle poverty, or promoting sustainable rural livelihoods by diversifying incomes are key actions and continue to address child labor in global and home supply chains.

Sector-wise Data

Employment includes all forms of market production and certain types of production outside of the market (principally that of goods such as agricultural products for own use). Employment includes

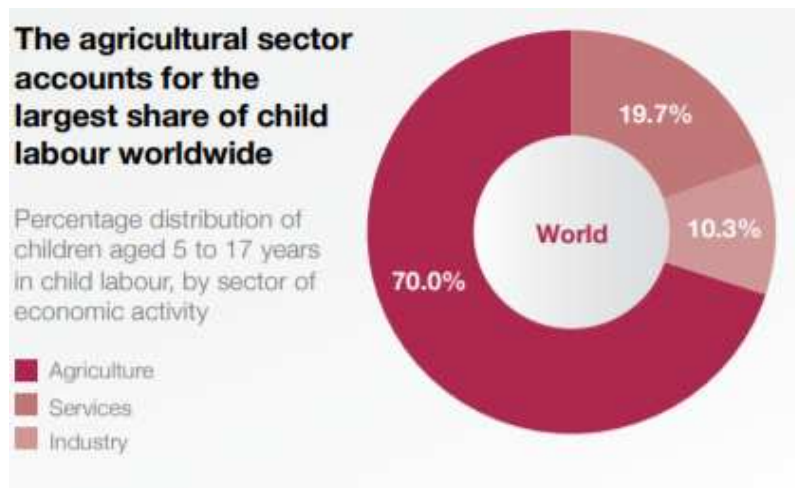
¹⁰ 'Child labor figure rises to 160 million, as COVID puts many more at risk' (*United Nations News*) <www.news.un.org/en/story/2021/06/1093682> accessed 26 June 2021.



both formal and informal, family and external jobs, wages or profits (cash or ink, part-time or full-time), and domestic work for employers outside the family's household (paid or unpaid).

The majority of child labor (around 70 percent) worldwide, including cotton plantations and rice fields, is done in the agricultural sector according to a study by ILO.

The agriculture sector amounts to a total of 112 million children. Many children are younger, highlighting agriculture for children's work. More than three-quarters of every child from 5 to 11 years of age work in agriculture. 70% of children are in child labour in agriculture, followed by 20% in services and 10% in industry.



Services and industry account for smaller but still significant child labor shares. Child labor includes domestic labor and trade, transportation, and repair work for motor cars. Industrial child labor includes building, mining, and production work. While the share of young men and women in child labor is

approximately equal in agriculture, there is greater gender specialization in services and the industry. Children in children's labor, including domestic work, are far more likely to be in services and children are more likely to be in business.¹¹

Gender Gap: More prevalent among boys than girls

The gender gap in child labor is narrower for children than for girls at any age, but when 21 hours per week of household chores are taken into account.

¹¹ *supra* note 1.



By 2020 there were estimated to have been 160 million children worldwide in child labor – 63 million girls and 97 million boys. Almost half – 79 million – of these children worked harmfully.

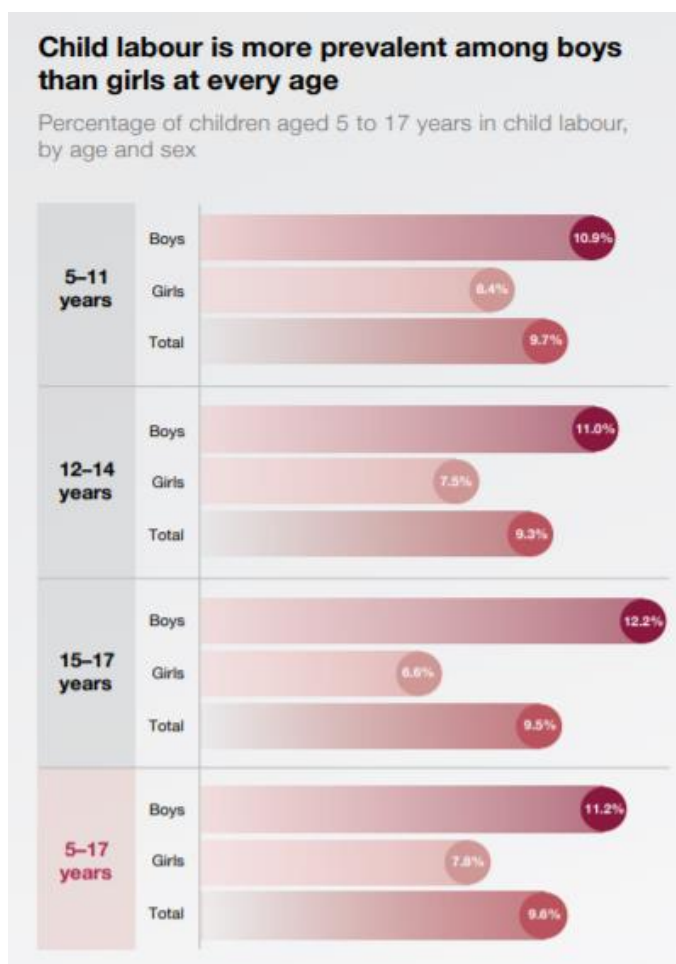
Boys are more likely to be involved in economic activity than girls in the majority of the countries. According to the most recent assessments available from ILO & UNICEF data, the view here presents the incidence of child employment per country for boys versus girls.

Child labor involvement is greater for boys at any age than for girls. In comparison to 7.8% of all girls, 11.2% of all boys have work. Boys in child labor are 34 million in absolute numbers. When the definition of children's work is extended to household jobs for 21 or more hours per week, there is a reduced gender divide in the prevalence of boys and girls aged 5 to 14.

Child labor involvement is more prevalent for children than for girls of all ages. The

prevalence of child labour is almost one-third higher for boys for children aged 5 to 17 years. The gender gap is growing with age and the likelihood of children working in children between the ages of 15 and 17 is about twice that of girls.

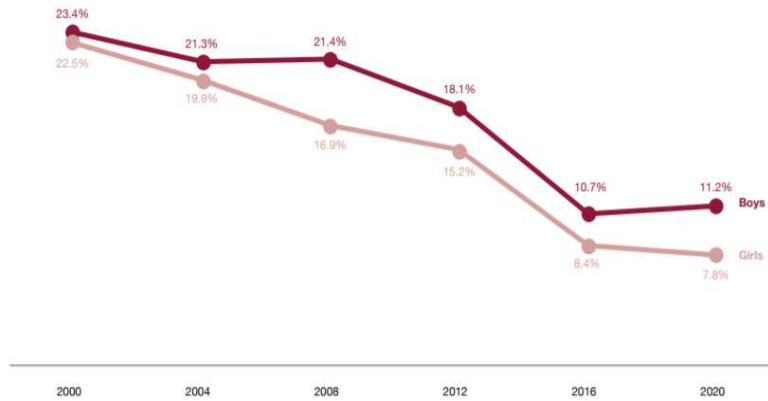
A significant caution must accompany the comparisons between child labour estimates for boys and girls. The definition of child labor, on which the estimates are based, does not include involvement in homework in children's homes, a workplace for which girls in most societies are excessively responsible.



The global 2020 estimates for the first time examine how the inclusion of household jobs affects the

Child labour has declined faster among girls than boys

Fig 13. Percentage of boys and girls aged 5 to 17 years in child labour, by sex



overall estimates of child labor and male child labor about female child labor. The results are remarkable. When the definition of child labor is increased to include 21 hours or more a week in household work, the prevalence of child labor increases for both sexes, but

the rate of women's child labor increases significantly. Consequently, the gender gap in the prevalence of child labor has declined by almost half from 2.8% to 1.6%.¹²

Age Factor

The results of the global estimates show that child labour remains a major concern for children between 5 and 17 years old. Of the 160 million child laborers, 89.3 million are children between the ages of 5 to 11, 35.6 million are children between the ages of 12 and 14 and 35 million are children between the ages of 15 and 17.

Child labor, in terms of both absolute and percentage, for children aged 12 to 14 and 15 to 17 in the past four years has continued to decline. In contrast, child labour in young children aged 5 to 11 years rose sharply in the period 2016-2020. There were signs in 2016 that young children progressed slowly. The trend today moves in the wrong way. In the four years, hazardous employment accounted for approximately two-fifths of all additional child labor between the ages of 5 and 11.

Persistence and growth among younger children are of particular concern, while children of all ages must be prevented from dangerous labor.

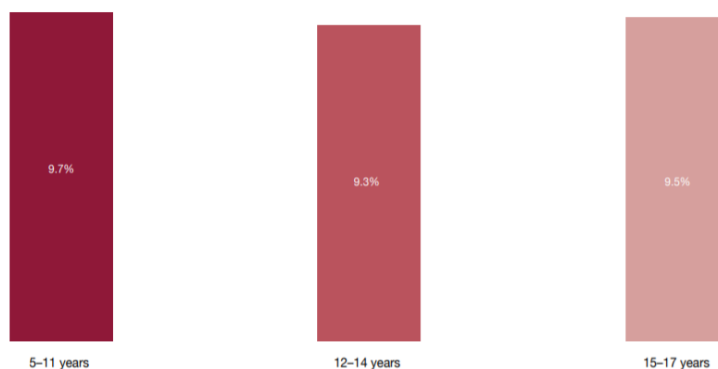
¹² *supra* note 1.



Children between the ages of 5 and 11 are the largest proportion of children's work and represent a significant portion of children's work. 48% of all child laborers are between 5-11 years old, 28% are between 12 and 14 years old, and 25% fall within the ages of 15-17 years.

The proportion of children in child labour is similar across age groups

Fig 8. Percentage of children aged 5 to 17 years in child labour, by age



Regions & Countries

This global estimate masks large differences between regions. In sub-Saharan Africa, the prevalence of child labor is 24 percent, the second most prevalent of which is Northern Africa and Western Asia. Absolutely, in child labour in Sub-Saharan Africa almost 87 million children are more than combined in the rest of the world.

The pace of progress in different regions has varied dramatically. Since 2008, in Asia and the Pacific and Latin America and the Caribbean, the proportion and the number of children in child labour have declined consistently.

In Sub-Saharan Africa, where the number of child labour has increased since 2012, similar progress has been uncertain and particularly marked in the last four years as the region accounted for a great deal of the world's growth.

Half the population in the Arab States comprises 280 million children and young adults. The total population of children in the region is estimated at 13,4 million, or about 15 percent of all children. However, because of the prevalence of child labor, which is difficult to measure, the real level of child labor may be considerably higher. Work is of particular concern in the informal urban, seasonal, street, household, and other fields.





The last ILO World Child Labour Report revealed that, in Asia and the Pacific, there were five million working children below the age of 15 who decreased from 2000-2004 to 122,3

million. The region still faces major challenges despite this positive development. The Asia Pacific is by far the largest number of working children in the world and accounts for 18,8% of the 650 million 5 to 14 year-olds in the region.

In the 2006 ILO Global Report on child labor, children's labor estimates show a drop in the number of children in European and Central Asia working in the transformation economies. There has been significant progress in economic growth and poverty reduction associated with the policy commitment to combat child labor. Europe's ratification rate has been highly encouraging for the two ILO Child Labour Conventions.

The latest ILO global estimates for children's labour show that Africa has the greatest number of child laborers. It is estimated that there are an estimated 72.1 million African children in child labour and 31.5 million in dangerous work.

While child labor in recent years has declined considerably in Latin America and the Caribbean, 5.7 million working girls and boys still have a minimum work age or work which must be abolished following Convention No 182 of ILO Worst Forms of Child Labor. The majority of these children are working in agriculture, but many thousands of girls and boys are employed in other high-risk industries, including mining, dumping, housework, fireworks, and fishing.¹³

¹³ 'Regions & Countries' (*International Labour Organisation*, 2020) <www.ilo.org/ipecc/Regionsandcountries/lang--en/index.htm> accessed 26 June 2021.



Child labor is prevalent in rural areas

Estimates of children's work in rural or urban areas are found to be much more common in rural areas for the first time in the world's 2020 estimates. There is about three times the prevalence of child labour in urban areas. Child labor is mainly carried out in agriculture in rural economies.

122,7 million children work in rural areas as opposed to 37,3 million children in urban areas. The prevalence of child labor is nearly three times higher in rural areas (13.9%) than in urban areas (4.7 percent).

The largest share of child labour takes place within the families

The biggest proportion of child labour in families takes place. In family farms or family micro-enterprises, 72% of children's work and 83% of child labor amongst children 5 to 11 are carried out within families. Despite common views of the family as offering a safer environment, family children's work is often dangerous. In family-based child labor, over one in four children 5 to 11 and nearly half of 12 to 14 years of age have the potential to harm their health, safety, or morals. Most child labor in families, especially in the family or family businesses, accounts for 83 percent.

This pandemic has significantly increased the risk of child labor by increasing poverty which is likely to increase the dependence of families on child work and by closing the schools which have denied families the logical alternative to sending children to work. To reduce these risks, expanded family revenue support, child benefits, and other means will be critical in situations of vulnerability. Also, back-to-school campaigns and step-up remediation learning will help children to return to their schoolrooms and make up for lost learning when conditions permit.

The COVID-19 crisis has been a strong reminder of the need to cooperate and partner internationally to overcome global challenges. It is just as true of the 2030 Sustainable Development Agenda, for the end of child labor as other key development priorities. The removal of child labor is too important for a party to solve on its own. States have to work together under Article 8 of the ILO Worst Forms of Child Labor Convention which have been universally ratified (No. 182).

Today, the world is unable to do away with child labour by 2025. Global progress should be almost 18 times quicker than the rate seen in the past two decades to meet this objective. In 2025 nearly 140



million children will be working at children's work without accelerated actions, according to the pre-COVID-19 projections based on the rate of change from 2008 to 2016. The COVID-19 crisis makes this situation even more worrying, with many more children at risk of getting work. In facilitating child labor cooperation between government and NGO actors, Alliance 8.7 plays a key role. In 2016, Alliance 8.7 groups, governmental groups, multilateral organizations, workers' organizations, employer organizations, NGOs, academic bodies, and think tanks launched a global partnership, to identify ways to expedite action on objective 8.7. The Alliance focuses on three strategies: research and knowledge sharing, innovation promotion, and resources increase and leverage.

Action to stop child labor, following global commitments and objectives, must be implemented urgently. In this report, the evidence describes the risks as well as the solutions. The COVID-19 pandemic amply shows that ambitious measures and investments are necessary when human wellbeing is at stake. We have promised children that they will stop working with children.

Here are some *overall graphs and statistics*:

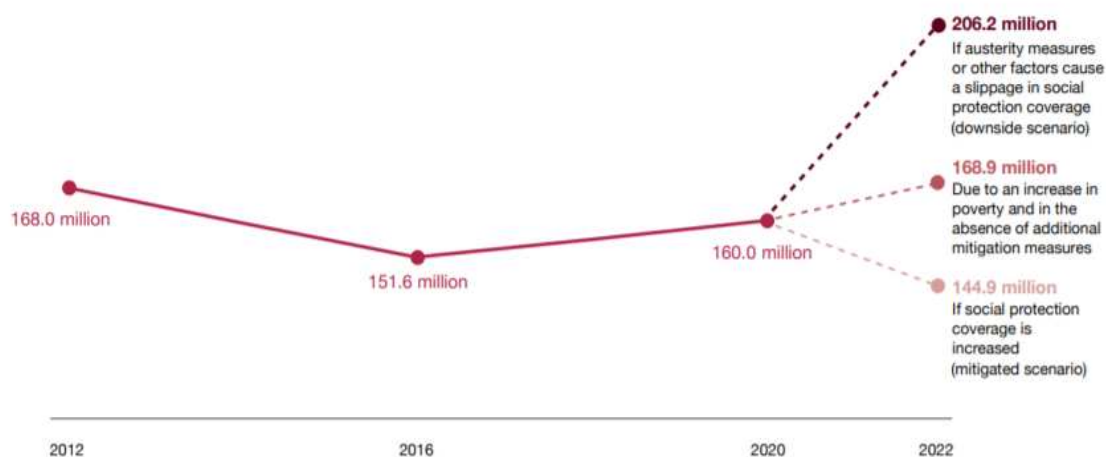
		Children aged 5 to 17 years in child labour				Children aged 5 to 17 years in hazardous work			
		2016		2020		2016		2020	
		%	No.	%	No.	%	No.	%	No.
World total		9.6	151,600	9.6	160,000	4.6	72,500	4.7	79,000
Sex	Girls	8.4	64,100	7.8	62,900	3.6	27,800	3.6	28,800
	Boys	10.7	87,500	11.2	97,000	5.5	44,800	5.8	50,200
Age	5-11 years	8.3	72,600	9.7	89,300	2.2	19,000	2.8	25,900
	12-14 years	11.7	41,900	9.3	35,600	4.6	16,400	4.8	18,100
	15-17 years	10.5	37,100	9.5	35,000	10.5	37,100	9.5	35,000
ILO regions	Africa	19.6	72,100	21.6	92,200	8.6	31,500	9.7	41,400
	Sub-Saharan Africa	22.4	70,000	23.9	86,600	9.8	30,500	10.7	38,600
	Arab States	2.9	1,200	5.8	2,400	1.5	600	4.5	1,900
	Asia and the Pacific	7.4	62,100	5.6	48,700	3.4	28,500	2.6	22,200
	Americas	5.3	10,700	4.3	8,300	3.2	6,600	2.9	5,700
	Latin America and the Caribbean	7.3	10,500	6.0	8,200	4.4	6,300	4.0	5,500
	Europe and Central Asia	4.1	5,500	5.7	8,300	4.0	5,300	5.5	7,900
National income grouping	Low income	19.4	65,200	26.2	65,000	8.8	29,700	11.6	28,700
	Lower-middle income	8.5	58,200	9.0	69,700	4.9	33,500	4.3	33,600
	Upper-middle income	6.6	26,200	4.9	23,700	2.0	7,800	3.2	15,300
	High income	1.2	2,000	0.9	1,600	1.0	1,600	0.8	1,500

Notes: Numbers are expressed in thousands and have been rounded. Because of the rounding, disaggregated numbers do not always add up to total values. Trend data are not available for SDG and UNICEF regions.



Without mitigation measures, 8.9 million more children will likely be engaged in child labour by the end of 2022

Fig 33. Number of children aged 5 to 17 years in child labour, observed and projected



In low-income countries, the highest proportion of children working in child labour. This is no surprise, as children's work and national income are closely connected. High child labor, by cutting unqualified wages and discouraging technologies that are skill-intensive, is preventing current income growth. It also dampens future growth by interfering with education and physical development for children, leading to a decreased workforce for adults. Increased national income improves the family's ability to live on adequately and face shocks without child labor.

The International Labour Organisation launched the international year for the elimination of child labour is a partnership with the Alliance 8.7 which is a worldwide collaboration for eradicating forced labour, slavery, child labour etc. Through the joint initiative Regional, national, and organisational stakeholders, as well as individuals, are encouraged to outline tangible steps that they will take by December 2021 to help abolish child labour. They will act in coordination in order to help the children get their rights and to make sure that all required steps are taken for the elimination of child labour. The International Year will also lay the groundwork for the V Global Conference on Child Labour (VGC), which will be held in South Africa in 2022, and at which stakeholders will express their opinions and make new commitments to end child labour in all forms by 2025, as well as forced labour, human trafficking, and modern slavery by 2030.



International year for the elimination of child labour can be a great success if acted in the planned manner. There couldn't have been a better time for such an event as we all know that we are amid the unprecedented times and the cases of child labour is also growing. It won't be possible to eliminate child labour anytime soon but this type of initiatives is very essential to reduce child labour and ultimately eliminate it.



CHAPTER 02

CHANGES IN TRENDS

2.1. Figures of Child Labor before the Pandemic Hit

Delving into past

Studying the history of child labour and how it is practiced, it can be easily asserted that the prevalence of child labour follows a pattern and is not uniform all the times. Child labour prevailed most in 19th century throughout the world. The industrial revolution showed a hike in the number of child labour as during this period more workers were needed to work in factories and children could also be paid less for their work, which attracted many people to hire children instead of adults to work in their factories. The estimates of child labour saw a fall after many steps towards the elimination of child labour was implemented¹⁴.

The World Wars can clearly be demarcated as the periods which saw the biggest rise in the cases of child labour. The time period of 1914-1918 (World War I) showed a huge spike in the number of reported cases but this spike was temporary and it again fell after the end of the 1st World War¹⁵. The 2nd World War was no different from the first one and again there was a 15% hike¹⁶ in the cases of child labour worldwide.

¹⁴ Cunningham, Hugh, & Pier Paolo Viazzo, 'Child Labour in Historical Perspective 1800-1985: Case Studies from Europe, Japan and Colombia', No. hisper96/1. UNICEF Innocenti Research Centre, 1996.

¹⁵ Lavalette, M (1999), 'A Thing of the Past? Child Labour in Britain in the Nineteenth and Twentieth Centuries' (*Liverpool University Press*).

¹⁶ *Ibid.*



It seems as if the world has been witnessing up rises in Child Labour, not randomly but only when there have been some events of global important or events that have had a worldwide effect. It cannot be doubted that the pandemic too, falls under the category of such an event and hence, the upsurge of child labour during this period is well speculated.

Steady Decline Over the Past Years

The graph below¹⁷ shows some eminent countries and substantiates well for the argument that Child Labour has seen an overall drastic downfall and the occasional growth spurts are of negligible value.

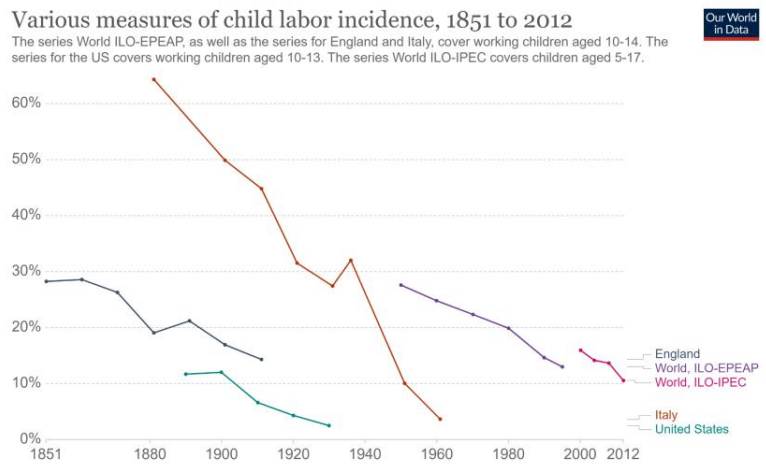
As far as the countries mentioned are concerned, the following observations can be made:

1. Italy¹⁸: The unstable graph line of Italy is almost miraculous when one notices the starting point. In 1880, almost 65 % of the child population of the country was engaged in child labour whereas this statistic stood at around 5 % only after 1960.

2. United States¹⁹: This country has successfully brought down the number of children engaged in labour from a mere 12 % to around 3 %. Therefore, the situations regarding child labour in the U.S. have never been so depressing.

3. England²⁰: The statistic has come down from 28 % to 15 % in a span of 70 years from 1851 to 1911.

It must be noted that this description adheres to only 3 countries which is a very narrowed down description keeping the world



¹⁷ Esteban Ortiz-Ospina & Max Roser, ‘Child Labor’ (*Our World in Data*, 2016) <www.ourworldindata.org/child-labor> accessed 26 June 2021.

¹⁸ Italy: Tonioli and Vecchi (2007).

¹⁹ US: Long (1958).

²⁰ Cunningham, H. and Viazzo P.P. (1996).



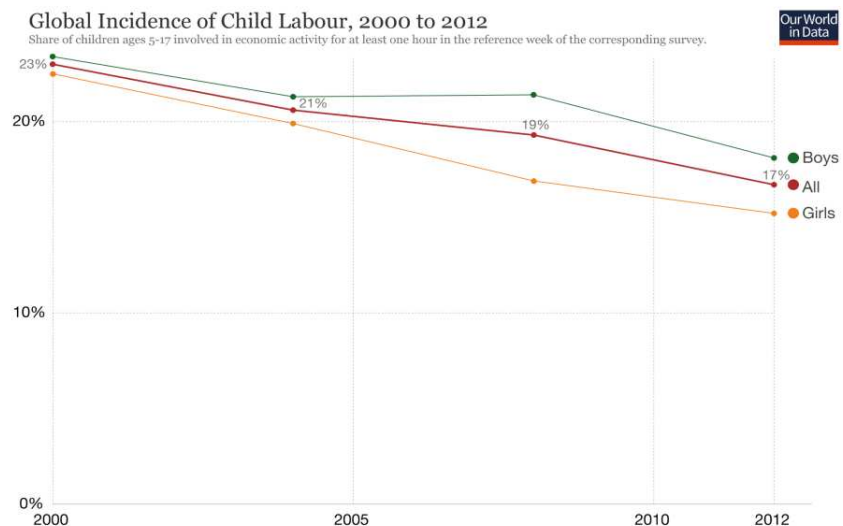
in view. Undoubtedly, Italy has made unbelievable progress in the span of 110 years not taking into account occasional spurts and only considering the overall effect.

Further, the reports of the ILO-PEC or International Labour Organization Programme on the Elimination of Child Labour²¹, suggests that in between 2000 to 2012 there has been a worldwide decrease in child labour from 18% to 10% which is good progress as the range of time here is quite short. On the same note, the ILO- EPEAP or the ILO Estimates and Projections of the Economically Active Population²², while providing the study results claims that there has been a downfall from 28% to 13% in the span of 45 years from 1950 to 1995.

Global Incidence of Child Labour, 2000 - 2012

This study does not give a generalized statistic of increase or decrease in percentage of children engaged in child labour throughout the world but goes a step ahead to track down the same under some specific headings like gender and age groups.

The graph alongside²³ shows decrease in child labour from the period of 2000 to 2012 for children all across the world but in a gender specific manner. The orange line for female children engaged in labour shows a constant decrease whereas the



the orange line for female children engaged in labour shows a constant decrease whereas the

²¹ Basu, '1999; World (2000-2012) International Labour Organisation Programme on Elimination of Child Labour' (ILO, 2013).

²² 'International Labour Organisation Estimates and Projections on the Elimination of Child Labour' (World, 1950-1995).

²³ 'Marking Progress against Child Labour' (ILO) <www.ourworldindata.org/child-labor> accessed 25 August 2021.



green line for male children in labour shows an inconstant but overall decreasing line. The red line is a median line showing the cumulative effect after consideration of both the genders.

Child labour is not that simple of a concept. There is great discrimination and unfair changes in trends related to pay-scale slabs and nature of work depending on gender and age groups.

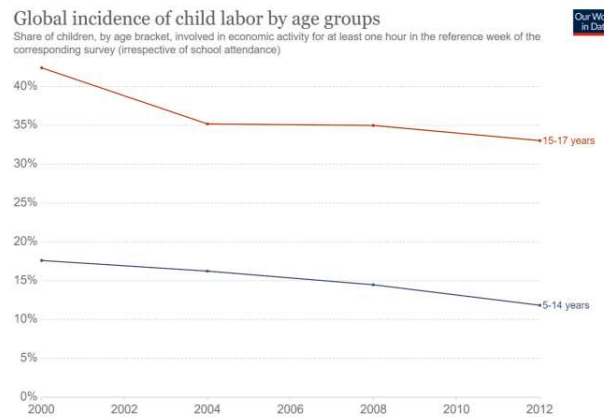


Fig: The adjacent graph²⁴ is specifically insightful because it presents an age-specific study.

It is a commonly known fact that children who are elder would be engaged in child labour more often than the younger ones. On a worldwide basis, where 42% of the children aged between 15 and 17 years were working as labour the same decreased to around 33% in 2012. Where 17-18% of children ages between 5-14 years recorded in 2000, the number fell to 12% in 2012.

There is a drastic difference between the number of children engaged in child labour according to age groups. The transition phase from the massive difference occurs at the age of 12-14 speculatively.

2.2. Drastic Growth in Figures

Before the Pandemic

In the recent two decades, there have been multiple efforts to fight the problem of child labour and there has been a significant progress regarding the same.²⁵ Child labour had seen a decrease of over 94 million (38%) since the year 2000- 2016.²⁶

²⁴ *Ibid.*

²⁵ ‘COVID-19 and Child Labour: A time of crisis, a time to act (UNICEF & ILO, 2020) <www.data.unicef.org/wp-content/uploads/2020/06/COVID-issue-paper-EN-1_4_2-FINAL.pdf> accessed 25 August 2021.

²⁶ UNICEF, ‘Child labour rises to 160 million- first increase in two decades’ (UNICEF, 9 June 2021), <www.unicef.org/press-releases/child-labour-rises-160-million-first-increase-two-decades> accessed 25 August 2021.



However, even with the improvements during that time, there were still multitudes of children under the burden of child labour. They were suppressed under abject poverty. A report by Terre des Hommes²⁷ has shown that more around 386 million children were living at a daily income level of less than 1.90 US dollars per day. The same report has shown the statistic that 48% of children under 18 are living in poverty. Also, 263 million children are unable to afford school and attain basic education.²⁸

Child labour affects 152 million children worldwide, comprising of 88 million boys and 64 million girls²⁹. Furthermore, 73 million out of the 152 million children were engaged in dire forms of child labour such as slavery, bondage, sexual exploitation, etc³⁰. 19% of child labour was found in low income countries and forced labour was said to generate around \$150 billion of profits per year, illegally³¹.

Rise in Figures due to the Pandemic

“We are losing ground in the fight to end child labour, the Covid-19 crisis is making a bad situation even worse.”³² - UNICEF Chief Henrietta Fore

²⁷ ‘Terre des Hommes warns of a dramatic increase in child labour as a result of the Corona pandemic’ (*Terre des Hommes International Foundation*, 2020) <www.terredeshommes.org/wp-content/uploads/2020/06/Impact-Covid-on-Child-Labour-Terre-des-Hommes-Extended-version-12-June.pdf> accessed 25 August 2021.

²⁸ *Ibid.*

²⁹ ‘Global Estimates of Child Labour’ (*ILO*, 2017) <www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_575499.pdf> accessed 25 August 2021.

³⁰ *Ibid.*

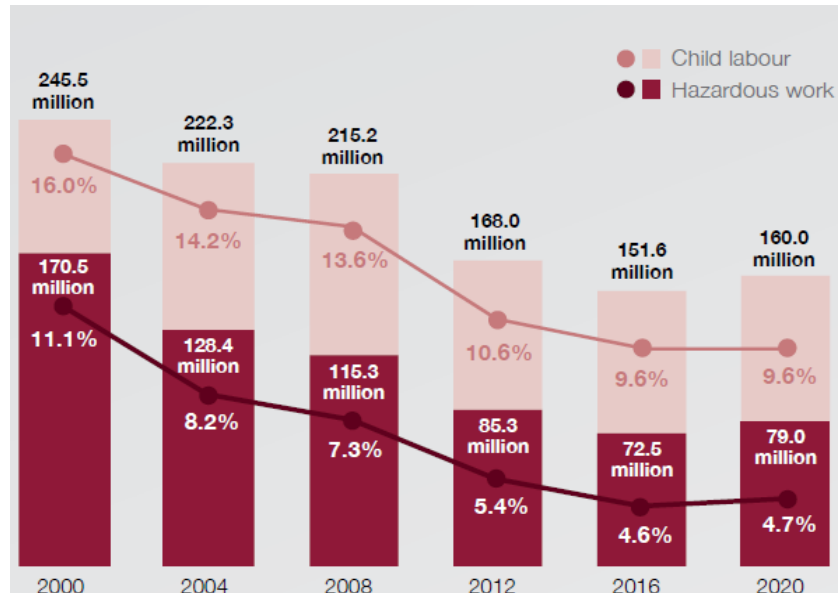
³¹ Compassion, ‘Child Labor Facts’ (*Compassion International*) <www.compassion.com/poverty/child-labor-quick-facts.htm> accessed 25 August 2021.

³² AFP, ‘Child labour swells for the first time in 20 years:UN’ (*LiveMint*, 10 June 2021) <www.livemint.com/news/world/child-labour-swells-for-first-time-in-20-years-un-11623285231842.html> accessed 25 August 2021.



The pandemic has been a major factor in contributing to the reversal of the trends that child labour had seen in the past two decades. COVID-19 has endangered the progress that has been happening in the fight against child labour. Global lockdowns, closing of schools, and the recessive economy have not helped the figures

either. As the COVID-19 pandemic began to increase in its intensity, almost 1 in every 10 children was affected by the child labour crisis. The progress that had been occurring in the fight against child labour has stalled. This image³³ shows the growth in child labour statistics across the years.



A new United Nations (UN) report³⁴ published has shown that child labour statistics have risen to an alarming number of 160 million, worldwide, which is an additional 8.4 million, in just 4 years. The 160 million number is made up of 97 million boys and 63 million girls, as recorded at the beginning of 2020. The report also claims that millions of other children are at risk due to the same. This illustration³⁵ shows the number of children engaged in hazardous forms of child labour, which pose a threat to their health, safety and morals.

³³ ‘Child Labour: Global estimates 2020, trends and the road forward’ (UNICEF & ILO, 2021) <www.data.unicef.org/wp-content/uploads/2021/06/Child-Labour-Report.pdf> accessed 25 August 2021.

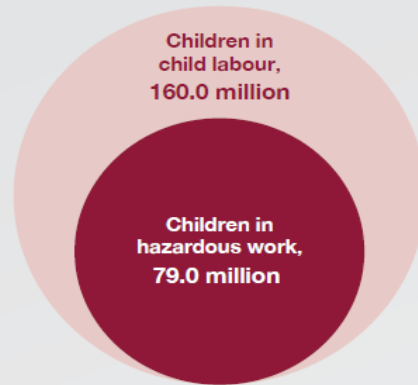
³⁴ *Ibid.*

³⁵ *supra* note 9.



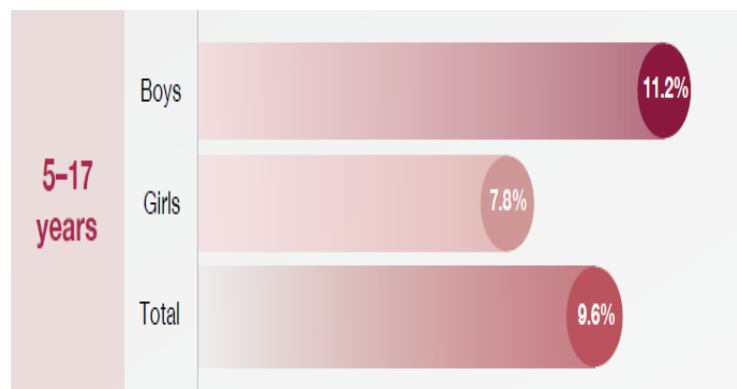
Worldwide, 160 million children are engaged in child labour; 79 million of them are performing hazardous work

Number of children aged 5 to 17 years in child labour and hazardous work



A report published by Human Rights Watch, interviewed 81 working children, during which it was discovered that due to the lockdowns and shutdowns caused by the pandemic, their family income has been severely impacted.³⁶ The older working members of the family have lost their jobs and customers due to economic slowdowns as well. Consequently, children as young as 8 year old, have had no choice but to work

in whatever jobs possible to support and sustain their families. These children were employed in jobs at brick kilns, carpet factories, fisheries (as shown in the image³⁷), construction, gold mines and agriculture among others.³⁸ The pandemic has caused massive job losses and school shutdowns, and it has led to losses of incomes for many families as well. Children have to support their families and thus there has been a rise in the figures of child labour, as they have had to resort to taking any and all jobs they can, even in exploitative and precarious forms of work.³⁹ The United Nations report has claimed that 9 million children are at



risk of being plunged into child labour, globally, by the end of the year 2022 as a direct result of the pandemic. It further says that this number could rise to 46 million, in the event that critical social

³⁶ Human Rights Watch, 'Covid-19 Pandemic Fueling Child Labor' (*Human Rights Watch*, 26 May 2021) <www.hrw.org/news/2021/05/26/covid-19-pandemic-fueling-child-labor> accessed 25 August 2021.

³⁷ Human Rights Watch and Initiative for Social and Economic Rights (ISER), 'I Must Work to Eat' (*Human Rights Watch*, 26 May 2021) <www.hrw.org/report/2021/05/26/i-must-work-eat/covid-19-poverty-and-child-labor-ghana-nepal-and-uganda> accessed 25 August 2021.

³⁸ *Ibid.*

³⁹ *supra* note 12.





protection is not accessible to them⁴⁰. The report has found that 28% of 5-11 year old and 35% of 12-14 year old engaged in child labour are out of school. Boys are more susceptible to the changing trends of child labour as compared to girls, as is shown by the illustration⁴¹ below. Additionally, rural areas have seen more growth in contrast to urban areas. In urban areas, child

labour stands at 4.7% (37.3 million), and in rural areas, the number is as high as 13.9% (122.7 million), which is almost triple of urban areas⁴². The picture⁴³ depicts the growth in child labour across various regions of the world. The African region (31.7%) is the part affected the most by the pandemic and its consequent increase in child labour statistics, with the Sub-Saharan region (23.9%) being the leader, followed by Eastern and Southern Asia (6.2%).

2.3. Global Estimates 2021

Child labour is generally characterized as employment that negatively affects children of their youthful potential and dignity, as well as work that is detrimental to their mental and physical development. For the first time in two decades, child labour is on the rise, and the coronavirus epidemic threatens to put millions more children to work. Today, there are 160 million children working as children in the globe, accounting for approximately 10% of all children. The proportion of children compelled to work remained static, while the number of children forced to work increased owing to population growth. Without immediate action, over 50 million additional children may be forced to work as youngsters in the next two years. According to the worst-case scenario, an additional nine million children would be forced into child labour.

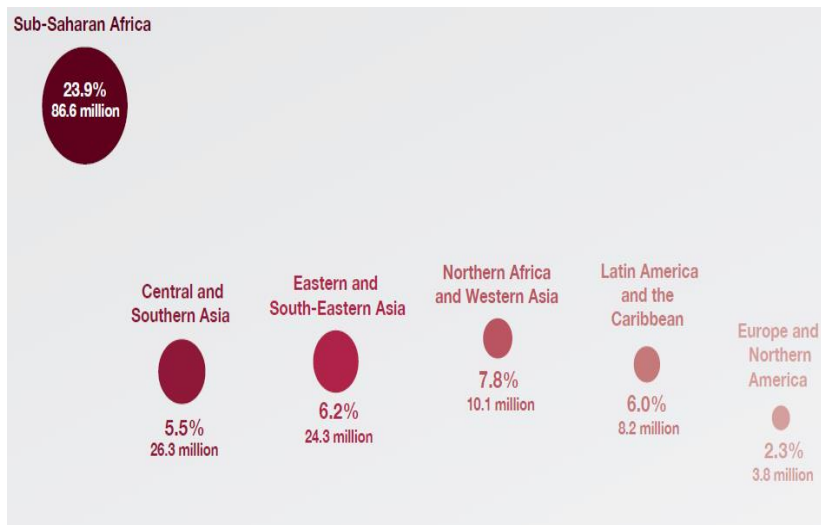
⁴⁰ United Nations, 'Child labour figure rises to 160 million, as COVID puts many more at risk' (*UN News*, 10 June 2021) <www.news.un.org/en/story/2021/06/1093682> accessed 25 August 2021.

⁴¹ *supra* note 19.

⁴² *supra* note 26.

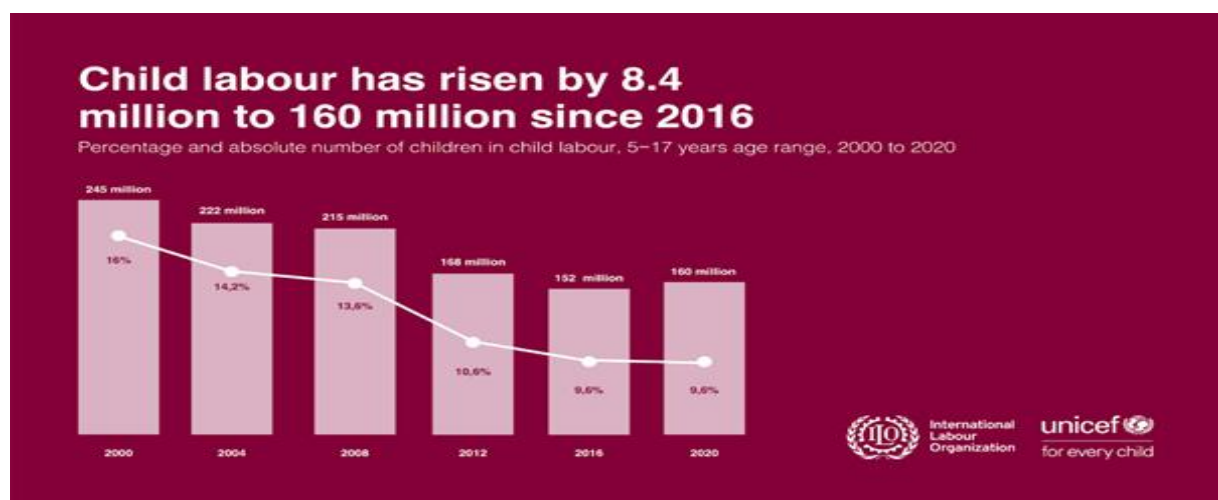
⁴³ *supra* note 29.





The number of children engaged in child labour has increased by 8.4 million to 160 million during 2016. This equates to 63 million females and 97 million males. It's the first rise since the International Labour Organization began tracking 20 years ago. At the start of 2020, 79 million children were

working in hazardous conditions, up 6.5 million from four years earlier. Employment in risky sectors, such as mining, or working with heavy machinery, is considered hazardous work. Population growth, acute poverty, and insufficient social safety measures have resulted in an increase of 16.6 million children in child employment in Sub-Saharan Africa over the last four years. COVID-19's additional economic shocks and school closures imply that children currently working as minors may be working longer hours or in worsening circumstances, and many more may be driven into the worst kinds of child labour as a result of employment and income losses among vulnerable people. According to the research, by the end of 2022, the pandemic would have forced 9 million more children into child labour throughout the world.



Child Labor in 2020: Global Estimate, Trends, and the Road Ahead

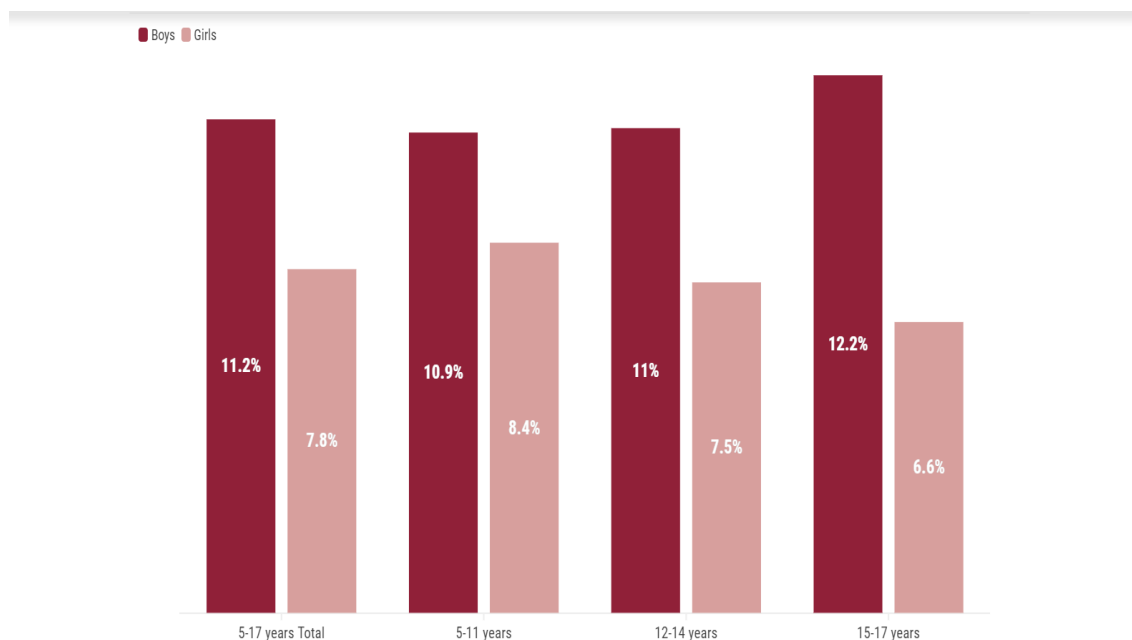


Fig: Employment and tasks, working conditions and hours, and educational possibilities are rose significantly by gender roles and birth order. At all ages, boys are more likely to be involved in child labour than girls.

11.2 percent of all boys work as children, compared to 7.8 percent of all girls. In terms of absolute numbers, boys outnumber girls by 34 million. The gender difference in frequency between boys and girls aged 5 to 14 is nearly half when the definition of child labour is expanded to include domestic tasks for 21 hours or more per week. Boys and girls are exposed to various dangers and hazards as a result of the current division of labour:

Boys are more likely to be responsible for operating machinery, using sharp instruments, and spraying chemicals in farming, and they are more likely to be subjected to amputations, wounds and burns, pesticide poisonings, and other negative health consequences. Girls are frequently tasked with carrying water, collecting and transporting wood, putting themselves at danger of musculoskeletal injury, exhaustion, and sexual assault.

Child labour affects 122.7 million rural children and 37.3 million urban youngsters. Child labour is nearly three times as prevalent in rural regions (13.9%) than it is in metropolitan areas (4.7 per cent).



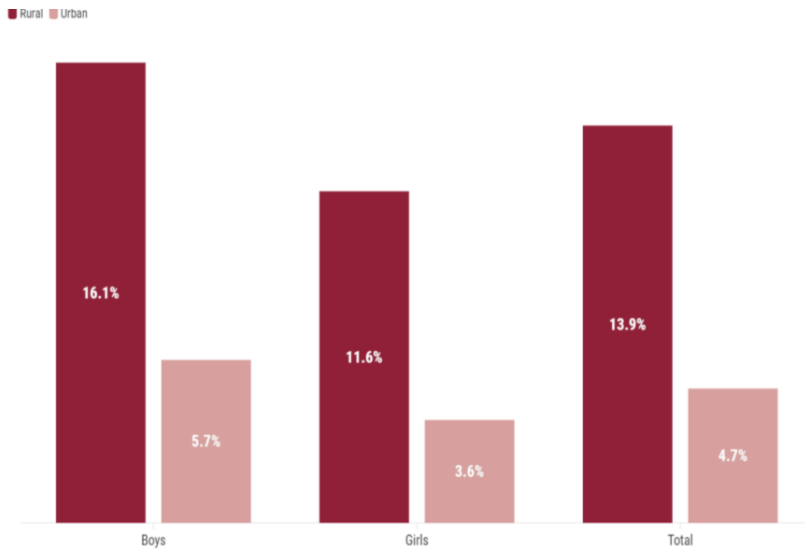


Fig: In rural places, child labour is significantly more frequent.

from 5% in 2001 to 3.9 percent in 2011, but the kind of employment changed more dramatically. Child labour is concentrated on farms across the world, and this is especially true in India, where 60 percent of working children are involved in agriculture-related activities.

Child labour is much more common in rural areas. In India, 3.9 percent of children under the age of 14 were involved in child labour in 2011. However, in certain states, such as Nagaland (13.2 percent), Himachal Pradesh (10.3 percent), and Sikkim, the percentage was significantly higher (8.5 percent). The number of working youngsters in the United States decreased

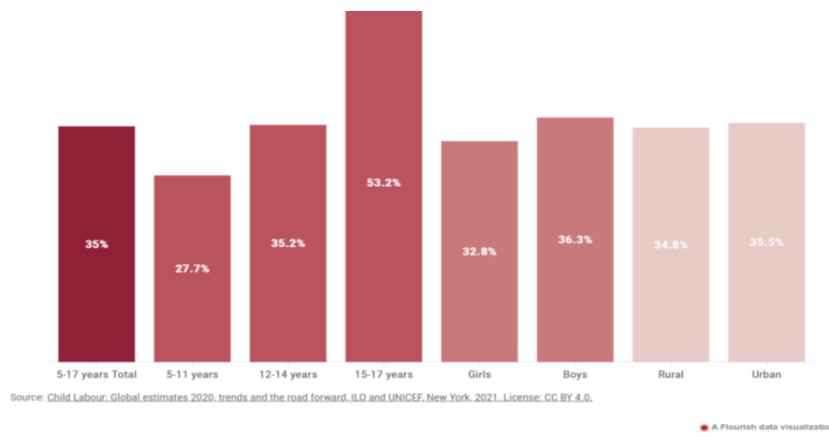


Fig: Child labour is commonly linked to a child's absence from school.

more than a third of youngsters aged 12 to 14 who work as children are not in school. We know that poverty forces children to work, but when children leave school early to work, they are more likely to wind up in jobs that limit their opportunities to escape poverty.

Despite being inside the age range for obligatory education, a substantial number of younger children in child labour are excluded from school. Over a quarter of children aged 5 to 11 and



Children must be free to attend to school rather than work to support their families in order to fulfil the Sustainable Development Goal for Education, while ensuring decent work (SDG 8) and eradicating all child labour would be difficult without excellent education for all children. As a result, it is critical that we continue to investigate and address the connections between education and child labour.

Child labour is on the increase for the first time in two decades. Millions more children may be forced to labour as a result of the coronavirus outbreak. Over 50 million more children may be compelled to labour as children in the next two years unless quick action is taken. In 2016, the number of youngsters working as minors grew by 8.4 million to 160 million. The Covid-19 pandemic's extraordinary economic effect is forcing children into exploitative and hazardous child labour. Many youngsters believe they have no option but to work in order to help their families survive, although this is not an unavoidable result of the epidemic. Governments and donors should make financial allowances a priority so that families can maintain a decent level of living without having to rely on child labour. Countries have made significant headway in eliminating child labour prior to the epidemic. According to the International Labor Organization, the number of children engaged in child labour fell by over 94 million, or 38 percent, between 2000 and 2016. In many countries where child labour was successfully decreased, governments gave monetary allowances to assist families and minimize the pressure on youngsters to work. However, cash allowance schemes do not cover 1.3 billion children, the majority of whom live in Africa and Asia. Many families with children have received much too little government support in response to the epidemic to safeguard their children from risky and exploitative labour. Cash allowances are more vital than ever to defend children's rights as millions of families struggle financially as a result of the epidemic.



CHAPTER 03

AREA-WISE GROWTH

3.1. Asia

Asia can be divided into five regions. These are *Central Asia, East Asia, South Asia, Southeast Asia, and Western Asia*. (Total 48 countries) ⁴⁴

There are 16.7 million (5-17 year old) children in child labour in South Asia, according to conservative estimates, and of these 10.3 million are in the 5-14 year age range. The young, 5-11 year-old children, make up about one-fifth of all child labourers in South Asia. ⁴⁵

Asia-Pacific enjoys a reputation as a vibrant economic zone, but it is also home to more working children than any other region in the world; an estimated 122 million children aged 5-14 years are compelled to work for their survival. ⁴⁶

In Central Asia and the Caucasus, many street children fall victim to the worst forms of child labour and many rural children perform hazardous work in agriculture. In addition, children from rural areas are commonly trafficked to urban centers or wealthier countries for labour exploitation, including commercial sexual exploitation.

A new report by OECD, ILO, IOM and UNICEF provides first ever estimates by international

⁴⁴ 'Child Workers in Asia' (*Asia Society*, 2021) <www.asiasociety.org/child-workers-asia> accessed 24 June 2021.

⁴⁵ 'Child labour in South Asia' (*Ilo.org*, 2021) <www.ilo.org/newdelhi/areasofwork/child-labour/WCMS_300805/lang--en/index.htm> accessed 24 June 2021.

⁴⁶ 'Child Labour in Asia and the Pacific (ILO in Asia and the Pacific)' (*Ilo.org*, 2021) <www.ilo.org/asia/areas/child-labour/lang--en/index.htm> accessed 24 June 2021.



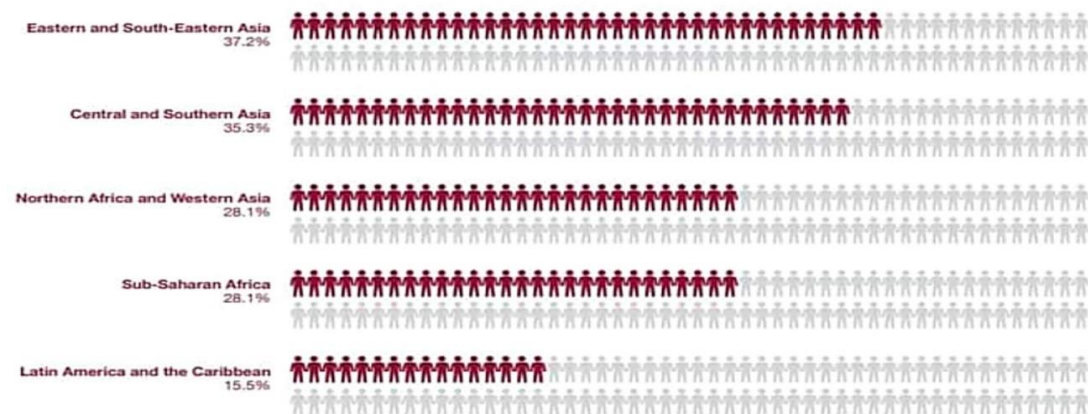
organizations of child labour and trafficking for forced labour in global supply chains. The report finds the estimated share of total child labour in global supply chains ranges from 9% in Northern Africa and Western Asia to 26% in Eastern and South eastern Asia.

The percentage of child labor in global supply chains varies across regions:⁴⁷

- 26 percent in Eastern and South-Eastern Asia.
- 22 percent in Latin America and the Caribbean.
- 12 percent in Central and Southern Asia.
- 12 percent in sub-Saharan Africa.
- 9 percent in northern Africa and Western Asia.

Across all regions, significant shares of children in child labour are out of school

Fig 28. Percentage of children aged 5 to 14 years in child labour not attending school, by region



Notes: The figure shows regional groupings used for SDG reporting. The region of Oceania is omitted because of low data coverage. The region of Europe and Northern America is omitted because of the low levels of children in child labour and out of school.

- **INDIA:** There has been a significant increase in the proportion of working children from 28.2% to 79.6% out of the 818 children who were surveyed, mainly because of the COVID-19 pandemic and closure of schools, reveals a study conducted by Campaign Against Child Labour

⁴⁷ 'Asia Tops Child Labor and Human Trafficking Activity' (*The Maritime Executive*, 2021) <www.maritime executive.com/article/asia-tops-child-labor-and-human-trafficking-activity> accessed 24 June 2021.



(CACL)⁴⁸. The survey showed that child labour increased to around 280% among the vulnerable communities.

Nearly 18.6% of the children who were surveyed said that they often face physical, mental and verbal abuse from their employers., more than 94% of children have said that the economic crisis at home and family pressure had pushed them into work.

- **SYRIA:** 3.2 million inside Syria and neighboring countries are out-of-school. They're vulnerable to violence, exploitation, early marriage, child labour or being forced to join the fighting. The number of families reporting that their children were suffering from psychological distress has doubled in the last year.⁴⁹
- **JORDAN:** Based on observations of child protection workers and agencies in Jordan, it is believed that the number of working children has continued to increase since 2016. An estimated 75,982 children, or around 1.9 per cent of children between the ages of 5 and 17, are working children, engaged in paid or unpaid employment, of whom almost 70,000 are in child labour.⁵⁰
- **UNITED ARAB EMIRATES:** In the Arab States, children and young adults make up half the population of 280 million. An estimated 13.4 million, or about 15 per cent, of all children in the region are child labourers.⁵¹
- **LEBANON:** Child labour was prevalent in Lebanon prior to March 2020 but not to the extent that will be Experienced following the COVID-19 outbreak. More children are likely to be working, under poorer Conditions, for longer hours and extra jobs to make ends meet.⁵²
- **TURKMENISTAN:** UNICEF has welcomed a decision by the Turkmen parliament to pass legislation banning child labour and guaranteeing freedom from economic exploitation as

⁴⁸ 'Child labour increased during COVID-19: survey' (*The Hindu*, 2021) <www.thehindu.com/news/cities/Madurai/child-labour-increased-during-covid-19-survey/article34054623.ece> accessed 24 June 2021.

⁴⁹ 'UNICEF Executive Director Henrietta Fore's remarks at the Security Council briefing on the humanitarian situation in Syria' (*Unicef.org*, 2021) <www.unicef.org/press-releases/unicef-executive-director-henrietta-fores-remarks-security-council-briefing> accessed 24 June 2021.

⁵⁰ 'MAP16 Project activities in Jordan (IPEC)' (*Ilo.org*, 2021) <www.ilo.org/ipec/projects/global/map16/jordan/lang--en/index.htm> accessed 24 June 2021.

⁵¹ 'Child labour in Arab States (IPEC)' (*Ilo.org*, 2021), <www.ilo.org/ipec/Regionsandcountries/arab-states/lang--en/index.htm> accessed 24 June 2021.

⁵² 'COVID-19 and Child Labour in Lebanon' (*Plan International*, 2021) <www.planinternational.org/publications/covid-19-and-child-labour-lebanon> accessed 24 June 2021.



a right of children.⁵³

- **OMAN:** Although research is limited, there is evidence that children in Oman engage in child labour. The law limits children's work to a family business, children's work and education in Oman.⁵⁴
- **BHUTAN:** Although research is limited, there is evidence that children in Bhutan engage in the worst forms of child labor, including in forced domestic work, and engage in child labor in agriculture.⁵⁵
- **NEPAL:** The second wave of Covid-19 cases in Nepal puts children at even greater risk of child labor in the wake of new lockdowns and rising illness and death rates among caregivers.⁵⁶
- **VIETNAM:** An estimated over one million children between 5-17 years old are already engaged in child labour in Viet Nam, more than half of them are in hazardous work.⁵⁷
- **IRAN:** Child labour is a major issue in Iran. Millions of young children go uneducated and work various jobs for minimum wage instead, around 1.7 million child labourers, according to the UN data.⁵⁸
- **IRAQ:** Child labor has increased dramatically in Iraq, with children starting work younger as a result of the COVID-19 pandemic. With the last known figure for child labor in Iraq at 7.3%.⁵⁹
- **SAUDI ARABIA:** 15 per cent of all children is estimated to be engaged in some form of

⁵³ 'UNICEF welcomes new child labour law - Business & Human Rights Resource Centre' (*Business & Human Rights Resource Centre*, 2021) <www.business-humanrights.org/es/%C3%BAltimas-noticias/turkmenistan-unicef-welcomes-new-child-labour-law> accessed 24 June 2021.

⁵⁴ 'Child Labor and Forced Labor Reports: Oman' (*U.S. Department of Labor*) <www.dol.gov/agencies/ilab/resources/reports/child-labor/oman> accessed 24 June 2021.

⁵⁵ 'Child Labor and Forced Labor Reports: Bhutan' (*U.S. Department of Labor*) <www.dol.gov/agencies/ilab/resources/reports/child-labor/bhutan> accessed 24 June 2021.

⁵⁶ 'Nepal: Covid-19 Pandemic Fueling Child Labor' (*Human Rights Watch*, 2021) <www.hrw.org/news/2021/05/26/nepal-covid-19-pandemic-fueling-child-labor> accessed 24 June 2021.

⁵⁷ 'World Day Against Child Labour 2020: Viet Nam joins global campaign to confront intensified risk of child labour resulting from COVID-19' (*Unicef.org*, 2021) <www.unicef.org/vietnam/press-releases/world-day-against-child-labour-2020-viet-nam-joins-global-campaign-confront> accessed 24 June 2021.

⁵⁸ 'Child labour in Iran: a national epidemic' (*Global Village Space*, 2021) <www.globalvillagespace.com/child-labour-in-iran-a-national-epidemic> accessed 24 June 2021.

⁵⁹ 'Pandemic leads to increase in child labor in Iraq' (*Al-Monitor: The Pulse of the Middle East*, 2021) <www.almonitor.com/originals/2021/04/pandemic-leads-increase-child-labor-iraq> accessed 24 June 2021.



child labour, according to a report by the International Labour Organization.⁶⁰

- **MALAYSIA:** Although there is no national child labour survey in Malaysia, various studies and empirical evidence indicate that child labour is happening in certain pockets of both rural and urban areas even before the COVID-19 pandemic.⁶¹
- **INDONESIA:** Indonesia is committed to eliminate all forms of child labor by 2022 despite the crisis. Since, 2008 more than 130,000 children had been withdrawn from child labour and this year their target is 9000 children.⁶²
- **BANGLADESH:** The 2013 National Child Labor Survey has found that 1.8 million children are identified as child laborers and 1.3 million children are engaged in worst form of child labour. The effects of lockdown are even worse, 5 million children are working in the garment sector in Dhaka where 60% are girls and 13% are boys. 33% of domestic help is given by children and the scenario is quite tough for Rohingya refugees.⁶³
- **PHILIPPINES:** The Philippines Statistics Office reported that 4% of about 1.2 million domestic workers are minors due to the poverty brought up Covid-19 situation.⁶⁴
- **TURKEY:** According to the survey by Turkstat in 2012 shows that 1 million children were engaged in child labour aged 5-17 and In 2019 the number of children aged between 5-17 is 16.4 million.⁶⁵
- **NORTH KOREA:** The 2020 US state department report on human rights practice reports that young children aged between 16-17 were working in military-style youth construction

⁶⁰ 'Staff Report, Saudi Arabia calls to address plight of over 15 million victims of child labour in region' (*Khaleej Times*, 2021) <www.khaleejtimes.com/region/saudi-arabia/saudi-arabia-calls-to-address-plight-of-over-15-million-victims-of-child-labour-in-region> accessed 24 June 2021.

⁶¹ 'ILO, UNICEF urge Malaysia to tackle child labour issue' (*Ilo.org*, 2021), <www.ilo.org/asia/mediacentre/news/WCMS_749128/lang--en/index.htm> accessed 24 June 2021.

⁶² 'Indonesia strengthen its efforts to combat child labour as an impact of the pandemic' (*Ilo.org*, 2021) <www.ilo.org/jakarta/info/public/pr/WCMS_748067/lang--en/index.htm> accessed 24 June 2021.

⁶³ 'COVID-19 may push millions more children into child labour - ILO and UNICEF' (*Unicef.org*, 2021) <www.unicef.org/bangladesh/en/press-releases/covid-19-may-push-millions-more-children-child-labour-ilo-and-unicef/> accessed 24 June 2021.

⁶⁴ 'Pandemic fuels child labor increase in the Philippines - UCA News' (*ucanews.com*, 2021) <www.ucanews.com/news/pandemic-fuels-child-labor-increase-in-the-philippines/90603> accessed 24 June 2021.

⁶⁵ DAILY SABAH, 'Child labor problem lingers in Turkey, figures show' (*Daily Sabah*, 2021) <www.dailysabah.com/turkey/child-labor-problem-lingers-in-turkey-figures-show/news> accessed 24 June 2021.



brigades for 10 years which has serious health concerns on the child.⁶⁶

- **YEMEN:** Yemen already has 2 million children suffering from malnutrition and 23% children are indulged in child labour and the UN refugee agency claimed that due to coronavirus Yemen has reached near a “potential breaking point”.⁶⁷
- **CHINA:** the Australian Strategic Policy Institute reported that between 2017 and 2019 at least 80,000 Uyghurs forced into child labour in factories across the country.⁶⁸

Country	Previous Data (Before 2019)	Current Data (2020-21)	Growth Detected During COVID -19 Pandemic	Boys % In Child Labour	Girls % In Child Labour
India	12%	7.3%	28% Growth In (5-11 years), 35% Growth In (12-14 Years)	38.7 Million	8.8 Million
Syria	8 Million	3.2 Million	Yes, Growth has been at Tipping Point due to COVID -19.	61%	39%
Jordan	80%	70,000	Yes, Growth Increased At Tipping Point	2.076 Million	1.96 Million

⁶⁶ ‘North Korea says orphan children volunteering on mines and farms’ (*BBC News*, 2021)

<www.bbc.com/news/world-asia-57293167> accessed 24 June 2021.

⁶⁷ ‘Emma Farge, Child labour, marriages on rise in Yemen as COVID spreads: U.N. agency U.S. (2021)’ (*Reuters*, 2021) <www.reuters.com/article/us-health-coronavirus-yemen-un-idUSKBN2321C3> accessed 24 June 2021.

⁶⁸ ‘China is global hotspot for goods made by forced, child labour: Report’ (*BW Businessworld*, 2021) <www.businessworld.in/article/China-is-global-hotspot-for-goods-made-by-forced-child-labour-Report/01-10-2020-326687> accessed 24 June 2021.



			During Pandemic.		
U.A.E	13.4 Million	15%	Uncertain	-	-
Lebanon	60%	36%	Yes, Growth has been Detected in Female More Then Male.	67%	76.8%
Turkmenistan	% of Child Labour was seen only in Agriculture Sector. Data is Uncertain.	Uncertain	No Data Available	-	-
Oman	Uncertain but Yes Children are Engaged in Child Labour	Uncertain	No Data Available.	-	-
Bhutan	Uncertain but Yes Children are Engaged in Child Labour	Uncertain	No Data Available.	-	-
Nepal	1.1 Million	No Data Availabe	Yes, Growth Increased at Tipping Point During Pandemic, Agriculture Sector Contribute 85%	-	-
Vietnam	1.75 Million	-	Yes, Growth Increased at	-	-



			Tipping Point During Pandemic		
Iran	11%	1.7 Million	Yes, Growth Increased at Tipping Point During Pandemic	-	-
Iraq	575,000	7.3%	Yes, Growth Increased at Tipping Point During Pandemic	-	-
Saudi Arabia	9.6%	13.4 Million	No Data Available.	-	-
Malaysia	Existence of Child Labour is Uncertain	No Data Available.	No Data Available.	-	-
Pakistan	12.5 Million	No Data Found.	No Data Available	61%	-
Japan	Existence of Child Labour is Uncertain	No Such Data Found	No Data Available.	-	-
Mayanmar	1.1 Million	73 Million	Yes, Growth has been detected in Agriculture & Trade	53%	47%
Sri Lanka	4.5 Million	Uncertain	No Data Available	-	-
Kuwait	No Data.	No Data.	No Data.	-	-
Mongolia	10%	Uncertain.	No Data.	-	-
Qatar	0.1%	No Data.	No Data.	-	-



Timor Leste	Uncertain but Yes Children are Engaged in Child Labour	No Data Available.	No Data.	-	-
Indonesia	3.7%	Not available	No, but it sets target to withdraw 9000 children from child labour.	-	-
Burundi	No Data	No Data	No Data	-	-
Bangladesh	5 million	Yes, approx. 3 million	13	60	
Philippines	4%	Yes, 4%	67	-	-
Turkey	16.4 million	Yes, 16 million	-	-	-
North Korea	Not available	Yes, Exploiting children for 10 years in construction brigades	-	-	-
Yemen	Not available	Yes, it reached a breaking point.	-	-	-
China	Not available	Yes, 80000 Uyghurs forced into child labour.	-	-	-
Afghanistan	50% of afghan families	Yes, growth has been at tipping point due to COVID.	86.04	13.96	-



Uzbekistan	14% forced labour	Yes, about 8%	-	-	
Thailand	Not available	no	-	-	
Kazakhstan	Not available	Yes, data is not available but there is a slight increase of child labour in cotton farm.	-	-	
South Korea	Not available	-	-	-	
Cambodia	Not available	Yes, it is ranked 28 th in highest risk south Asian counties suffering from child labour.	-	-	
Azerbaijan	Not available	No	-	-	
Tajikistan	Not available	No	-	-	
Laos	1,78000	Not available	Yes, child labour can be seen in fields amidst this pandemic.	81000	960000
Kyrgyzstan	33.9%	Not available	No	-	-



State of Palestine	6.10%	Not available	Yes, Detentions school dropout rates and forced labour have increased due to pandemic.	-	-
Georgia	2.9%	Not available	No	-	-
Armenia	7.4%	Not available	No	-	-
Maldives	3.9%	Not available	No	-	-
Cyprus	-	Not available	No	-	-
Bahrain	-	Not available	No	-	-
Singapore	-	Not available	No	-	-

3.2. North and South America

Child Labour before the Pandemic

North America

Child labour or slavery have always existed throughout American history, children use to work in mines, glass factories, textiles, agriculture, canneries, home industries, and as newsboys, messengers, bootblacks, and peddlers.

In 12th century the numbers of child labour increased. In 1870, the first U.S. census to report child labor numbers counted 750,000 workers under the age of 15, not including children who worked for his or her families in businesses or on farms. By 1911, quite two million American children under the age of 16 were working – many of them 12 hours or more, six days every week. Often, they toiled in



unhealthful and hazardous conditions; always for minuscule wages young girls continued to work in mills, still in danger of slipping and losing a finger or a foot while standing on top of machines to change bobbins; or of being scalped if their hair got caught.⁶⁹

The National Child Labor Committee's work to finish child labor was combined with efforts to supply free, compulsory education for all children, and culminated within the passage of the Fair Labor Standards Act in 1938, which set federal standards for child labor.⁷⁰

In the first half of the 20th century social policy started an evolution towards the current situation, a transition that included special attention to the protection of youth from dangerous and exploitative work. Another part of this transition was the event of policies that ensured universal education of youth through the age of 16.

The National Institute for Occupational Safety and Health (NIOSH) to ask the Board on Children, Youth, and Families to undertake a study on the health and safety implications of kid labor, which has been done by this committee. The committee empaneled to hold out the study included experts in adolescent social and biological development, public agency programs and practice, law, economics, sociology, psychology, occupational medicine, and rural health programs. Such a strangely broad range of backgrounds for the committee members was necessary to bring the right attention to the complex issue of kid labor. The author of this text chaired that committee. The committee's charge was intentionally broad to permit consideration tend to a balance between the varied impacts of labor on youth. The Executive Summary of the committee's final report, *Protecting Youth at Work*⁷¹

Josh Bassais, a union organizer, went right down to a non-union construction project in Edina, a Minneapolis suburb where new elementary classrooms were being built, to see out safety on the location. Where he saw a boy, who was around the age of 12 or 13 years of age, was wearing a

⁶⁹ 'The American Era of Child Labor' (*VCU Libraries SOCIAL WELFARE, History Project*) <www.socialwelfare.library.vcu.edu/programs/child-welfarechild-labor/child-labor> accessed 24 June 2021.

⁷⁰ 'Child Labor in U.S. History' (*IOWA*) <www.laborcenter.uiowa.edu/special-projects/child-labor-public-education-project/about-child-labor/child-labor-us-history> accessed 24 June 2021.

⁷¹ David Wegmann, 'Child labor in the US' (*SciELO*, 2003) <www.scielo.br/j/csc/a/r9VDZzpLgV3LSbKPRn8Ltbx> accessed 24 June 2021.



fluorescent work vest, he was smoothing mortar on a brick wall. It was a clear cut violation of child labour. When others in the Laborers Union went to the site, they saw a boy too, this time driving a bobcat and cutting concrete with a saw.⁷²

“When our staff reported it to me, I wasn’t sure I believed it,” said Kevin Pranis, a spokesman for the union. “We sent him back to take a picture, since we didn’t want to make a report without knowing for sure the kid was underage. We observed him four or five times until we were really sure.”

Children who work in tobacco fields face great health risks. Human Rights Watch interviewed 140 child tobacco workers in North Carolina, Kentucky, Tennessee and Virginia, the bulk reported symptoms according to acute poisoning, including nausea, vomiting, headaches and dizziness. The U.S. is the world’s fourth largest producer of tobacco, yet has no regulations to guard children within the fields from nicotine exposure. Some tobacco companies have adopted policies to not purchase tobacco from farms employing children younger than 16, but voluntary policies aren’t enough.

The U.S government re-introduces legislation to eliminate the child labour exception for agriculture, and for prohibition of child labour in tobacco farming. In 2019 World Day Against Child Labour, offers gove encouragement. The no. of children involved in child labour have dropped by more than one-third.⁷³

South America

In a new international offensive against the most intolerable forms of child labour, government ministers and senior officials from 20 Latin-American countries will meet in Cartagena on 8 and 9 May to reaffirm the region's political commitment to combating and eliminating the exploitation of millions of child workers.⁷⁴

⁷² Alana Semuels, ‘How Common Is Child Labor in the U.S.?’ (*The Atlantic*, 15 December 2014) <www.theatlantic.com/business/archive/2014/12/how-common-is-child-labor-in-the-us/383687/> accessed 24 June 2021.

⁷³ Jo Becker, ‘What Congress can do to end child labour in the US’ (*Human Rights Watch*, 12 June 2019) <www.hrw.org/news/2019/06/12/what-congress-can-do-end-child-labor-us> accessed 24 June 2021.

⁷⁴ ‘At least 15 million children at work in Latin America The most intolerable forms of child labour targeted at the Cartagena Meeting’ (*International Labour Organisation*, 7 May 1997)



The statistics which are available shows that between 20 and 25% of children among the ages of 6 and 14 are working in Latin America, a labour force representing on average just under 5 per cent of the economically active population in the region. "This proportion" - indicates the ILO report - "is relatively close to the rate of open unemployment, which suggests that child labour is, to a greater or lesser extent, acting as a labour force reserve."⁷⁵

Meeting estimates that no but 15 million children add Latin America, with approximately half these child workers between the ages of six and 14 years old.

According to the ILO 5.7 million children in Latin America are in regional workforce (2006). It is commonly misinterpreted that children who are not in formal workforce, are not child laborer. Child labour is difficult to combat in Latin America. Mainly children are found in one of the three economic sectors, which are Agriculture, Industry, and the Informal Economy. Industry- based child labour is the most significant in Latin America.⁷⁶Children who work in the industry were forced to take birth control many times. The children were sexually harassed as well by their employers. They had long hours shifts

The government of Bolivia approved legislation to allow children as young as 10 to work, so long as their jobs don't interfere with their education. The news sparked strong criticism from human rights groups, because Bolivia is a signatory to a United Nations convention that sets 14 as the minimum age for child laborers.⁷⁷Countries in Latin America have taken pledged to uphold international standards governing the exploitation of child labour, but experts have said that the process have been slow.

<www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_008014/lang--en/index.htm> accessed 24 June 2021.

⁷⁵ *Ibid.*

⁷⁶ Michaëlle Tauson, 'Child Labor in Latin America: Poverty as Cause and Effect' (*Du.edu*)

<www.du.edu/korbel/hrhw/researchdigest/latinamerica2/digest-human%20rights%20in%20latin%20america%20vol%202-childlabor.pdf> accessed 24 June 2021.

⁷⁷ 'The Long Road toward Eradicating Child Labor in Latin America' (*Knowledge@Wharton*, 8 August 2014)

<www.knowledge.wharton.upenn.edu/article/ending-child-labor-in-latin-america> accessed 24 June 2021.



In RIO DE JANEIRO on May 14, 2018 - it says that child labour in Latin America have been substantially reduced, but still there are 5.7 million children under the minimum legal age are still working and a large number of them are engaged in precarious, high - risk conditions or are unpaid. Brazil and Paraguay, exemplifies child labour, which incorporates sorts of modern - day slavery.

In Paraguay, the country in South America with the highest poverty rate and one of the 10 most unequal countries in the world, some 47,000 children (2.5 percent of the child population) are in a situation of *criadazgo*, consistent with the non-governmental organization Global Infancies. Of these, 81.6 percent are girls. In Brazil, a study by the Brazilian Institute of Geography and Statistics (IBGE), published in 2017, found that of the 1.8 million children between the ages of five and 17 who work, 54.4 percent do so illegally.⁷⁸

In this South American country of 208 million people, the laws allow children to figure from the age of 14 but only as apprentices, while adolescents between the ages of 16 and 18 cannot work the night shift and can't add dangerous or unhealthy conditions.⁷⁹

Child labour during the Pandemic

The pandemic is further derailing the efforts made by Latin America and thus the Caribbean in eradicating child labour by 2025, alerted today ILO and UNICEF. In the region hardest hit by the pandemic, prolonged school closures and spike in poverty among the foremost vulnerable families are pushing more Latin America and Caribbean children into child labour, after years of reduction.⁸⁰

Across Latin America, after-school jobs like making bricks, building furniture or clearing brush are now full-time work. The AP's report highlights these and other examples of kids working in Bolivia,

⁷⁸ Fabiana Frayssinet, 'Child Slavery Refuses to Disappear in Latin America' (*Inter Press Service News Agency*)

<www.ipsnews.net/2018/05/child-slavery-refuses-disappear-latin-america> accessed 24 June 2021.

⁷⁹ *Ibid.*

⁸⁰ 'Pandemic is pushing Latin America and the Caribbean more off track in ending child labour' (*UNICEF*, 11 June 2021)

<www.unicef.org/lac/en/press-releases/pandemic-pushing-latin-america-and-caribbean-more-off-track-in-ending-child-labour> accessed 24 June 2021.



Mexico and Paraguay.⁸¹ Latin America is a region with immense income inequality, and inequality can accentuate vulnerabilities. It is also a region with a huge informal economy. Consequently, many of the individuals who fell into unemployment as a result of the Covid-19 pandemic lacked formal safety nets, such as social protection schemes, to ensure basic living conditions while they were unable to work. Increased levels of unemployment and poverty, accompanied by the lack of access to formal support measures, could make parents and carers more likely to ask their children to engage in paid work in order to contribute towards family income.⁸² The coronavirus pandemic has caused a rise in the number of child laborers Latin America. The UN has also estimated that impacts of COVID-19 could cause an additional 300,000 Latin American children to seek jobs.⁸³

ECLAC - Economic Commission for Latin America and Caribbean and ILO did an analysis and highlighted the impact of pandemic. It says that the pandemic could cause more than 300,000 children and adolescents being obliged to work ⁸⁴Due to COVID-19 we have seen the reduction of incomes in families which increases the number of children and adolescents in child labour in Latin America.

ECLAC and ILO published a technical note in the framework of commemoration of the International Day against Child labour this June 12, 2020.

"The slowdown in production, unemployment, low social protection coverage, lack of access to social security and higher levels of poverty are conditions that favour the increase in child labour." The document adds, "The indicators of child labour and hazardous adolescent work could increase significantly if measures and strategies are not implemented to reduce the impact."

⁸¹ Maryanne Buechner, 'COVID-19 and Child Labor: A Time of Crisis, a Time to Act' (UNICEF USA, 19 October 2020)

<www.unicefusa.org/stories/covid-19-and-child-labor-time-crisis-time-act/3774> accessed 25 August 2021.

⁸² Ana Alanis, 'The Impacts of Covid-19 on Children and Youth in Latin America' (*Child Helpline International*)

<www.childhelplineinternational.org/youth/blog-youth/the-impacts-of-covid-19-on-children-and-youth-in-latin-america> accessed 24 June 2021.

⁸³ 'Child labor on the rise due to pandemic' (CGNT, 13 June 2021)

<www.newsus.cgtn.com/news/2021-06-13/Child-labor-on-the-rise-due-to-pandemic-11301WGooA8/index.html> accessed 24 June 2021> accessed 25 August 2021.

⁸⁴ 'The crisis resulting from COVID-19 could cause a significant increase of child labour in Latin America and the Caribbean' (*International Labour Organisation*, 11 June 2020)

<www.ilo.org/americas/sala-de-prensa/WCMS_747672/lang--en/index.htm> accessed 25 August 2021.



The analysis initially covered three countries (Mexico, Peru and Costa Rica), based on the results of the Child Labour Risk Identification Model (CLRISK) developed by ECLAC and ILO, estimates that child labour could increase by 1 and 3 percentage points in the region.⁸⁵

“In times of crisis, child labour becomes a coping mechanism for many families,” said UNICEF Executive Director Henrietta Fore.

In many countries, such as Argentina, where more than 35% of the population lives below the poverty line, this includes children and adolescents who work. In Buenos Aires’ low-income neighborhoods, the Child Rights International Network spoke with Santiago Morales, a sociologist and local teacher in the area.⁸⁶

South America faces child labour more compared to North America. America have undertaken a lot of child right moments which should be applied in South America. Due to COVID-19, closure of schools and declining economic conditions have forced children to work.

3.3. Africa

Child Labour before the Pandemic (Till 2019)

Africa has the largest population of children engaged in child labour in contrast to the rest of the world. A report published by the United Nations' International Labour Organization has established

⁸⁵ ‘The Crisis Resulting from COVID-19 Could Cause a Significant Increase of Child Labour in Latin America and the Caribbean’ (*Economic Commission for Latin America and the Caribbean*, 11 June 2020)

<www.cepal.org/en/pressreleases/crisis-resulting-covid-19-could-cause-significant-increase-child-labour-latin-america> accessed 25 August 2021.

⁸⁶ Santiago Morales, ‘The impact of COVID-19 on working children in Buenos Aires’ (*Open Democracy*, 17 February 2021)

<www.opendemocracy.net/en/beyond-trafficking-and-slavery/impact-covid-19-working-children-buenos-aires> accessed 25 August 2021.



that nearly 1 in every 5 African children are found doing child labour, as of 2016, which is more than double of any other part of the world.⁸⁷

72.1 million African children are employed in child labor and around 31.5 million in hazardous work environments. Sub-Saharan Africa and West, Central Africa have the highest percentages of child labour recorded in the country, with around 40% of the children, that is, 48 million, being affected by conditions of child labour.⁸⁸

The child labour percentage kept increasing in Sub-Saharan Africa over the period between 2012-2016, and progress combating child labour seemed to have stopped as compared to the rest of the world, even with the implementation of targeted policies towards the eradication of child labour.⁸⁹

This has been a speculated result of multiple economic and demographic factors that are in play, in the bigger picture, but there has been no substantial research to support the same. Africa has also been under the stress of state fragility and crisis, which is also a contributing factor to child labor.⁹⁰

Child labor is pervasive in almost all sections of the continent, affecting children in the age group of 5-17.⁹¹ The gender spectrum has almost negligible disparity when it comes to the children involved in child labour, as both boys and girls are similarly targeted to be used in the aforementioned activities. However, girls have a higher likelihood to be found in unpaid labor, such as housework.⁹² Child labor is mostly unpaid, and children work on family farms and family-owned enterprises more, as compared to external employers.

Agriculture constitutes the biggest section of child labour statistics, especially in Africa, where 85% of children are engaged, which comes out to 61.4 million. They are given jobs such as subsistence and

⁸⁷ Nurith Aizenman, 'New Numbers On Child Labor Are Not Encouraging' (*National Public Radio*, 17 November 2017) <www.npr.org/sections/goatsandsoda/2017/11/17/564820082/new-numbers-on-child-labor-are-not-encouraging> accessed 25 August 2021.

⁸⁸ *Ibid.*

⁸⁹ ILO Regional Office, 'Child Labour in Africa' (*International Labour Organization*, 2016) <www.ilo.org/africa/areas-of-work/child-labour/lang--en/index.htm> accessed 25 August 2021.

⁹⁰ *Ibid.*

⁹¹ UNICEF, 'Child labor' (*UNICEF DATA*, October 2019), <www.data.unicef.org/topic/child-protection/child-labour> accessed 25 August 2021.

⁹² *Ibid.*



commercial farming and livestock herding, which can become perilous. The remaining 15% of children work in the services sector (11%; 8.1 million) and industrial sector (4%; 2.7 million).⁹³

In 2012, 37.8% of children in the age group of 2-14 in Burkina Faso were employed in quarries and gold mines, and worked 14-hour shifts 6 to 7 days a week, their payment being food and shelter⁹⁴. The Government of Kenya and Tanzania have also provided disturbing statistics regarding the predicament of child labor.⁹⁵ 1.9 million children in the age of 5-17, are working in one form or the other in Kenya, of which 12.7% of students have no formal schooling and only 3.2% have received secondary schooling.

In Tanzania, children have to work in small-scale underground mining at 8 years old and are constantly exposed to workplace hazards. In Zambia, over 595,000 children are entrapped in child labour, and around 58% of them are under the age of 14, which makes them ineligible to be employed under the 'Basic Conditions of Employment Act, 1997'.⁹⁶

There have been multiple surveys by the African government, regarding the number of children stuck in this situation and the types of work that they have to do. According to one such survey by the Ministry of Public Service Labour in Rwanda, there are approximately 400,000 children trapped in the vicious cycle of child labor, in that area, of which 120,000 are employed in the abominable forms of child labour such as slavery, debt bondage, prostitution, drug trafficking among multiple others.⁹⁷ The same survey shows that about 40% of children working in prostitution have lost one/both of their parents, 94% of them live in abject poverty and 41% of them have never been able to go to schools.⁹⁸

⁹³ *supra* note 82.

⁹⁴ '2012 Findings on the Worst Forms of Child Labor' (*United States Department of Labor's Bureau of International Labor Affairs*, 2012)
<www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2012/burkinafaso.pdf> accessed 25 August 2021.

⁹⁵ *Ibid.*

⁹⁶ Basic Conditions of Employment Act, 75 of 1997 § 43(1).

⁹⁷ 'Child Labour in Africa' (*International Labour Organization*, 2010)

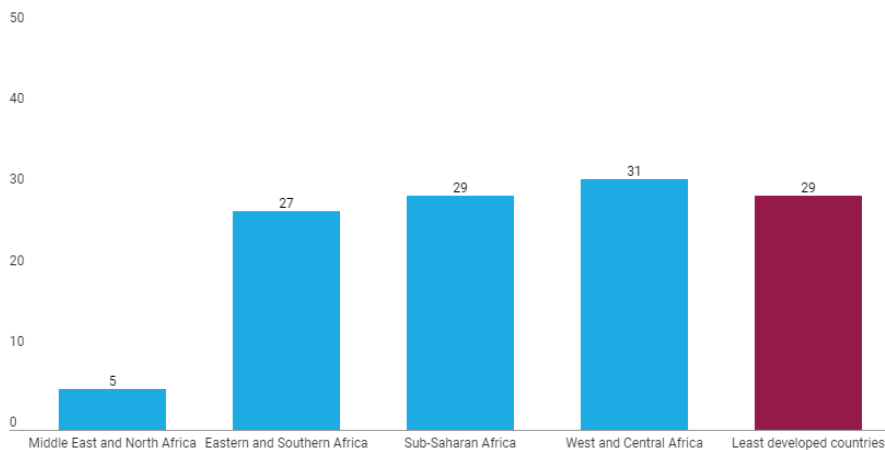
<www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_decl_fs_37_en.pdf> accessed 25 August 2021.

⁹⁸ *Ibid.*



Amnesty International and Afreewatch published a report in 2016, in which major electronic brands were questioned regarding the sourcing of raw materials.⁹⁹ The report titled, “This is what we die for: Human rights abuses in the Democratic Republic of the Congo power the global trade in cobalt”, targeted many prominent companies such as Apple, Samsung, and Sony and asked them about the sourcing of their raw material. 16 multinational companies were asked about the same, and only one accepted the connection and admitted to buying the cobalt from Congo. The rest of the companies refused the claims in one way or another.

The Democratic Republic of Congo accounts for 50% of global cobalt production. The mines engage children from the young age of 7 in mining activities under dangerous work conditions. The report also interviewed children working in the mines, where the children claimed that they had to work for



The chart below shows the percentage of children engaged in child labour, in the age group of 5-17, by region.

12 hours a day in the mines, and would only earn one or two dollars for their work. In 2014, over 40,000 children worked in these mines, spread across Congo.¹⁰⁰ Children of all ages, have to suffer the burden of working to bring in money for their families and

support them, instead of being able to live their lives as children. It is a shameful reality of today’s world, where conditions have become so dire. Rich and privileged classes are fortunate enough to be

⁹⁹ Amnesty International & Afreewatch, ‘Exposed: Child labor behind smartphone and electric car batteries’ (*Amnesty International*, 19 January 2016) <www.amnesty.org/en/latest/news/2016/01/child-labour-behind-smart-phone-and-electric-car-batteries> accessed 25 August 2021.

¹⁰⁰ ‘This is what we die for: Human rights abuses in the Democratic Republic of the Congo power the global trade in cobalt’ (*Amnesty International & Afreewatch*, 2016) <www.amnesty.org/download/Documents/AFR6231832016ENGLISH.PDF> accessed 25 August 2021.



free from these struggles, but people below the proverbial creamy layer are crushed by the amount of work they have to do just to survive each day.

Region and Country Based

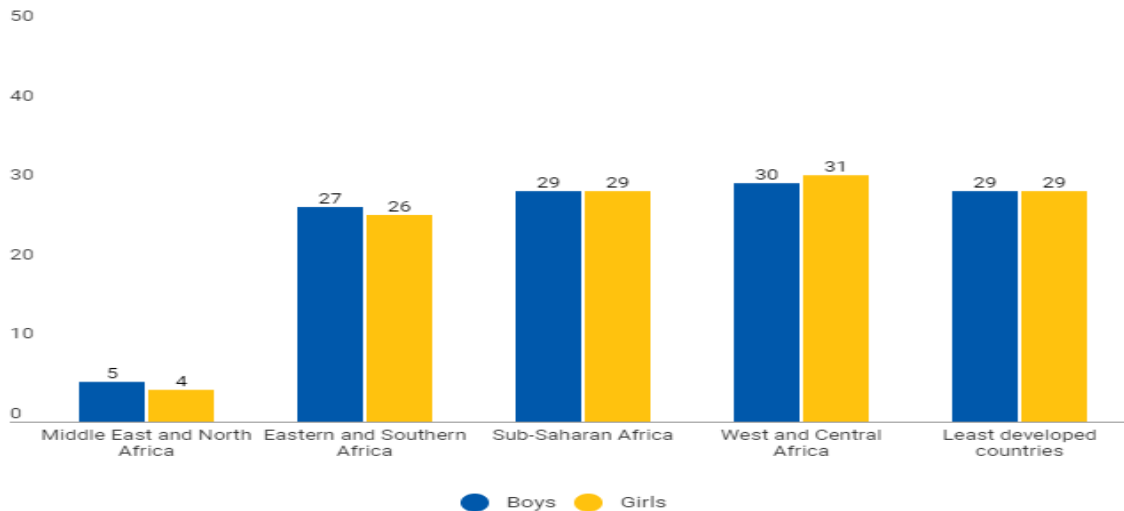


Fig: The given image shows the percentage of children engaged in child labour in the age group of 5-17, by sex and region.

Situations

Northern Africa

The North African region consists of 7 countries- Algeria, Egypt, Libya Morocco, Sudan, Tunisia and Western Sahara.

Moderate Advancement¹⁰¹: Algeria, Egypt, and Tunisia have shown moderate improvements in combating child labor. The Algerian Government has provided training to law enforcement officers and judges in dealing with matters involving child labor and launched awareness programs on

¹⁰¹ Bureau of International Labor Affairs, 'Findings on the Worst Forms of Child Labor' (*United States Department of Labor*, 2019) <www.dol.gov/agencies/ilab/resources/reports/child-labor/findings> accessed 28 August 2021.



television and online platforms. However, there are still problems persisting in the system. Children are trapped in the worst forms of child labour such as commercial sexual exploitation and forced begging, and there are not enough labour inspectors to ensure stringent checks on child labour¹⁰².

The Egyptian Government has constituted the National Steering Committee for the ‘National Action Plan to Eliminate the Worst Forms of Child Labor and Supporting Families’. They have also provided supplemental income to families which have increased the attendance of students in school, but Egypt also suffers the same problems as Algeria here with children stuck in the worst forms of child labour like commercial sexual exploitation and quarrying limestone. There are no publications data regarding enactment of child labor laws and provisions for combating child labor are insufficient¹⁰³.

The Tunisian Government drafted a bill to create more positions to monitor activities of private agencies that sent Tunisians to work abroad, and published a list of hazardous jobs, and investigated claims of child trafficking. Even so, similar to the conditions of Algeria and Egypt, children are entrapped in the worst forms of child labour such as forced labor in domestic work and begging, scavenging for garbage, and street work. There was no data on criminal law implementation and the minimum age law does not apply to children in the informal sector¹⁰⁴.

Minimal Advancement¹⁰⁵: Morocco and Western Sahara had little to no improvement regarding the issue of child labor. They enacted Law 51.17 which made education mandatory for children between the ages of 6-14¹⁰⁶. The Kingdom of Morocco controlled the territory of the Western Sahara under the same laws as that of Morocco itself. The laws regarding minimum age for work and

¹⁰² Bureau of International Labor Affairs, ‘Findings on the Worst Forms of Child Labor- Algeria’ (*United States Department of Labor*, 2019) <www.dol.gov/agencies/ilab/resources/reports/child-labor/algeria> accessed 28 August 2021.

¹⁰³ Bureau of International Labor Affairs, ‘Findings on the Worst Forms of Child Labor- Egypt’ (*United States Department of Labor*, 2019) <www.dol.gov/agencies/ilab/resources/reports/child-labor/egypt> accessed 28 August 2021.

¹⁰⁴ Bureau of International Labor Affairs, ‘Findings on the Worst Forms of Child Labor- Tunisia’ (*United States Department of Labor*, 2019) <www.dol.gov/agencies/ilab/resources/reports/child-labor/tunisia> accessed 28 August 2021.

¹⁰⁵ Supra Note 17.

¹⁰⁶ Bureau of International Labor Affairs, ‘Findings on the Worst Forms of Child Labor- Morocco’ (*United States Department of Labor*, 2019) <www.dol.gov/agencies/ilab/resources/reports/child-labor/morocco> accessed 28 August 2021.



restriction of involvement of children in illegal activities are not up to par with international standards and are not enough to fully tackle the problem of child labor¹⁰⁷.

Sub-Saharan Africa¹⁰⁸: This area is divided into 4 regions, namely, Central, Eastern, Western and Southern Africa, which are then further separated into countries, as discussed below.

Central Africa

Moderate Advancement: The countries of Angola, Burundi, Central African Republic, Chad, Congo, Republic of the and Rwanda have made moderate progress against the battle of child labor. The Angola Government enacted a law regarding the protection of trafficking victims, which had targeted measures to protect affected children. There were also events & campaigns to increase awareness about child labor. Children in this region are still found in commercial sexual exploitation, and in extremely dangerous construction sites. Despite the efforts made by the government, the prohibitions and regulations in place are not adequate as per international standards and children end up being exploited for child pornography as they do not prohibit the same. There is also a lack of manpower in keeping the systems in check and the policies do not target all sections affected by child labor¹⁰⁹.

Burundi revised its Labor Code to make it acceptable to international standards and collaborated with the International Office for Migration to deal with the problem of human trafficking. The government made its first publication regarding labor inspection funding data and conducted inspections in all provinces. However, Burundi does not have a compulsory education system for children and consequently a minimum age for work as well, so children are struggling in dangerous fields like gold

¹⁰⁷ Bureau of International Labor Affairs, 'Findings on the Worst Forms of Child Labor- Western Sahara' (*United States Department of Labor*, 2019) <www.dol.gov/agencies/ilab/resources/reports/child-labor/western-sahara> accessed 28 August 2021.

¹⁰⁸ *supra* note 97.

¹⁰⁹ Bureau of International Labor Affairs, 'Findings on the Worst Forms of Child Labor- Angola' (*United States Department of Labor*, 2019) <www.dol.gov/agencies/ilab/resources/reports/child-labor/angola> accessed 28 August 2021.



mining. There is also no data regarding criminal investigations and labor inspections due to paucity of resources and insufficient plans to combat child labor¹¹⁰.

The National Assembly of the Central African Republic adopted a novel and expansive child protection code and set up the National Inter-Ministerial Committee to Combat Human Trafficking. The government also partnered with non-state armed forces to prevent severe infringements against children such as recruitment of child soldiers. Children are also ensnared in diamond excavation. The Central African Republic is not up to par with the international requirement for minimum age safeguards, as it is not applicable to children in the informal sector. Furthermore, due to continued instability, around 1.3 million children could not access school, and the government's implementation of policies and initiatives to reduce child labor were hampered by a lack of resources¹¹¹.

Chad launched a 2-year education program to support up to 230,000 vulnerable children. The Child Protection Brigade of Chad established a central office in Lai and trained 100 focal persons to coordinate investigations with provincial offices. Children being forced into cattle herding and domestic work are some types of child labor that are prominent in Chad. The government doesn't track law enforcement activities and doesn't have any active policy to fight child labor, including commercial sexual exploitation and forced labor¹¹².

The Republic of the Congo made comprehensive legislation that declared human trafficking illegal and cooperated with neighboring countries to form anti-trafficking measures. Children in the Republic of the Congo are subjected to the most heinous kinds of child labor, such as commercial sexual exploitation and domestic labor, which is often the consequence of human trafficking. The government has not yet signed the 'Palermo Protocol on Trafficking in Persons', and current initiatives are insufficient to resolve the full breadth of child labor in all key industries. Furthermore, data on

¹¹⁰ Bureau of International Labor Affairs, 'Findings on the Worst Forms of Child Labor- Burundi' (*United States Department of Labor*, 2019) <www.dol.gov/agencies/ilab/resources/reports/child-labor/burundi> accessed 28 August 2021.

¹¹¹ Bureau of International Labor Affairs, 'Findings on the Worst Forms of Child Labor- Central African Republic' (*United States Department of Labor*, 2019) <www.dol.gov/agencies/ilab/resources/reports/child-labor/central-african-republic> accessed 28 August 2021.

¹¹² Bureau of International Labor Affairs, 'Findings on the Worst Forms of Child Labor- Chad' (*United States Department of Labor*, 2019) <www.dol.gov/agencies/ilab/resources/reports/child-labor/chad> accessed 28 August 2021.



children's work is quite restricted as the Republic of the Congo has never performed a nationwide child labour census¹¹³.

The Rwanda government released its first detailed study on the human trafficking trends and finished developing a framework for minors under the age of sixteen. The authorities also removed 316 minors from dangerous work environments and fined 74 employers a total of \$3,000 in fines. Children have to be engaged in dangerous areas of agriculture. The number of labor inspectors is not sufficient as per the ILO's workforce guideline. Furthermore, Rwandan legislation may allow authorities to place minors working in transit facilities, where they are frequently subjected to physical abuse¹¹⁴.

No Advancement: The Democratic Republic of Congo (DRC) government has written a novel anti-persons-trafficking law, formed a national anti-trafficking coordinating organization, and concluded a five-year national strategy to combat human trafficking. A former colonel was also condemned to a life sentence in jail for the unlawful recruitment and exploitation of juvenile soldiers. Even so, there is no substantial improvement in child labor conditions of the country because an Armed Forces of the Democratic Republic of Congo (FARDC) regiment supplied armament to and allowed the unrestricted movement of a non-state armed group that recruits children. It also enabled them to take control of mineral-rich areas. In addition, a FARDC regiment in Tshikapa kidnapped young girls and forced them into sexual slavery. Furthermore, the FARDC illicitly imprisoned children for suspected ties to armed organizations but failed to hold some of its units accountable for the same. Regiment commanders and authorities deliberately obstructed inspections into allegations of forced child recruitment and child sexual exploitation by their soldiers. Children are used for forced mining of gold, tin ore, tantalum, and tungsten, and are used in armed conflict. For the fourth year consecutively, labor inspectors have failed to perform worksite inspections. There is a grave absence

¹¹³ 'Bureau of International Labor Affairs, Findings on the Worst Forms of Child Labor- Congo' (*United States Department of Labor*, 2019) <www.dol.gov/agencies/ilab/resources/reports/child-labor/congo-republic> accessed 28 August 2021.

¹¹⁴ 'Bureau of International Labor Affairs, Findings on the Worst Forms of Child Labor-' (*United States Department of Labor*, 2019) <www.dol.gov/agencies/ilab/resources/reports/child-labor/rwanda> accessed 28 August 2021.



of trained enforcement officers, scant financial resources, and inefficient coordination of government efforts to combat child labor¹¹⁵.

Eastern Africa

Moderate Advancement: Comoros¹¹⁶, Ethiopia¹¹⁷, Kenya¹¹⁸ and Madagascar¹¹⁹ had some improvement in their child labor conditions. Comoros ratified the Palermo Protocol and created the National Commission for Solidarity, Social Protection, and the Promotion of Gender, but does not possess the resources to enforce criminal investigations. Ethiopia made a labor order raising the minimum age of workers and passed The Organizations of Civil Societies Proclamation, which replaced a 2009 legislation that limited the activities of organizations operating in Ethiopia on child labor concerns. However, there is no compulsory basic education provided to children. Kenya created a cyber-center to act against online abuse and ill-treatment towards children, including child trafficking, and created new laws regarding data collection systems and handling cases related to child labor. At the same time, it has not ratified the UN Convention on the Rights of the Child Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography and has left the age group of 14-16-year-olds at risk of child labor due to the lacuna between the compulsory education age and the minimum age for work. In Madagascar, the government started the process of renewing its 'National Action Plan to Combat Trafficking in Persons', and the National Bureau to Combat Human

¹¹⁵ 'Bureau of International Labor Affairs, Findings on the Worst Forms of Child Labor- Congo, Democratic Republic of the (DRC)' (*United States Department of Labor*, 2019) <www.dol.gov/agencies/ilab/resources/reports/child-labor/congo-democratic-republic-drc> accessed 28 August 2021.

¹¹⁶ '2019 Findings on the Worst Forms of Child Labour- Comoros' (*Bureau of International Labor Affairs*, 2019) <www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2019/Comoros.pdf> accessed 28 August 2021.

¹¹⁷ '2019 Findings on the Worst Forms of Child Labour- Ethiopia' (*Bureau of International Labor Affairs*, 2019) <www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2019/Ethiopia.pdf> accessed 28 August 2021.

¹¹⁸ '2019 Findings on the Worst Forms of Child Labour- Kenya' (*Bureau of International Labor Affairs*, 2019) <www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2019/Kenya.pdf> accessed 28 August 2021.

¹¹⁹ '2019 Findings on the Worst Forms of Child Labour- Madagascar' (*Bureau of International Labor Affairs*, 2019) <www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2019/Madagascar.pdf> accessed 28 August 2021.



Trafficking was in charge of developing a human trafficking database, even so, it failed to penalize people for child labor violations.

Minimal Advancement: Mauritius¹²⁰, Seychelles¹²¹, Somalia¹²², Tanzania¹²³ and Uganda¹²⁴ have not had very impressive changes in their conditions. Even though efforts have been made, there has not been any significant effect of that on the children affected. Inconsistencies of legal frameworks, lack of funds and resources and ubiquity of child labor in commercial sexual exploitation and forced labor are all contributing factors towards the lack of improvement in these countries.

No Advancement: The government of Eritrea did make some efforts to address the issue of child labor by issuing data on sectors targeted for investigation and conforming to the regulations set by the ILO convention 182. However, the government has also been complacent in abating child labor by being an acquaintance to the crime itself. The government forced children under the age of 18 to participate in military training programmes associated with national service along with having to work in forced agricultural labor. There is no clear demarcation of hazardous jobs, nor is there any structure in place to help the children affected by this problem¹²⁵.

South Sudan is another country that has made efforts towards solving the crisis of child labor however like Eritrea it has the same problem of being complicit when it comes to forcing children into child

¹²⁰ Bureau of International Labor Affairs, 'Findings on the Worst Forms of Child Labor- Mauritius' (*United States Department of Labor*, 2019) <www.dol.gov/agencies/ilab/resources/reports/child-labor/mauritius> accessed 28 August 2021.

¹²¹ Bureau of International Labor Affairs, 'Findings on the Worst Forms of Child Labor- Seychelles' (*United States Department of Labor*, 2019) <www.dol.gov/agencies/ilab/resources/reports/child-labor/seychelles> accessed 28 August 2021.

¹²² Bureau of International Labor Affairs, 'Findings on the Worst Forms of Child Labor- Somalia' (*United States Department of Labor*, 2019) <www.dol.gov/agencies/ilab/resources/reports/child-labor/somalia> accessed 28 August 2021.

¹²³ Bureau of International Labor Affairs, 'Findings on the Worst Forms of Child Labor- Tanzania' (*United States Department of Labor*, 2019) <www.dol.gov/agencies/ilab/resources/reports/child-labor/tanzania> accessed 28 August 2021.

¹²⁴ Bureau of International Labor Affairs, 'Findings on the Worst Forms of Child Labor- Tanzania' (*United States Department of Labor*, 2019) <www.dol.gov/agencies/ilab/resources/reports/child-labor/uganda> accessed 28 August 2021.

¹²⁵ Bureau of International Labor Affairs, 'Findings on the Worst Forms of Child Labor- Eritrea' (*United States Department of Labor*, 2019) <www.dol.gov/agencies/ilab/resources/reports/child-labor/eritrea> accessed 29 August 2021.



labor. The government has taken steps to combat such as becoming a signatory of a UN comprehensive action plan to stop exploitations against children and integrating a unit for child protection issues in the army training. The government has not ratified the ‘Palermo Protocol’ yet and it has not held the perpetrators of forced military recruitment accountable either. Furthermore, rather than considering minors involved in commercial sexual exploitation as victims, authorities continued to arrest and detain them unfairly¹²⁶.

Southern Africa

Significant Advancement: Namibia is the only country in Africa that has taken significant and prominent steps to expunge child labour. The government passed an act called the ‘Child Care and Protection Act’ to provide better protection to affected children. They have also implemented a new National Agenda for Children to reinforce laws against child labor. They implemented the ‘Combating of Trafficking in Persons Act’, which significantly intensifies penalties for trafficking crimes and issues methods to help children affected by trafficking. The Namibia government is also working with NGOs to assist with social and psychological help for the victims of trafficking. But there are certain cases of children engaged in domestic and street jobs and also in hazardous agricultural labor, for which there are no proper restrictions or programs¹²⁷.

¹²⁶ Bureau of International Labor Affairs, ‘Findings on the Worst Forms of Child Labor- South Sudan’ (*United States Department of Labor*, 2019) <www.dol.gov/agencies/ilab/resources/reports/child-labor/south-sudan> accessed 29 August 2021.

¹²⁷ ‘2019 Findings on the Worst Forms of Child Labour- Namibia’ (*Bureau of International Labor Affairs*, 2019) <www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2019/Namibia.pdf> accessed 29 August 2021.



Moderate Advancement: The countries of Eswatini¹²⁸, Lesotho¹²⁹, Malawi¹³⁰, Mozambique¹³¹, Zambia¹³² and Zimbabwe¹³³, all had some progress in combating child labor. The governments of these countries enacted various laws, schemes, and programs to counter and reduce child labor, such as ‘Trafficking in Persons National Strategic Framework and Action Plan’ (Eswatini), ‘Tobacco Industry Bill’ (Malawi), ‘Trafficking in Persons National Plan of Action for 2019–2021’ (Zimbabwe). They also imposed prison terms and penalties on people convicted of recruiting children forcibly and then using them for commercial gain. But some problems continue to persist, i.e., the prevalence of child labor in housework and agricultural work, and regulations are not up to international standards.

Minimal Advancement: Botswana government conducted training to counter human trafficking and victimization of children. But these measures are underwhelming in the face of the issue at hand. Children are used in forced labor in various areas like sexual exploitation, domestic labor, and cattle herding. There are multiple loopholes in the country’s legal systems which makes it unable for affected victims to seek protection. There is also a lack of provisions against hazardous work and existing plans are not enough to accommodate all sections of society¹³⁴.

¹²⁸ ‘2019 Findings on the Worst Forms of Child Labour- Eswatini’ (*Bureau of International Labor Affair*, 2019) <www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2019/Eswatini.pdf> accessed 29 August 2021.

¹²⁹ ‘2019 Findings on the Worst Forms of Child Labour- Lesotho’ (*Bureau of International Labor Affair*, 2019) <www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2019/Lesotho.pdf> accessed 29 August 2021.

¹³⁰ ‘2019 Findings on the Worst Forms of Child Labour- Malawi’ (*Bureau of International Labor Affair*, 2019) <www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2019/Malawi.pdf> accessed 29 August 2021.

¹³¹ ‘2019 Findings on the Worst Forms of Child Labour- Mozambique’ (*Bureau of International Labor Affair*, 2019) <www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2019/Mozambique.pdf> accessed 29 August 2021.

¹³² ‘2019 Findings on the Worst Forms of Child Labour- Zambia’ (*Bureau of International Labor Affair*, 2019) <www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2019/Zambia.pdf> accessed 29 August 2021.

¹³³ ‘2019 Findings on the Worst Forms of Child Labour- Zimbabwe’ (*Bureau of International Labor Affair*, 2019) <www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2019/Zimbabwe.pdf> accessed 29 August 2021.

¹³⁴ ‘2019 Findings on the Worst Forms of Child Labour- Botswana’ (*Bureau of International Labor Affair*, 2019) <www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2019/Botswana.pdf> accessed 29 August 2021.



The government of South Africa launched a policy called ‘Prevention and Combating of Trafficking in Persons National Policy Framework’ to restrict human trafficking. But the country has its share of problems, children are sexually exploited for money making purposes, and forced into labor, officers are lax and do not have requisite authority on matters concerning penalties. Further, there are roadblocks to education access for children without proper documentation and disabilities¹³⁵.

Western Africa

It is by far the largest section of the African continent but the situation here is not much different than the others.

Moderate Advancement¹³⁶: The countries of Benin, Cabo Verde, Cameroon, Côte d'Ivoire, The Gambia, Mali, Niger, Senegal, and Sierra Leone have had pretty much the same amount of change as other moderate advancement countries, with changes being significant with certain persisting problems such as lack of manpower and funds. Their condition is better than the countries with minimal advancement, in which crime goes unpenalized and victims are retargeted.

Minimal Advancement¹³⁷: Burkina Faso, Gabon, Ghana, Guinea, Guinea-Bissau, Liberia, Mauritania, Nigeria, São Tomé and Príncipe, and Togo, unfortunately, have not had as many positive changes as of other countries due to lack of government scrutiny and abundance of illegal and forced labor, however, the situation here is still better than that of DRC, Eritrea, and South Africa, in which agents of the are responsible for the rise in child labor by being an accomplice to the illegal activity.

Even though Africa is divided into 54 countries, the situation of each one is not that different. Each country aims to make certain plans and take action to eradicate child labor but it is not easy to weed out such a deep-rooted problem in a matter of a few months or years. Child labour has been prevalent

¹³⁵ ‘2019 Findings on the Worst Forms of Child Labour- South Africa’ (*Bureau of International Labor Affair*, 2019) <www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2019/South-Africa.pdf> accessed 29 August 2021.

¹³⁶ *Supra* note 100.

¹³⁷ *Supra* note 99.



in the world since ages ago, and Africa is only a point of concentration of the issue, which just shows us how grim the reality is.

Child Labor during the Pandemic

“The world was warned about 9 million additional children at risk as a result of the COVID-19 pandemic.” - International Labour Organization and UNICEF

Heartbreaking choices¹³⁸

- Thousands of children in Africa's warring states are confronting the misery of the Independent States that have failed to achieve political unity as the continent commemorates the International Day of the African Child.
- According to the research, children already engaged in child labor may be working longer hours or in worsening conditions. More of them may be forced into the most hazardous
- sorts of labor, endangering their health and safety.
- “Without support, many families may resort to child labor as the pandemic wreaks havoc on family incomes,” warned ILO Director-General Guy Ryder.

Most of the children who are engaging in child labor, their parents/parent may not be on the same wavelength. For example- one of the parents (either mother or father), may be involved in some crime and the other cannot lead their life alone without a helping hand, then it leads to the children in the house engaging in labor work.

¹³⁸ Apolinar Cairo, ‘Millions of African children risk labor in COVID-19 crisis’ (*Eturbo News*, 16 June 2020) <www.eturbonews.com/574207/millions-of-african-children-risk-child-labor-in-covid-19-crisis> accessed 29 August 2021.



Wakeup Call

"The new estimates are a wake-up call," ILO chief Guy Ryder said in a statement.¹³⁹

- According to a joint ILO-UNICEF report, one out of every five African adolescents works in child labor. At the start of 2020, 92 million children – 40 million girls and 52 million boys – were working as adolescents in Africa, accounting for more than 21.6 percent of all African children.¹⁴⁰
- Africa ranks highest among regions in terms of the percentage of children engaged in child labor, with some children being exposed to a hazardous environment that may affect their development while also limiting their access to elementary and secondary education. Troops kill some of these youngsters, schoolgirls are kidnapped, raped, and forced into marriages with soldiers, and boys are coerced into army training to fight elected governments.¹⁴¹
- Concerns that Covid-19 may force children into child labor as families seek to boost money have prompted Malawi- a country in East Africa to join the rest of the globe in marking World Day Against Child Labour today. The slogan for this year's commemoration is "Covid-19: Protect children from child labor, now more than ever." said the child labor minister, Malawi.¹⁴²

¹³⁹ 'Child labor swells for first time in 20 years: UN' (*LiveMint*, 10 June 2021)

<www.livemint.com/news/world/child-labour-swells-for-first-time-in-20-years-un-11623285231842.html> accessed 29 August 2021.

¹⁴⁰ AU, ILO and UNICEF mark the World Day against Child Labour in Africa, OCHA Services, relife, (June 18, 2020)

<www.reliefweb.int/report/world/au-ILO-and-UNICEF-mark-world-day-against-child-labour-Africa> accessed 29 August 2021.

¹⁴¹ *supra* note 140.

¹⁴² Martha Chikoti, 'Malawi: Minister says Covid-19 may lead to more cases of child labor' (Business & Human Rights Resource Center, 17 June 2020)

<www.business-humanrights.org/en/latest-news/malawi-minister-says-covid-19-may-lead-to-more-cases-of-child-labour> accessed 29 August 2021.



- Henrietta Fore, UNICEF's Executive Director, is concerned about the alarming growth in the number of young children engaged in child labour. She claims that half of the youngsters working as slaves are between the ages of 5 and 11.¹⁴³

As we have studied so far about the child during the pandemic, we can say that Africa has to execute the statutes which not only prohibit child labor, but also the people responsible for such labor should get severe punishment. And improving the government's schemes like free education may encourage the children to study (as education is the solution for many problems not just in one country like Africa, but also the whole world).

ILO's response to child labor in Africa

Through technical advising services to ILO Constituents and the implementation of development cooperation initiatives, the ILO supports African countries in implementing signed child labor Conventions.¹⁴⁴

Notwithstanding these commitments and activities, the condition of child labor in Africa requires immediate attention to assist governments and social partners in accelerating and boosting initiatives with additional resources at the country, sub-regional, and regional levels in an attempt to reach SDG 8.7, something that seeks to eliminate all forms of child labor, including forced labor, by 2025.¹⁴⁵

Nations such as Nigeria, Tunisia, and South Africa, through their 2021 promises, have highlighted specific key milestones to fulfill this year to make effective progress on the continent, with additional countries' pledges to be published by March 30.¹⁴⁶

¹⁴³ Lisa Schlein, '160 million of world's children are forced to work during pandemic- unsays' (*Voa News*, 10 June 2021) <www.voanews.com/africa/160-million-worlds-children-forced-work-during-pandemic-un-says> accessed 29 August 2021.

¹⁴⁴ 'Child labor in Africa' (ILO) <www.ilo.org/ipecc/Regionsandcountries/Africa/WCMS_618949/lang--en/index.htm> accessed 29 August 2021.

¹⁴⁵ *Ibid.*

¹⁴⁶ 'Ms. Cynthia Samuel-Olonjuwon in an interview, International Year for the Elimination of Child Labour — beyond commitments to action' (*Ilo.org*, 21 January 2021) <www.ilo.org/africa/technical-cooperation/accel-africa/WCMS_766814/lang--en/index.htm> accessed 29 August 2021.



Furthermore, the African Union's Continental Ten-Year Action Plan is an effective instrument for stakeholders to use to accomplish the targeted outcomes in 2021 and beyond.¹⁴⁷

Child labor is the result of a variety of factors; it is not only a cause but also a result of societal inequity worsened by discrimination.

ILO Policy Pillars to respond to the COVID-19 crisis: Based on international norms, the International Labour Organization (ILO) has four policy pillars to deal with the COVID-19 crisis. To begin, boost the economy and jobs. Second, promote businesses, employment, and incomes. Protect employees in the workplace, third. Fourth, look for solutions through social discussion. The ILO, calling for a whole-of-society approach, urges governments, employers, and workers' groups to collaborate on effective measures to address the crisis's health, social, and economic elements. Some policy activities, such as social protection, cut across the four pillars, and should thus be included in the advancement of policies in each.¹⁴⁸

Analytical representation with Instances

- In Africa, 21.6 percent of children aged 5 to 17 work as child labour in 2020.¹⁴⁹

The given image shows the statistics of child laborers aged 5 to 17 worldwide.¹⁵⁰

- According to a human rights study, Uganda's persistent COVID-19 epidemic is fueling child labor in the East African country. In a report titled *"I Must Work to Eat": COVID-19, Poverty, and Child*

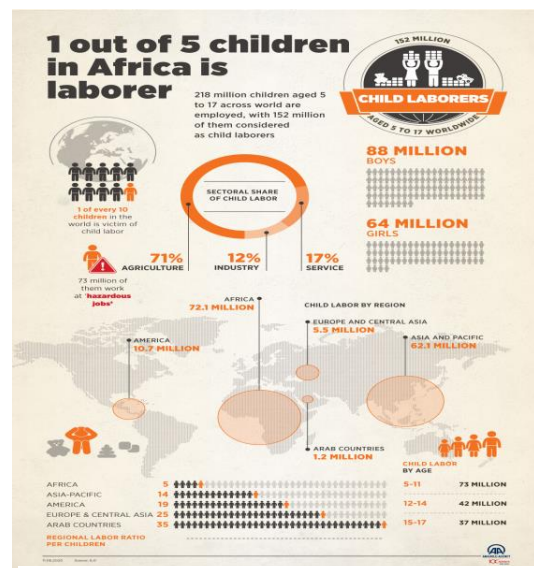


Fig: The statistics of child laborers aged 5 to 17 worldwide.

¹⁴⁷ *Id.*

¹⁴⁸ *supra* note 144.

¹⁴⁹ M. Szmigiera, 'Share of children in child labor 2020 by Region' (*Statista*, 15 June 2021) <www.statista.com/statistics/264906/extent-of-child-labor-in-different-regions-of-the-world> accessed 29 August 2021.

¹⁵⁰ Mohammed Tarhan, 'One-fifth of African children are laborers' (*AA*, 11 June 2020) <www.aa.com.tr/en/africa/one-fifth-of-african-children-are-laborers/1873615> accessed 29 August 2021.



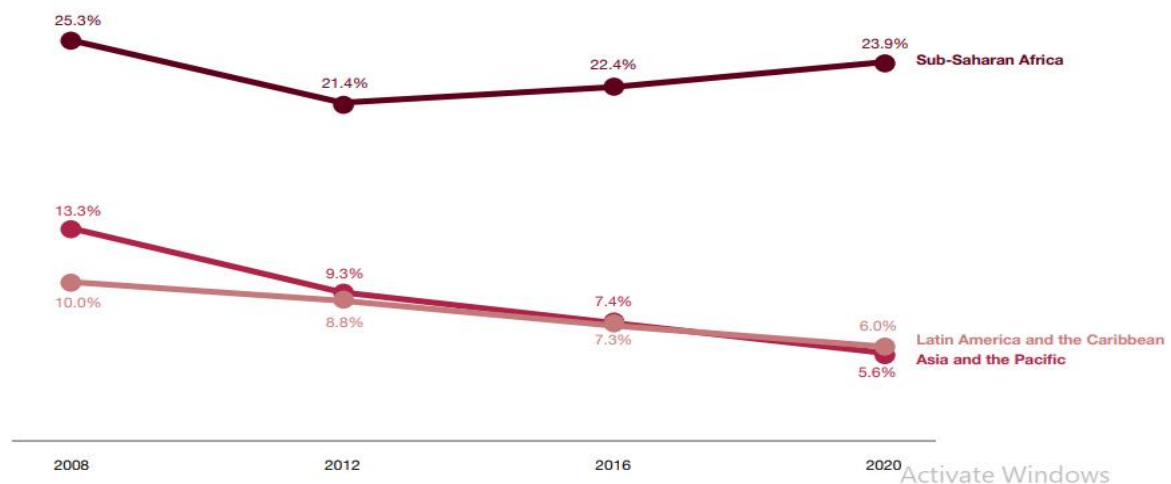
Labor in Ghana, Nepal, and Uganda," the Initiative for Social and Economic Rights (ISER) and Human Rights Watch claimed that the pandemic's unprecedented economic impact, combined with school closures and inadequate government assistance, is pushing children into exploitative and dangerous child labor.¹⁵¹

The research, which was released ahead of World Day Against Child Labor on June 12, looked at the growth in child labor and poverty during the COVID-19 epidemic, as well as the impact of the pandemic on children's rights. After their parents lost their jobs or income owing to the epidemic and accompanying lockdowns, children recalled working long, arduous hours for little compensation. The ISER spoke with 32 youngsters, ages 9 to 16, who worked in gold mines, stone quarries, fisheries, agriculture, construction, and street selling. According to the survey, several people reported dangerous working circumstances, as well as aggression, harassment, and theft.¹⁵²

The study recommended that the Ugandan government and donors "*prioritize financial allowances to protect children's rights and enable families to maintain an appropriate level of living without resorting to child work.*"¹⁵³

Asia and the Pacific and Latin America and the Caribbean have seen steady progress on child labour since 2008; similar progress has eluded sub-Saharan Africa

Fig 4. Percentage of children aged 5 to 17 years in child labour, by region



¹⁵¹ Huaxia, 'COVID-19 pandemic fueling child labor in Uganda: Human Rights Report' (*Xinhuanet*, 24 June 2021) <www.xinhuanet.com/english/africa/2021-05/26/c_139970682.htm> accessed 29 August 2021.

¹⁵² *Ibid.*

¹⁵³ *supra* note 121.



Fig: The above graph explains the progress since 2008, comparing Asia and the Pacific, Latin America and the Caribbean, sub-Saharan Africa¹⁵⁴

Child Labor and Hazardous work: Trends

Child labour in hazardous work, comparative study of 2016 and 2020 with children aged 5 to 17 years, shows:

Country	2016	2020
Africa	19.6%	21.6%
Sub-Saharan Africa	22.4%	23.9%

Source¹⁵⁵

Child Labour in Africa Region Wise

*If we do not muster the will and resources to act now on an unprecedented scale, the timeline for ending child labor will stretch many years into the future.*¹⁵⁶

Sub-Saharan Africa (center Africa, eastern Africa, southern Africa)

- Sub-Saharan Africa has a child labor prevalence of 24%, which is three times that of Northern Africa and Western Asia, the regions with the 2nd highest prevalence. More people live in Sub-Saharan Africa than in the rest of the world combined⁵³. In contrast, child labor among young children aged 5 to 11 increased alarmingly between 2016 and 2020. The trend line is now pointing in the incorrect direction.¹⁵⁷

¹⁵⁴ 'Child labor: global estimates 2020 trends and the road forward' (Ilo, 2020)

<www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipec/documents/publication/wcms_797515.pdf> accessed 29 August 2021.

¹⁵⁵ *Ibid.*

¹⁵⁶ *supra* note 150.

¹⁵⁷ *supra* note 151.



- According to the research, development in Sub-Saharan Africa has been challenging due to high levels of poverty, HIV/AIDS, and war in the region. With 86.6 million young people aged five to 17, this area has more youngsters engaged in child labour than the rest of the globe combined.¹⁵⁸

Children in the southern Volta region serve in religious slavery for anywhere from a few months to three years. Trokosi (literally, "woman of a deity"), Rashidi, and Vudushi are the names given to them. This practice entails young girls working and serving religious activities to make amends for the supposed faults of family members or as a gift for the family's prosperity. This practice is said to exist in surrounding nations, even though it is illegal in Ghana and adjacent countries and carries prison sentences.

- Four out of every five youngsters in Sub-Saharan Africa work in agriculture. Pesticides and other chemicals, high temperatures, and dangerous tools and machinery are all hazards in this kind of employment.¹⁵⁹

Children who reside in rural regions are considerably more likely than those who live in metropolitan areas to be involved in child labor. Minors in rural regions are three times more likely than those in cities to be employed.

- Children regularly reported working since there was no school in a study of eight West African nations. They claimed that being at home increased the pressure to work to support their families, making distance learning challenging even when it was accessible. More children are

¹⁵⁸ *supra* note 149.

¹⁵⁹ Jaclyn Diaz, 'Child Labor Surges For The First Time In 20 Years. The Pandemic May Make That Worse' (*npr.org*, 10 June 2021) <www.npr.org/2021/06/10/1005015654/child-labor-surges-for-the-first-time-in-20-years-the-pandemic-may-make-thatwor> accessed 29 August 2021.



working alongside their parents in granite mining in Burkina Faso, according to reports, in part because their parents did not want to leave them alone at home during school closures.¹⁶⁰

Child labor prevalence rises for both sexes when the definition of child labor is broadened to include engagement in-home tasks for 21 hours or more per week, but the growth in female child labor is significantly higher.

- On the 4th of August 2020, the International Labour Organization's Convention No. 182 on the Worst Forms of Child Labor was officially globally approved.¹⁶¹

According to the convention, the worst forms of child labour comprises:

- All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom, and forced or compulsory labor including forced or compulsory recruitment of children for use in armed conflict, are considered the worst forms of child labor according to the convention.
- Using, obtaining, or providing a child for prostitution, pornographic production, or pornographic acts;
- the use, procurement, or offering of a kid for illegal purposes, particularly for drug manufacturing and trafficking as specified by applicable international treaties;
- Work that is likely to impair the health, safety, or morals of children due to its nature or the circumstances in which it is carried out.

¹⁶⁰ *supra* note 149.

¹⁶¹ Cynthia Samuel-Olonjuwon, 'Protecting Africa's children from child labor' (*United Nation*, October 2020) <www.un.org/africarenewal/magazine/october-2020/ilo-protecting-africas-children-child-labour> accessed 29 August 2021.



Stories of the children from Uganda¹⁶²

Human Rights Watch conducted interviews with more than half of Uganda's children aged 8 to 17 for a recent study. Even though elementary and secondary education in Uganda should be free, several of the children questioned indicated that even when schools reopened, fees remained a significant barrier to them continuing their education. Some were resigned to never going to school or, at the very least, financing their younger siblings' education. The children explained why they are involved in child labour as follows:



➤ “There was no money to buy food, sugar, salt, or water,” said Angelina, a fourteen-year-old Ugandan. There were times when we were unable to obtain food. We only drank water to stay alive.” When governments ordered schools to close to contain the spread of Covid-19, some children lost access to the meals that had previously been supplied by their schools.

¹⁶²Jo Becker, “I Must Work to Eat” Covid-19, Poverty, and Child Labor in Ghana, Nepal, and Uganda’ (*HRW*, 12 June 2021) <www.hrw.org/report/2021/05/26/i-must-work-eat/covid-19-poverty-and-child-labor-ghana-nepal-and-uganda> accessed 29 August 2021.



- Some said that their families had run out of food and that starvation was the driving force behind their decision to labor.
- Florence, a thirteen-year-old Ugandan, revealed her family lived on tea and porridge before she went to work. “I began working because we were in such terrible shape. We couldn't sit and wait since we were too hungry at home.”
- Daniel, 15, detailed his labor at a construction site in Uganda, where he spent 10 hours a day lugging cement, bricks, and other items up and down the steps of a four-story structure. “I feel fatigued at times,” he said, “but I have to do the task and be paid.”
- “He abuses us, he may push you, slap you, but we endure,” Angela, 15, said of her Ugandan employer. I need the work, and I need the money, no matter how small.” Children have been subjected to violence by their employers in a few instances.

3.4. Other Parts-Europe, Australia

Child Labour before the Pandemic (COVID -19)

Child labour was present in past Europe. Although child labour was banned in the European Union under the Charter of Fundamental Rights of European Union 2000(Article 32-‘Prohibition of child labour and protection of young people at work’).¹⁶³

Children in Eastern and Central Europe and the Soviet Republics of Central Asia were more vulnerable to child labour due to the transition to market economies. Children were hardest hit by the transition process as well as the Balkan Crisis. Due to the economic crisis they were forced to work.

Children from the Central Europe, Eastern Europe, South Eastern Europe, the Caucasus, the Newly Independent States, the Baltic State face worst kind of child labour such as trafficking, slavery, ebt-

¹⁶³ ‘Child labour’ (*Euro Found*, 3 August 2017)

<www.eurofound.europa.eu/observatories/eurwork/industrial-relations-dictionary/child-labour> accessed 29 August 2021.



bondage, sexual exploitation, using children for trading drugs etc because of their economic conditions.¹⁶⁴

The Given table shows the estimated no. of children 0-17 years of age in the state of absolute poverty.¹⁶⁵

Estimated number of children 0-17 in absolute poverty, end of the 1990's		
	Living on under \$2.15 per day (1,000s)	Living on under \$4.30 per day (1,000s)
Central Europe	330	4,040
Former Yugoslavia	500	2,390
South-Eastern Europe	940	5,730
Baltic States	110	730
Western CIS	9,190	26,800
Caucasus	1,750	4,330
Central Asia	5,000	13,720
Total	17,820	57,730

¹⁶⁴ James W. Martin, 'Child Labour in Europe and Central Asia: Problem and Response' (*International Labour Organisation*, 2003) <www.ilo.org/ipecinfo/product/download.do?type=document&id=583> accessed 29 August 2021.

¹⁶⁵ *Ibid.*



Fig: The Given table shows GDP and employment in transition economies.¹⁶⁶

**Table 1: GDP and employment in transition economies:
Average annual growth rates, selected years (percentage)**

Country	GDP		Employment	
	1990-1994	1994-2000	1990-1994	1994-2000
Albania	-5.6	6.2	-5.0	-1.4
Armenia	-16.2	5.4	-2.2	-2.5
Azerbaijan	-17.0	3.7	-0.5	0.3
Belarus	-7.8	3.3	-2.3	-0.9
Bulgaria	-3.9	-0.6	-5.7	-1.6
Croatia	-9.3	4.2	-6.3	0.5
Czech Republic	-2.6	1.8	-2.3	-1.0
Estonia	-8.8	5.0	-4.3	-2.1
Georgia	-27.5	5.2	-10.8	6.9**
Hungary	-3.3	3.6	-7.2	0.4
Kazakhstan	-9.6	0.6	-4.2	-1.0
Kyrgyzstan	-14.4	3.6	-1.5	1.2
Latvia	-15.9	3.7	-6.3	-0.7
Lithuania	13.4	3.3	-2.5	-0.9
Macedonia	-5.5	2.2	-6.0	-3.9
Moldova (Republic of)	-20.5	-2.3	-5.1	-1.7
Poland	1.0	5.5	-2.9	0.9
Romania	-4.3	-0.2	-2.0	-3.4*
Russian Federation	-10.3	0.2	-2.3	-1.0
Slovakia	-5.2	4.5	-3.8	0.0
Slovenia	-1.7	4.3	-4.7	0.4
Tajikistan	-20.1	-2.1	-1.1	-1.0
Turkmenistan	-9.2	3.9	3.5	2.4
Ukraine	-14.1	-3.8	-2.4	-1.3
Uzbekistan	-4.9	3.1	1.3	1.2
Yugoslavia	-18.0	1.4	-2.8	-1.3
CSEE	-3.1	3.2	-4.0	-0.4*
Baltic States	-13.3	3.8	-4.1	-1.1
CIS	-11.1	0.1	-2.3	-1.1**

¹⁶⁶ Alena Nesporova, 'Why unemployment remains so high in Central and Eastern Europe' (*International Labour Organisation*, 6 May 2002)
<www.ilo.org/wcmsp5/groups/public/---ed_emp/documents/publication/wcms_142377.pdf> accessed 29 August 2021.



According to the International Labour Organisation (ILO) more than 250 million children aged between 5 and 14 years are working. According to UN research in Georgia, 29 percent of children aged 7-14 are working. In Albania the figure is 19 percent. The government of the Russian Federation has estimated that up to 1 million children may be working in the country. In Italy, a study of June 2013 indicates that 5.2 percent of children younger than 16 are working, a study of June 2013.¹⁶⁷

In 2013, Nils Muižnieks, the commissioner for Human Rights of the Council of Europe have said that child labour is still a serious problem in Europe. Children working across Europe are involved in extremely hazardous occupations in construction, agriculture, small factories or on the street.¹⁶⁸

In countries like Albania, Bulgaria, Georgia, Moldova, Montenegro, Romania, Serbia, and Ukraine. Children who work in agriculture use dangerous machinery and tools, carry heavy loads and apply harmful pesticides.

The European Union protects children's rights through its policies both internal and external. To combat child labour a number of efforts were made by various Human Rights tribunals, with a particular focus on the Jurisprudence of the European Countries of Human Right.¹⁶⁹

On 20th June 2016 all 28-member state published their conclusions on child labour. The council notes that 'action is most effective and sustainable when it is embedded within comprehensive action plans and programmes to eliminate child labour, including through integrated area-based, sector-based programmes and value chain approaches.'¹⁷⁰ The EU to increase the coherence and consistency of no.

¹⁶⁷ Strasbourg, 'Child labour in Europe: A persisting challenge' (*Council of Europe*, 20 August 2013) <www.coe.int/en/web/commissioner/-/child-labour-in-europe-a-persisting-challen-1> accessed 29 August 2021.

¹⁶⁸ 'Commissioner for Human Rights addressed the issue of child labour' (*International Ombudsman Institute*, 21 August 2013) <www.theioi.org/ioi-news/current-news/commissioner-for-human-rights-addressed-the-issue-of-child-labour> accessed 29 August 2021.

¹⁶⁹ Egan S., 'Tackling The Rise Of Child Labour In Europe: Homework For The European Court Of Human Rights' (2015) 64(3) Cambridge University Press <www.cambridge.org/core/journals/international-and-comparative-law-quarterly/article/abs/tackling-the-rise-of-child-labour-in-europe-homework-for-the-european-court-of-human-rights> accessed 30 August 2021.

¹⁷⁰ 'Council Conclusions on Child Labour' (*Consilium*, 20 June 2016) <www.data.consilium.europa.eu/doc/document/ST-10244-2016-INIT/en/pdf> accessed 30 August 2021.



Of policies that are relevant to that area in 2016, the council of the EU adopted guidelines on the rights of children, which were also revised in 2017.

One of the objectives listed in these guidelines (Action 15 b) states: '*Support partner countries to promote, protect and fulfil the rights of the child with a focus on economic, social and cultural rights such as the right to education, health and nutrition, social protection and the fight against the worst forms of child labour, always guided by the best interests of the child.*'¹⁷¹

The European Union also undertook project Clear cotton to eradicate child labour in the cotton industry the EU have successfully helped more than 4,000 children in Burkina Faso and Mali to be free from child labour. Having the support of national partners, International Programme On the Elimination of Child Labour (IPEC) has begun to elaborate and combine exit strategies in projects carried out in Central and Eastern Europe.¹⁷²

The EU makes sure that the EU-bound products are child labour free, in this way EU help children who are working in the industries. Mandatory due diligence is already developed and written to law by many EU countries, in this way EU helps to harmonise existing standards.¹⁷³ Netherlands adopted 'Child Labour Due Diligence Law' on May 2019.

The European Commission President Ursula von der Leyen's pledge to have 'zero-tolerance' for child labour. in EU trade policy is a promising step, they have adopted Sustainable Development goals, and have promised to remove all forms of exploitative child labour by 2025¹⁷⁴

¹⁷¹ Lonel Zamfir, 'Child labour A priority for EU human rights action' (*European Parliament*, January 2019) <[www.europarl.europa.eu/RegData/etudes/BRIE/2019/633142/EPRS_BRI\(2019\)633142_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2019/633142/EPRS_BRI(2019)633142_EN.pdf)> accessed 30 August 2021.

¹⁷² 'Child labour in Europe and Central Asia' (*International Labour Organisation*) <www.ilo.org/ipec/Regionsandcountries/europe-and-central-asia/lang--en/index.htm> accessed 30 August 2021.

¹⁷³ Delphine Moralis, 'A Child labour free Europe: How the new commission can make it happen' (*Euractiv*, 19 November 2019) <www.euractiv.com/section/global-europe/opinion/a-child-labour-free-europe-how-the-new-commission-can-make-it-happen> accessed 30 August 2021.

¹⁷⁴ *Ibid.*



Europe was actively fighting against the child labour. EU have taken various steps to combat child labour, which have successfully resulted in reducing child labour as well, which is a good thing for a child's future. As education is the key for a successful career.

Australia

Rise in Child labour before the Pandemic

COVID-19 is a constant threat to the progress made against child labour, as there was 38% of decline in during 2000-2016 and almost 100 million children were taken out of work in the past 20 years. There can be a delay in in order to reach the 2030 Agenda for Sustainable Development 8.7 target to end child labour in all its forms by 2025.¹⁷⁵

The EU Delegation in Rome decided to organize a virtual symposium to raise awareness on the importance of the persistence of child labour¹⁷⁶

As we battle the pandemic, we need to remember that children are the first to suffer from poverty, exclusion and inequalities”, reads a Joint Statement by the HR/VP Josep Borrell and the European Commission to mark the date. (on World Day against Child Labour, 2021)

The EU have adopted a new strategy on combatting Trafficking in Human Beings 2021-2025, as children who are victims of labour are often the victims of trafficking as well. The Action plan on Human Rights and Democracy 2020-2024, include the fight against child labour.¹⁷⁷

¹⁷⁵ ‘Pandemic May Push Zero Child Labour 2025 Goal Further Away If We Do Not Act’ (*European Union External Action*, 16 June 2021)

<www.eeas.europa.eu/headquarters/headquarters-homepage/99847/pandemic-may-push-zero-child-labour-2025-goal-further-away-if-we-do-not-act_en> accessed 30 August 2021.

¹⁷⁶ ‘Ending Child Labour by 2025’ (*European Union External Action*, 15 May 2021)

<www.eeas.europa.eu/delegations/un-rome_en/98496/Ending%20Child%20Labour%20by%202025> accessed 30 August 2021.

¹⁷⁷ ‘Child Labour: Statement by the European Commission and the High Representative on the World Day against Child Labour’ (*Relief Web*, 11 June 2021)

<www.reliefweb.int/report/world/child-labour-statement-european-commission-and-high-representative-world-day-against>



*As we battle the coronavirus pandemic, we need to step up our efforts to prevent children's rights from backsliding. We need to ensure that they are at the centre of the global post-COVID-19 recovery.*¹⁷⁸

Organisation Atina has with the full support of Council of Europe is focused to prevent labour exploitation in form of human trafficking, child labour etc. There have been a significant increase of evidences of child labour in Europe the schools are closed and due to the current situation even if the schools reopen some families are in no condition to send their child to the school. Financial problems force the children to work. In 2020, there were still 160 million children in child labour, with 79 million children trapped in hazardous work for the first time in last 20 years such numbers were found.

High-Level Dialogue for Action on Child labour, was organized by the European Commission, the ILO and UNICEF.

The European Commissioner for International Partnerships, Jutta Urpilainen, who opened the event, said: *“Child labour is both the cause and the consequence of poverty and inequalities. We must tackle child labour under all of its different dimensions: ensuring quality education, decent income, social protection, gender equality, and leveraging the potential of empowered youth. I am proud to say that since 2008, the EU has supported 150 projects targeting child labour in 65 countries, for more than €200 million. The EU is committed to explore new areas and innovative approaches to step up its fight to eradicate child labour.”*¹⁷⁹

In 2019 Commission President Ursula von der Leyen announced the creation of a European Child Guarantee with an aim of ensuring that every child in Europe at risk of poverty or social exclusion has access to the most basic of rights like healthcare and education.

The objective of the European Child Guarantee, which was adopted by the Council in June 2021, is to prevent and combat social exclusion by guaranteeing the access of children in need to a set of key services:

- early childhood education and care

¹⁷⁸ *Ibid.*

¹⁷⁹ ‘Child labour is on the rise: it’s time to step-up action to end this practice for good’ (*European Union External Action*, 17 June 2021)
<www.ec.europa.eu/international-partnerships/news/child-labour-rise-its-time-step-action-end-practice-good_fr> accessed 30 August 2021.



- education (including school-based activities)
- healthcare
- nutrition
- housing¹⁸⁰

Such objectives will help to overcome child labour in near future and would immensely contribute towards achieving the 8.7 SDG which focuses to take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers and. by 2025 end child labour in all its forms ¹⁸¹

The covid-19 outbreak has hampered the declining rates child labour. Even during times like this, EU have constantly propagated i.e. No child labour. The EU adopted its new Strategy on the Rights of the Child, which aims at making supply chains of EU companies free of child labour, and strengthening labour inspection systems for monitoring and enforcement of child labour. All these steps taken, would definitely fight back the COVID-19 outbreak and will help the EU achieve its goal

Child labour was present in the past Australia. The Child Labour Act, bans the employment of children, below 14 years of age in specified occupations and processes which are considered unsafe and harmful to child workers and regulates the conditions of work of children in employment's where they are not prohibited from working.¹⁸² On a national level, Australia has a commitment to combat trafficking, which is a contributor to the most vulnerable of children, not necessarily caught in the 73 million statistic. Around \$1 billion of our overseas development assistance is directed towards the South-East and East Asia. The Australia-Asia Program to Combat Trafficking In Persons has been Australia's approach from 2013-2018.

¹⁸⁰ 'European Child Guarantee' (*European Commission*, 16 June 2021)

<www.ec.europa.eu/social/main.jsp?catId=1428&langId=en> accessed 30 August 2021.

¹⁸¹ 'ILO Contributions to achieve Target 8.7' (*International Labour Organisation*)

<www.ilo.org/global/topics/sdg-2030/goal-8/target-8-7/lang-en/index.htm> accessed 30 August 2021.

¹⁸² 'Child Labour under The Child Labour (Prohibition and Regulation) Act, 1986' (*Helpline Law*)

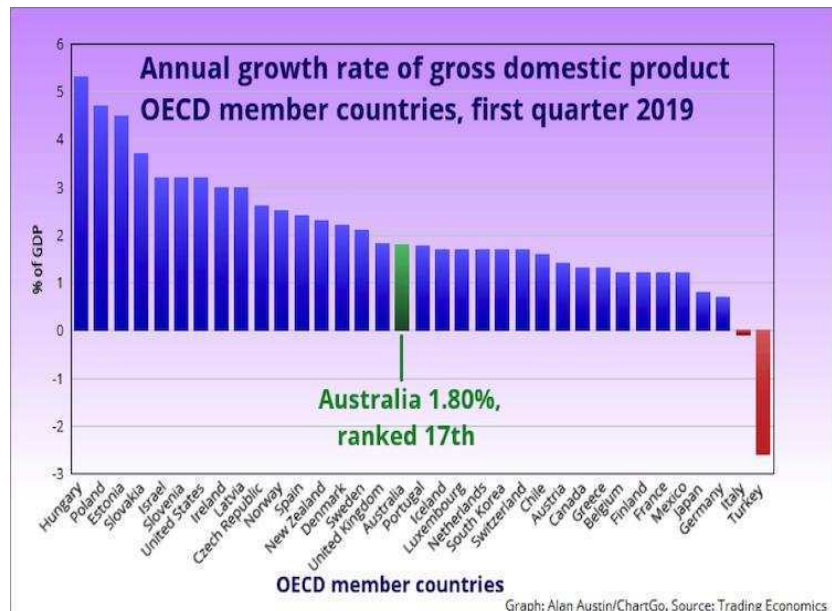
<www.helplinelaw.com/employment-criminal-and-labour/CHLB/child-labour-under-the-child-labour-prohibition-and-regulation-act-1986.html> accessed 30 August 2021.



The effective abolition was observed by the western Australia, South Australia, In Western south Australia, the Child Welfare Act restricts children aged. These restrictions on the employment of children cover all categories of work, economic sectors and types of enterprise in addition to the provisions of the Child Welfare Act, as outlined above, the Education Act makes it compulsory for all children to attend school up to and including the year in which the child is 15 years old.

Under section 78 of the Education Act 1972 (“the Education Act”) there are some restrictions on the employment of children of compulsory school age (6-14 years inclusive).¹⁸³but the families which have the lower income forcibly sending the children to the part time work .in crises it became the hard time for them in the crises as the shut of schools and collages the child labour also increased for the income for the daily needs.¹⁸⁴

For many child migrants from Britain, hard physical labour was a part of daily life in Australian institutions. Indeed, at Bindoon in Western Australia, the institution itself was the product of the labour of its boys. In 2001, Senator Andrew Murray spoke of Bindoon's 'manic and brutal regime of slave labour'.¹⁸⁵



As we see the above figure the Australia is in 17th ranked in the above-mentioned countries

¹⁸³ ‘The effective abolition of child labour’ (ILO, 2021) <www.ilo.org/public/english/standards/relm/gb/docs/gb277/pdf/d2-abol.pdf> accessed 30 August 2021.
¹⁸⁴ ‘Child Labour in Australia’ (SOS Children’s Villages, 2021), <www.soschildrensvillages.ca/news/child-labour-in-india-588> accessed 30 August 2021.
¹⁸⁵ ‘Child Labour’ (Find & Connect, 2021) <www.findandconnect.gov.au/ref/australia/biogs/FE00100b.htm> accessed 30 August 2021.



As of 2006 year in Australia the children for their daily needs and for their shelter the most common reason that children worked was 'Money for spending'. For 79% of children who had worked in the last 12 months this was one of the reasons they worked, and for 51% of children it was the main reason they worked. This was followed by 'Money for saving' which for 58% of children was one of the reasons and for 24% it was the main reason they worked. During school holidays, 63% usually worked Saturday to Sunday and 73% usually worked Monday to Friday during school holidays.¹⁸⁶ Of the children aged 5 to 14 years who worked during school terms, 45% usually worked 1 to 2 hours, 29% usually worked 3 to 5 hours and 11% usually worked 10 hours and over per week in all jobs during school terms.

As of 2012, the ILO estimates that more than 264 million children are in employment around the world. Of that figure, nearly 168 million work in conditions classified as child labour. These 168 million children represent more than 10 percent of the world's children aged five and above.¹⁸⁷ In some instances the Federal government has adopted Western Australian legislation and entered into an agreement with the Western Australian government for the Western Australian government to administer the adopted legislation and provide government services to some territories. However, they are considered to be engaged in child labour when they are either too young to work or are involved in hazardous activities that may compromise their physical, mental, social or educational development¹⁸⁸

As we see in the year of 2016 in the child labour in the agriculture. Young Indigenous people (aged from 15 to 34 years, inclusive) accounted for 44 per cent of the Indigenous people employed in the agriculture industry. relatively large number of Indigenous people working in the agriculture industry

¹⁸⁶ 'Child Employment' (*AusStats*, 2021)

<[www.ausstats.abs.gov.au/ausstats/subscriber.nsf/0/1EE6107CE7FA755BCA2572820014F534/\\$File/62110_jun%202006.pdf](http://www.ausstats.abs.gov.au/ausstats/subscriber.nsf/0/1EE6107CE7FA755BCA2572820014F534/$File/62110_jun%202006.pdf)> accessed 30 August 2021.

¹⁸⁷ 'Tackling Child Labour' (*World Vision*, 2021) <www.worldvision.com.au/docs/default-source/publications/children/tackling-child-labour.pdf> accessed 30 August 2021.

¹⁸⁸ 'Child Labour - UNICEF Data' (*UNICEF Data*, 2021) <data.unicef.org/topic/child-protection/child-labour> accessed 30 August 2021.



live in Queensland, Northern Territory, the north of Western Australia and South Australia. Young women (aged from 15 to 34 years) accounted for 23 per cent of women in the agricultural workforce¹⁸⁹.

The Australia was fighting against the child labour is a violation of child rights the work can harm them mentally or physically expose them to hazardous situations or stop them from going to school not all work done by children. the Australia has taken steps to reduce the child labour and the steps also worked to reduce the child labour and they have been successfully had taken the steps.

Child labour during COVID-19 pandemic

Child labour has decreased by 38 per cent in the last decade but 152 million children are still affected. The COVID-19 pandemic has considerably worsened the situation, but joint and decisive action can reverse this trend. School closures have aggravated the situation and many millions of children are working to contribute to the family income. The pandemic has also made women, men and children more vulnerable to exploitation. School closures have aggravated the situation and many millions of children are working to contribute to the family income. The pandemic has also made women, men and children more vulnerable to exploitation.¹⁹⁰

An increase of 8.4 million children in the last four years. 63 million girls and 97 million boys were in child labour globally at the beginning of 2020, accounting for almost 1 in 10 of all children worldwide. Additional economic shocks and school closures caused by COVID-19 mean that children already in child labour may be working longer hours or under worsening conditions, while many more may be forced into the worst forms of child labour due to job and income losses among vulnerable families. The report warns that globally 9 million additional children are at risk of being pushed into child labour by the end of 2022 as a result of the pandemic. Children in child labour are at risk of physical

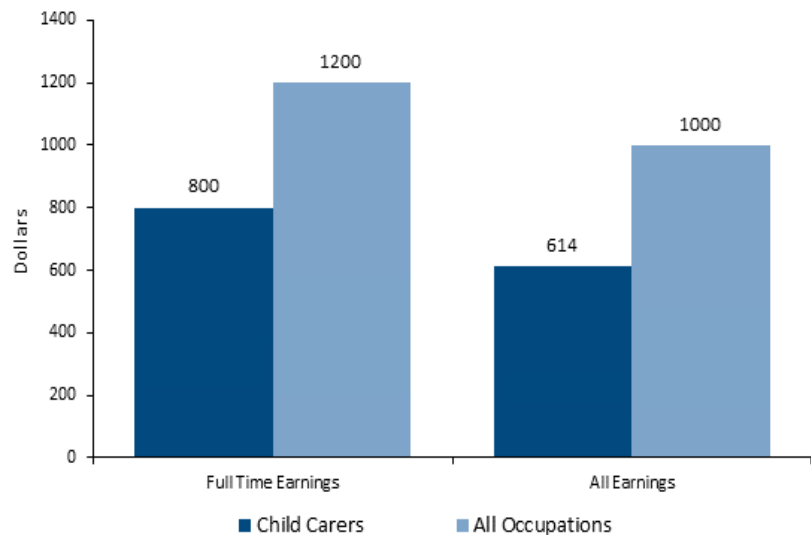
¹⁸⁹ ‘Snapshot of Australias Agricultural Workforce’ (*Department of Agriculture, 2021*)
<www.agriculture.gov.au/abares/products/insights/snapshot-of-australias-agricultural-workforce>
accessed 30 August 2021.

¹⁹⁰ ‘2021: International Year for the Elimination of Child Labour’ (*Ilo.org, 2021*)
<www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_766351/lang--en/index.htm> accessed 30 August 2021.



and mental harm. Child labour compromises children’s education, restricting their rights and limiting their future opportunities, and leads to vicious inter-generational cycles of poverty and child labour.¹⁹¹

Child labour has surged for the first time in at least two decades and the COVID-19 pandemic crisis threatens to push millions of more youngsters to labour, said the United Nations Children’s Fund (UNICEF) and International Labour Organization (ILO) said in a report published on June 10. Sounding alarm over the increase of 8.4 million children



who were forced to do labour, the UN children’s agency and ILO released the report titled ‘Child Labour: Global estimates 2020, trends and the road forward’ ahead of World Day Against Child Labour on June 12. The report also pointed out to “significant rise in the number of children aged 5 to 11 years in child labour, ILO Director-General Guy Ryder said, “The new estimates are a wake-up call. We cannot stand by while a new generation of children is put at risk...Inclusive social protection allows families to keep their children in school even in the face of economic hardship.¹⁹²

There is a big jump in the proportion of working children. We interviewed a total of 818 children and out of them, 553 children were in school prior to the pandemic and 265 were not in school and most of them were working. After the schools were closed, 419 of the 553 children who were in school began working, “explained Mr. Vidyasagar. More than 94% of the children had stated that they started working due to the financial crisis in their house and family pressure. “These children are also not

¹⁹¹ ‘Child Labour: Global Estimates 2020, trends and the road forward’ (UNICEF Data, 2021), <data.unicef.org/resources/child-labour-2020-global-estimates-trends-and-the-road-forward> accessed 30 August 2021.

¹⁹² ‘Child labour increases worldwide for first time in 20 years: ILO, UNICEF Issue Appeal’ (Republic World, 2021) <www.republicworld.com/world-news/global-event-news/child-labour-increases-worldwide-for-first-time-in-20-years-ilo-unicef-issue-appeal.html> accessed 30 August 2021.



attending online classes due to various reasons, including a non-conducive atmosphere at home, need to work, lack of smartphone among others,” he explained.¹⁹³

The **COVID-19 pandemic** threatens to force more children into the workforce, with the economic impact adding further pressure to the household income of vulnerable families. When children work, they often have to drop out of school, or their education suffers as a result of the additional responsibilities they have outside of school. Regions where child labour markets have been particularly resistant to changes in policy and practice may see circumstances become more difficult for children in the workforce.¹⁹⁴

There is also no guarantee that all children in developing communities will be able to return to school once government lockdowns lift and schools reopen. Children who do not return to school are at high risk of early entry to the workforce. The resulting impact has the potential to push millions of children living in developing communities into child labour. As parents become sick with COVID-19, children may be forced to work to support the household.

Due to the COVID-19 the children are forced to do work to live there life as the school were shut down as they are not able to continue the school and parents are not getting their wages properly and they are forcing their children to do the work with them for their daily wages that’s why the rise of child labour is causing.

3.5. Specific Rise in India

Even before the outbreak, India was struggling to keep children in school.

¹⁹³ ‘Child labour on the rise among vulnerable communities in T.N.: Study’ (*The Hindu*, 2021) <www.thehindu.com/news/national/tamil-nadu/child-labour-on-the-rise-among-vulnerable-communities-in-tn-study/article33987590.ece> accessed 30 August 2021.

¹⁹⁴ ‘How Child Labour Affects Children Around the World’ (*Child Fund Australia*, 2021) <www.childfund.org.au/stories/how-child-labour-affects-children-around-the-world> accessed 30 August 2021.



- A 2018 study by DHL International GmbH estimated that more than 56 million children were out of school in India. The cost to India's economy, in terms of lost productivity, was projected at \$6.79 billion, or 0.3% of gross domestic product. Of those children not in school, 10.1 million are working, either as a 'main worker' or as a 'marginal worker,' according to the International Labour Organization.¹⁹⁵
- A study was conducted in 24 districts of the State of Madurai. There has been a significant increase in the proportion of working children from 28.2% to 79.6% out of the 818 children who were surveyed, mainly because of the COVID-19 pandemic and closure of schools, reveals a study conducted by Campaign Against Child Labour (CACL). CACL State Convenor R. Karuppusamy released the rapid survey titled 'COVID-19: Reversing the Situation of Child Labour'. Nearly 18.6% of the children who were surveyed said that they often face physical, mental and verbal abuse from their employers. According to the survey, more than 94% of children have said that the economic crisis at home and family pressure had pushed them into work. The survey was conducted by interviewing children in the age category 6 to 18 during September and November 2020 and it showed that child labour increased to around 280% among the vulnerable communities.¹⁹⁶
- There are high chances that child labour in home-based enterprises, agriculture and in hazardous occupations may see a rise in the aftermath of the coronavirus crisis. Noting that many children are likely to be pushed into unskilled labour to compensate for the economic loss and supplement dwindling family income, the NGO Child Rights and You (CRY) said in all likelihood the children who are experiencing the struggle of their families may choose to work instead of study to help their household.¹⁹⁷
- According to the World Bank, in India, 12 million people have a chance of slipping below the poverty line due to pandemic-related job losses. Poverty is correlated to child labour; previous

¹⁹⁵ Bloomberg, 'Coronavirus worsens India's child-labour issue: forces children out of school to work' (*The Financial Express*, 10 August 2020) <www.financialexpress.com/economy/coronavirus-worsens-indias-child-labour-issue-forces-children-out-of-school-to-work/2050148> accessed 30 August 2021.

¹⁹⁶ P.P.A. Narayani, 'Child labour increased during COVID-19: Survey' (*The Hindu*, 13 March 2021) <www.thehindu.com/news/cities/Madurai/child-labour-increased-during-covid-19-survey/article34054623.ece> accessed 30 August 2021.

¹⁹⁷ S Web Team & PTI, 'High chances of child labour increasing in aftermath of Covid-19: CRY' (*The Business-standard*, 11 June 2020) <www.business-standard.com/article/economy-policy/high-chances-of-child-labour-increasing-in-aftermath-of-covid-19-cry-120061101443_1.html> accessed 30 August 2021.



research has indicated that one percentage point increase in poverty leads to about 0.7 percent percentage point increase in child labour. Studies have also concluded that there is a general trend of an increase in child labour and a decrease in children going to schools during prolonged periods of crisis. Furthermore, previous financial vulnerability push parents to send their children to work, as seen in India

- A total of 591 children were rescued from forced work and bonded labor from different parts of India during the lockdown by Bachpan Bachao Andolan, a civil society group on children's rights, founded by Nobel laureate Kailash Satyarthi. "Once the lockdown is lifted and normal manufacturing activity resumes, factory owners will look to cover their financial losses by employing cheap labor," the group said in a statement.¹⁹⁸
- UNICEF in the report 'Rapid Assessment of Learning During School Closures In The Context of COVID' states, "Due to the pandemic, schools across India were closed impacting approximately 286 million students (48% girls) from pre-primary to upper secondary education. This is in addition to the more than six million children (48% girls) who were already out of school prior to the COVID-19 crisis. Only 60% of students have used any remote learning resources; and even among those, nearly 80% report that they are learning less or significantly less than in school." And consider that the Labour and Employment Ministry in 2016 estimated that children constituted approximately 20% to 25% of the over 100 million migrant workforces in India¹⁹⁹.
- Atul Desai, a child rights activist from Kolhapur in Maharashtra, said, "From October 2020 to March 2021, we have seen 12,000 children from the age of 6-14 years old come to Kolhapur from Marathwada region for cutting sugarcane. This is the migratory season and happens every year. But this year we have seen an increase in the number of children as schools are closed due to the lockdown."



¹⁹⁸ Shwetha Sunil, 'India faces 'lost generation' as COVID pushes children out of school and into jobs' (*The Print*, 10 August, 2020) <www.theprint.in/india/india-faces-lost-generation-as-covid-pushes-children-out-of-school-and-into-jobs/478424> accessed 30 August 2021.

¹⁹⁹ Sonam Saigal, 'Child Labour Day sees increase in cases' (*The Hindu*, 11 June 2021) <www.thehindu.com/news/national/child-labour-day-sees-increase-in-cases/article34792168.ece> accessed 30 August 2021.



CHAPTER 04

BACKGROUND IDENTIFICATION

4.1. Number of Family Members

Reliance of Family on Children's Labour

Child labour is one of the most working sectors which is unfortunately successful and the reliance of family on children's labour is one of the most common ways through which child labour spikes up. Examples can be seen where the family is held under bonded work as a whole; such is mostly seen in the case of the agricultural sector. Another form is where children work alongside their families or sending their children as domestic workers or in shops or factories due to the fact that their parents are in debt bondage.²⁰⁰ Therefore it needs to be understood that among the various methods of how child labour is ultimately 'encouraged', it is mostly due to direct or indirect involvement of families looking up to their children's labour as a source of survival.

Statistics on Child Labour Reliance by families

Developing countries often see children preparing and getting into the family obtained work as soon as they are accustomed with the work, similarly the other countries have almost 80% of the children population start to work under 15 years of age.²⁰¹

Children are driven more into this kind of work since their families are already poor to begin with and moreover their income can constitute to almost 25% of the family income, this is mostly seen in

²⁰⁰ 'Global Estimates of Child Labour' (*International Labour Organization*, 2017) <www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/publication/wcms_575499.pdf> accessed 30 August 2021.

²⁰¹ Shah P.M., 'The Health Care of Working Children' Vol. 8 (1984) ScienceDirect 541.



countries like Pakistan, where children start working at an average of 6 years and in Mexico at an average of 4.²⁰²

Quantitative Representation

The tables below show a direct parallelism between the socioeconomic characteristics of families and existence of child labour on a large-scale basis.

Note: this study is conducted among the three areas of Jordan with a population of 1 million.²⁰³

<i>Work and family socioeconomic characteristics (JD- Jordanian Dinars)</i>	No.	%	Mean	SD
Working hours				
≤40	19	14.1	57.1	13.7
41-60	70	51.9		
>60	46	34.1		
Monthly child income (JD)				
≤30	73	54.1	34.0	20.5
31-50	43	31.8		
>50	19	14.1		
Per capita household income (JD)				
≤41	99	73.3	36.44	20.98
>41	36	26.7		
House m per capita				
≤10	34	25.2	15.57	6.9
11-20	70	51.9		
>20	31	23		
Father's education				
Illiterate	12	8.9	--	--
Primary and secondary education	113	83.7		
Higher education	10	7.4		
Mother's education				
Illiterate	36	26.7	--	--
Primary and secondary education	89	65.9		
Higher education	10	7.4		

²⁰² Hawamdeh H. & Spencer N, 'Work, family socioeconomic status, and growth among working boys in Jordan' 84(4) BMJ Journals 311, 311-314 (2001).

²⁰³ *Ibid.*



Child labour arises out of families with meagre income and they find it quite natural for children to work due to factors such as, low standard of living, inability of parents to look after their children, education of parents etc. It is understood that child labour is an abuse in every perspective but it also needs to be understood that a family's survival completely depends on it.

Note: This study is conducted by UNICEF MICS (Multiple Indicator Cluster Surveys) among 16 countries mentioned below in the table.²⁰⁴

Countries	Girls					Boys				
	0	1-5	6-15	16+	Avg.	0	1-5	6-15	16+	Avg.
Côte D'ivoire	19	20	29	32	15	32	17	24	27	13
Gambia	16	31	33	20	10	33	28	28	11	6
Ghana	12	24	33	31	15	16	22	30	32	15
Guinea Bissau	8	25	36	31	14	16	22	33	28	14
Sierra Leone	8	36	29	28	13	7	36	30	27	12
Togo	9	22	39	30	13	15	25	37	23	11
Mauritania	34	21	29	17	9	46	16	22	16	8
Burundi	7	13	42	38	16	9	13	42	37	15
Central African Republic	10	24	23	43	19	16	23	24	36	16
Malawi	6	21	39	34	15	13	22	37	28	13
Somalia	13	1	18	68	34	25	1	20	53	27
Syria	54	20	22	5	4	62	18	17	3	3
Yemen	25	10	30	35	15	42	11	23	24	11
Thailand	18	43	34	6	6	26	41	28	5	5
Vietnam	25	9	40	26	12	38	9	32	21	9
Bangladesh	17	16	53	15	10	37	17	35	11	7
Average	19	21	37	24	12	30	21	30	19	10

The table above shows the number of hours spent by children (girls and boys separately) working, their ages ranging from 8-13. The children tested included children within various districts from the countries. The four columns show the hours spent by the working children per week. The work done by the children can be of two types; both housework and family business work. The table shows a

²⁰⁴ Ellen Webbink, Jeroen Smits & Eelke de Jong, 'Hidden child labour: Determinants of housework and family business work of children in 16 developing countries' 11 (2010).

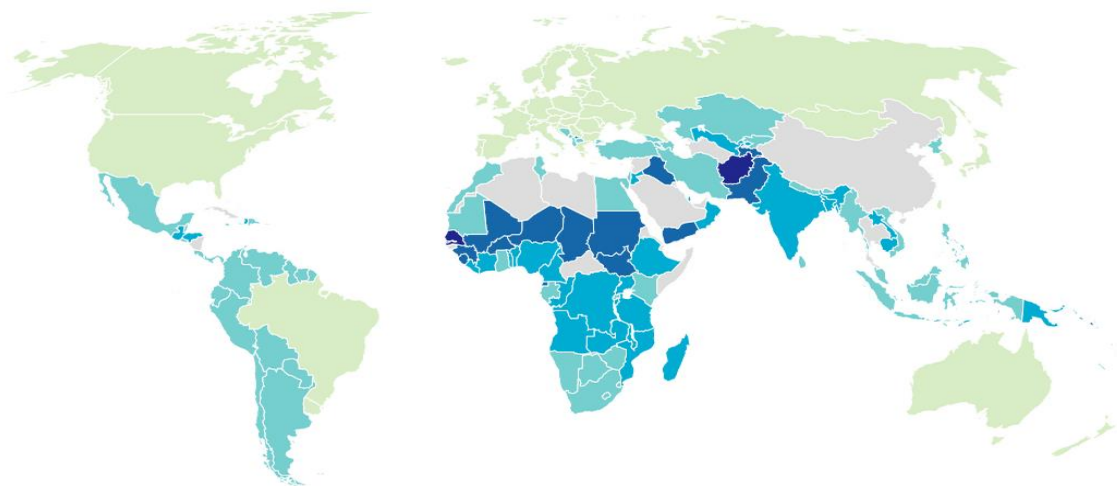


broad description of the average hours spent by both by girls and boys separately and can be inferred that even though there is quite an apparent change from country to country basis, girls are more relatively involved under child labour than boys. This table shows a broad perspective of working children from country to country basis. Subsequently this quantitative data-based figure can be cut down to a narrower scale by including various socio-economics features of a family.

Average Household Size Worldwide

AVERAGE HOUSEHOLD SIZE

1.9 - 3.0 3.1 - 4.2 4.3 - 5.4 5.5 - 7.0 8.0 - 8.7



Countries having large household size:

1. Afghanistan- 8.0
2. Guinea- 6.2
3. Iraq- 6.3
4. Marshall Islands- 6.8



5. Nauru- 6.0
6. Pakistan- 6.6
7. Samoa- 7.0
8. Senegal- 8.7
9. South Sudan- 6.0
10. Tajikistan- 6.0
11. Yeman- 6.7

Summary of the map:

- In Afghanistan and Senegal, the largest family sizes of 8.0 and 8.7 individuals were found.
- Across much of the Middle East and Africa, they have a large average size of household of more than five persons per household.
- Household sizes were found to be small in most countries in Europe and Northern America, with an average of fewer than three people per household in most cases. While Eastern Asian and Caribbean countries have had small average household sizes.

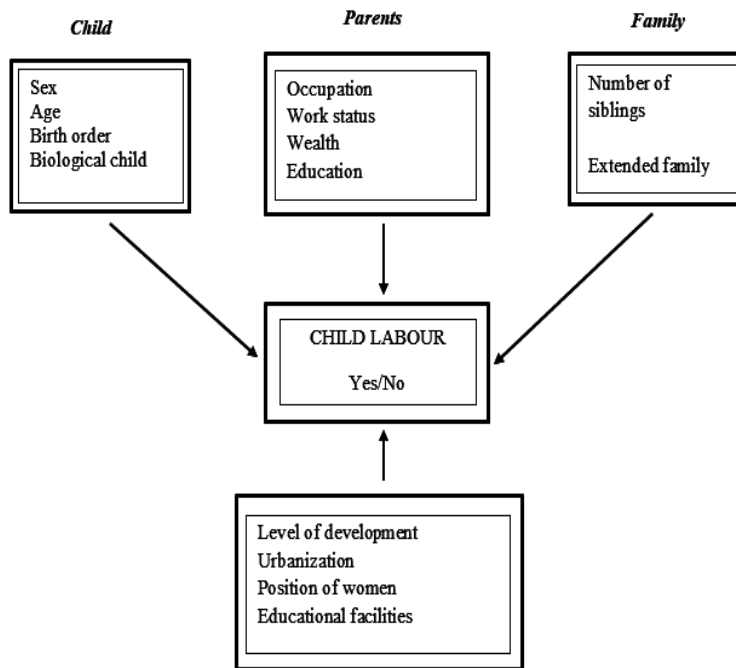
According to a report by Maple croft, the top ten places for child labour out of 197 countries are Eritrea, Somalia, the Democratic Republic of the Congo, Myanmar, Sudan, Afghanistan, Pakistan, Zimbabwe, and Yemen²⁰⁵. Based on the map above, we can conclude that the majority of countries where child labor is prevalent have a large number of family members.

²⁰⁵ CNN Katie Hunt, 'The 10 worst countries for child labor' (CNN, 2021)
<www.edition.cnn.com/2013/10/15/world/child-labor-index-2014/index.html> accessed 30 August 2021.



Determinants of Child Labour: Household Level (Families)

Fig: This table shows the common determinants that decides an increase or a decrease in child labour.²⁰⁶



Child labour is the result of many shortcomings that our society faces; it is aggravated due to factors such as the downtrodden conditions of families, lack or no encouraging opportunities given to prove their capabilities and much more.²⁰⁷ A detailed explanation of two broad factors will be hereby discussed; socio-economic and demographic factors pertaining to family’s reliance on child labour. Factors

such as wealth status, education, family size, non-presence of a family adult will be addressed.

A review of the evidence on the relationship from developing countries suggests that larger household size reduces children's educational participation and progress in school and reduces parents' investment in schooling. This makes it likely that a larger household size increases the probability that a child will work.²⁰⁸

It's likely that larger household size increases the probability that a child will work'. Lloyd's review lists out 4 factors to show the magnitude of the above effect:

²⁰⁶ Ellen Webbink, Jeroen Smits & Eelke de Jong, ‘Household and context determinants of child labor in 156 districts of 11 developing countries’ 27 (2008).

²⁰⁷ Lorenzo Guarcello & Claudia Cappa, ‘COVID-19 And Child Labour: A Time of Crisis’ A Time To Act, pg. 5, Gretchen Luchsinger, 2020.

²⁰⁸ Christiaan Grootaert & Ravi Kanbur, ‘Child Labour: An Economic Perspective’ 134 INT’L LAB. REV. 187 (1995).

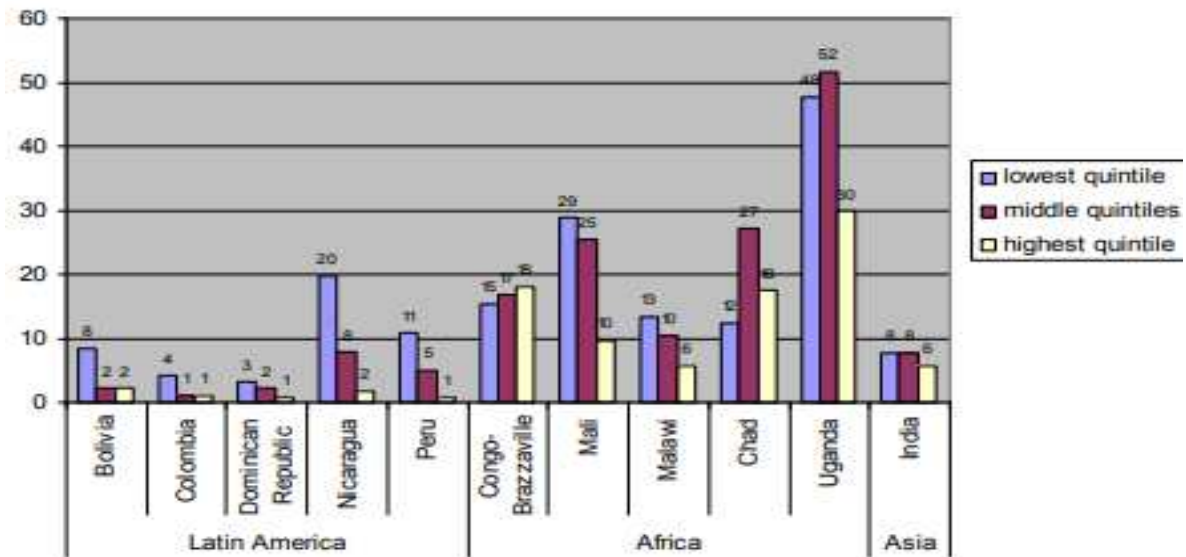


- The level of socio-economic development;
- The level of social expenditure by the State;
- Family culture;
- The phase of demographic transition²⁰⁹

Socio-Economic Factors of a family

Child labour is seen as necessary for poor families to survive, that early entry into the workforce is more essential than education, and that work is a type of apprenticeship.²¹⁰

When socio-economical features of a family come into picture, the features play a deciding role as whether children should be sent as child labour or not. This would mean that children from richer backgrounds won't be sent to work whereas the children from very poor backgrounds wouldn't be left with a choice. The table below shows the percentage of child labour as according to wealth status (comparative analysis between other countries and India).²¹¹



²⁰⁹ *Id.*

²¹⁰ Myron Weiner, 'Can India end child labour Jstor' (*JSTOR*, 1989) <www.jstor.org/stable/23002067> accessed 30 August 2021.

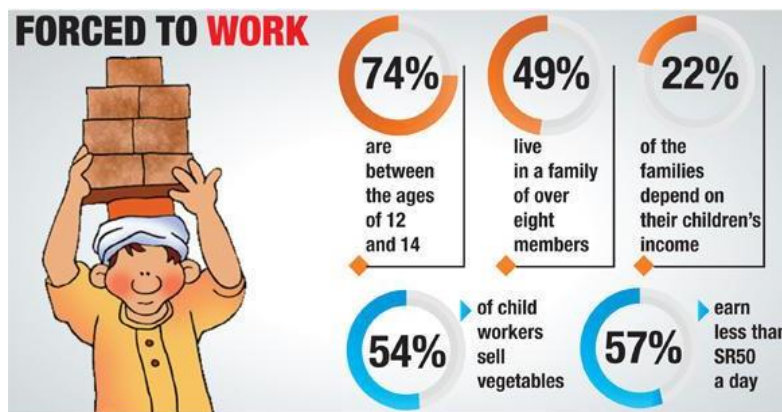
²¹¹ Ellen Webbink, Jeroen Smits & Eelke de Jong, 'Household and context determinants of child labor in 156 districts of 11 developing countries' 30 (2008).



This also goes same with the education present within the parents, size of the families and various other factors. If parents ever received some level of education, there might be greater chances of them being motivated to send their own children to school²¹². The larger the family the more engaged the children under child labour, considering the fact that they come from poor backgrounds.²¹³

Social protection is something that automatically disappears in conditions of child labour. There would be a natural fall in the living standards of a family or an individual. It is moreover found out that during the course of the pandemic struck situations, almost 55% of the people all over the world do not own social protection and are at risk every way he/she faces.²¹⁴ Since families are already at a state where they are stripped off their social security, their livelihoods are already at stake; this would mean that even though the parents as such, might possess work of any sort it is likely to expect that their wages would reduce more and more making it impossible for them to liberate from their chains.²¹⁵

Viewpoint: This follows as a cycle in the lives of families living in the downtrodden conditions. If families are impoverished and if the education levels of the parents and the children come to nothing, their social security is good as gone. They will be threatened by all kinds of exigencies and would have no other option but to keep on mending money for various reasons (such as debts, survival etc..). Due to the very fact that parents are exposed to all kinds of threats, this forces the children to go out and



work in order to help their families, hand in hand making this a labyrinth of difficulties.

The Saudi society mentions that almost 70% of the workers have illiterate parents and the 30% have literate parents, the 74% are

²¹² Das S. & Diganta M., 'Role of Women in Schooling and Child Labour Decision: The Case of Urban Boys in India' 82(3), 463-486 (2007).

²¹³ Ellen Webbink, Jeroen Smits & Eelke de Jong, 'Hidden child labour: Determinants of housework and family business work of children in 16 developing countries' 16 (2010).

²¹⁴ 'Social Protection Responses to the COVID-19 Pandemic in Developing Countries: Strengthening resilience by building universal social protection' International Labour Organization, May 2020.

²¹⁵ 'World Bank Predicts Sharpest Decline in Remittances in Recent History' The World Bank, 22 April 2020.



children between the ages of 12 and 14. Further a study that included 100 children between the ages of 8-15, it was found that 49% of the total has more than eight members in their family and the rest living in a medium sized family, 77% of the total depend on the household head, whereas 22% depend on children's income and the rest 17% on charities.²¹⁶

Social Expenditure

The degree to which the State can impact a family's conduct as for kid work, specifically the impact of enormous family size, is featured in an investigation of Malaysia (Shreeniwas, 1993). As a part of its policy to diminish ethnic disparities, the Government of Malaysia deliberately favors training of Malays through grants and different sponsorships. Therefore, no adverse consequences of family size arose for these families rather than Chinese and Indian families, which didn't profit from government appropriations and among which a solid adverse consequence of family size on tutoring was noticed.²¹⁷

Cultural Factors

In Malaysia, for instance, young ladies seem burdened in bigger families however their brothers are not (Shreeniwas, 1993).²¹⁸ In India, families from Urban area slums in Tamil Nadu separate to give a couple of youngsters, fundamentally young men, with "quality " private schooling. Whereas families from Uttar Pradesh attempt to give all youngsters similarly more affordable government funded training (Basu, 1993).²¹⁹ In country regions, the connection between richness, family size and youngster work rely additionally upon land possessions. The proof has demonstrated that youngsters in landless and negligible land families for the most part participate in wage work while those in families with bigger homesteads take part in agrarian work. The degree of kid work will in general increment with land size since work and land are reciprocal information sources (Sharif, 1994).²²⁰

²¹⁶ Sultan Al-Sughair, 'Saudi's constitute 89% of child workers' (*Arab News*, 12 October 2015) <www.arabnews.com/saudi-arabia/news/819156> accessed 30 August 2021.

²¹⁷ *supra* note 104.

²¹⁸ *supra* note 106.

²¹⁹ Mohammed Sharif, 'Child participation, nature of work, and fertility demand: A theoretical analysis' 40(4) *The Indian Economic Journal* (1994).

²²⁰ *Ibid.*



Demographic Features of a family

These factors equally and largely influence a child whether or not to work in the first place. Demographic factors include the size of the family; the number of brothers and sisters in a family. The more the increase in siblings the lesser the chance of them attending school and the more mouths to feed which most likely just ‘encourages’ children to work and earn.²²¹

The quantity of youngsters in the family decides the likely number of child laborers. They are viewed as useful resources of families. In economies where there are no roads for formal saving and where public help for the old is not properly available, parents see their kids as a type of age security. The poor are often situated in delicate regions such as slums, where essentials and assets are scant. Thus, families need many hands for doing different household work. Numerous young girls likewise deal with their young siblings at home while their folks are working elsewhere. This shows that once the adult female member is out for work, her position at home is dealt with by the oldest kid. This is the reason the most unfortunate families in general have a larger number of kids.

A point by point econometric investigation of the Philippines tracked down that the connection between family size and youngster work isn't something similar for market for what it's worth for homegrown work, and that it relies upon the sex and the birth request of the kid (DeGraff et al., 1993).²²² For instance, the presence of more established siblings diminishes the probability of market work by a child, particularly in case it is of a similar gender, recommending replacement of the elder sibling. Be that as it may, such a replacement impact was observed to be missing for homegrown work. This investigation just as others record sexual orientation jobs in kid work: in numerous settings young men are bound to be occupied with market work and young ladies are bound to be occupied with homestead or homegrown work.²²³

²²¹ Ellen Webbink, Jeroen Smits & Eelke de Jong, ‘Household and context determinants of child labor in 156 districts of 11 developing countries’ 7 (2008).

²²² D.S DeGraff, et al., ‘The implications of high fertility for children's time use in the Philippines’ C. B. Lloyd (ed.), op. cit. (1993).

²²³ Bansari Choudhury, ‘Child labour in India incidence characteristics and determinants’ (*Hdl.handle.net*, 2021) <www.hdl.handle.net/10603/69668> accessed 30 August 2021.



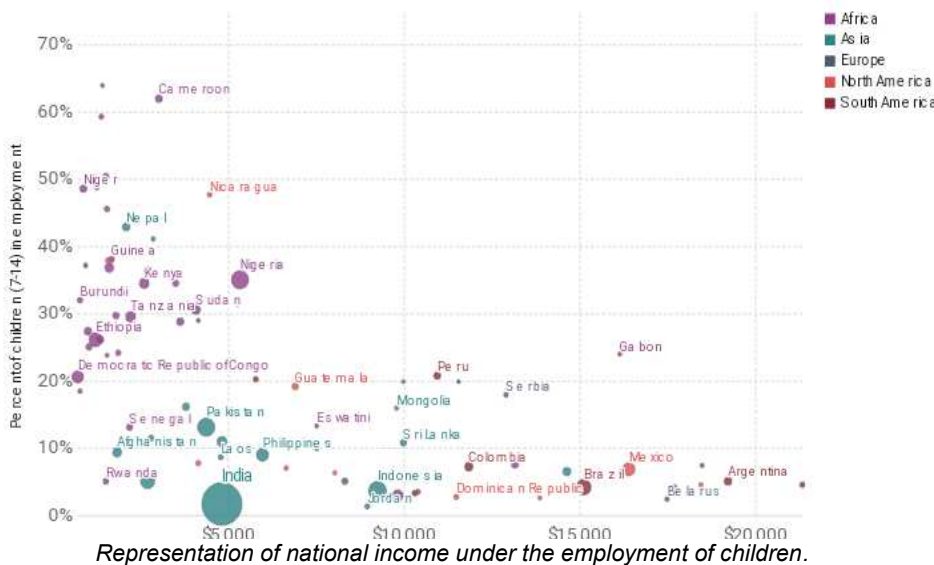
There is a considerably higher prevalence of contraception in wealthy families than in poorer homes, indicating that the implementation of fertility preferences in poor households, among other things, is more difficult due to a lack of access to information and services. Women who lack empowerment are frequently unable to act on their own behalf to obtain contraceptive services to control their childbearing; they are also the group most likely to believe that having a large number of children will protect them from poverty in old age.

Another factor taken into consideration is the ‘no-presence’ of either of the parents, the fewer adults in a particular family would more or less mean more work to be engaged in by the children to fill the void of either of the parents not being present.

4.2. Income Range

Child Labor and National Income

Child laborers and economic growth have a negative correlation on the basis of economic status and growth of the country. It always puts limitations on the GDP growth rate of the country but the data differs from one country to another. Child labor hits more ground those child labor choices and



income where the development of the country is less as per the economic rate. There have been several reasons for it yet poverty is the leading cause of it. But countries took incentives such as cash transfer in order to encourage cash



transfers on the basis of desirable actions like increasing schooling and decrement in labors. This affected a lot in terms of wage rate and market work where basic employer profit started to decrease. It is an economic method to keep the child away from work.

Child labour and hazardous work by national income

Number and percentage of children in child labour and hazardous work, by national income grouping, 2016

	Children in child labour		Children in hazardous work		
	Number (000s)	%	Number (000s)	%	
National income grouping	Low-income	65 203	19.4	29 664	8.8
	Lower-middle-income	58 184	8.5	33 465	4.9
	Upper-middle-income	26 209	6.6	7 751	2.0
	High-income	2 025	1.2	1 645	1.0

Note: The countries are grouped into four categories according to their gross national income per capita in 2015. The income ranges for each are as follows: low-income (US\$1,045 or less), lower-middle-income (US\$1,046–\$4,125); upper-middle-income (US\$4,126–\$12,735) and high-income (US\$12,736 or more) countries.

This table is the representation of the different classification of income under child labour²²⁴

- **Ghana** (*Areas surveyed: Accra, the largest urban centre in the country; the Sene district and the Sissala district, which have almost exclusively rural populations*)²²⁵. The average monthly earnings for three-fourths of child workers was less than 2,000 Cedis (about \$1.25), which is far below the national minimum wage of 12,000 Cedis (about \$7.70).
- **Indonesia** (*Areas surveyed: Bandung Municipality, with an almost completely urban population, and Bandung Regency, with a largely rural population*). The survey found that most working children were unpaid family workers (75% in Bandung Municipality and more than 80% in Bandung Regency). The

²²⁴ *Id.*

²²⁵ *supra* note 220.



average salary per day was less than 2,000 rupiahs (about \$0.86) in the small cottage/household establishments and 2,100 (about \$0.90) in the larger-scale establishments.

- **Senegal** (*Areas surveyed: main urban and rural areas in all ten administrative regions except for Ziguinchor and Kolda, which could not be surveyed because of political disturbances*). Nearly 80% of all economically active children were unpaid family workers, while just under 10% were salaried, 6%²²⁶ were apprentices and 5% were self-employed. Among the economically-active boys, 10% were apprentices, while only one in 200 among such girls was an apprentice. The average monthly income for all these children was around 4,700 FCFA (about \$9.25); it averaged 6,700 FCFA (about \$13.25) for boys, 4,500 FCFA (about \$8.90) for girls and only 2,000 FCFA (about \$4.00) for all children in the 6-9²²⁷ age group.
- **India** (*Areas surveyed: Two districts of the State of Gujarat - Surat, half urban and half rural, and Surendranagar, with a nearly two-thirds rural population*). One of every ten paid rural workers was a child. The proportion of children in the paid workforce is much lower in urban areas. Child workers in rural areas were mainly unpaid family workers and casual labourers. In enterprises, children were paid less than the adult workers, with the differential being less in the case of children working in tea or snack stalls.

Payment	Delhi		Patna	
	Child	Adult	Child	Adult
Share		125.3 (15)	33.8 (4)	108.1 (109)
Monthly	43.1 (115)	107.0 (325)	16.4 (41)	51.1 (111)
Daily	43.3 (6)	91.4 (21)	17.4 (106)	47.2 (104)
Irregular	37.4 (30)	81.5 (11)	15.8 (18)	49.3 (11)

This is income range across the Indian states

Viewpoint: Many parents forcibly send their children to work or do labor because of lack of opportunities in education, where the children can get vocational training. During the pandemic, education opportunities are at the worst level.

²²⁶ *supra* note 221.

²²⁷ *supra* note 224.



4.3. Social Strata including Caste and Religion

“There can be no keener revelation of a society's soul than how it treats its children.” – Nelson Mandela

Ethical Facets of Child Labour

From an ethical standpoint, child labor has diverse aspects. Child labor jeopardizes autonomy, beneficence, justice, nonmaleficence, privacy, and truthfulness. Utilitarian accept child labor as long as they are the sole providers for the family and the family would not live without their money, and as long as the labor is performed freely. The goals outweigh the means. Forced child labour is immoral since it violates the children's autonomy. The working child's permission is frequently exploited by the parents. A child must comprehend the circumstance, the implications, and willingly choose to labor to provide permission. Young children with a limited ability for decision-making can consent to a course of action by participating in the decision-making process. Children are obvious targets for unjust working circumstances, and they cannot speak out against abuse. This act's malice has long-term physical, psychological, behavioral, and social ramifications. They are regarded as persons with autonomy who should be protected and preserved, even if they cannot make educated decisions.²²⁸

Child labour is more frequent in developing nations, where children make up more than 90% of the population. Child labour impacts 211 million children in undeveloped countries. Asia, with a rate of 61 percent, is the continent with the greatest percentage of child employment, followed by Africa and Latin America. Africa has about 41% of the world's youngsters under the age of 14, followed by Asia with 22% and Latin America with 17%. India has progressed in its efforts to reduce child labor. In India, however, about 4 million children aged 5 to 14 work more than 6 hours per day, and around 2 million children aged 5–14 work 3–6 months each year.²²⁹

According to the sub-commission's working paper on work and descent-based discrimination:

²²⁸ Radfar A, Asgharzadeh SAA, Quesada F, Filip I. ‘Challenges and perspectives of child labor’ *Ind Psychiatry J.* (2018) 27(1) 17-20 <www.ncbi.nlm.nih.gov/pmc/articles/PMC6198592> accessed 30 August 2021.

²²⁹ *Ibid.*



According to the sub-commission's working paper on work and descent-based discrimination, Tamils of Indian ancestry employed mostly as tea estate laborers in the hill area have recently brought a claim of discrimination based on descent. They were an oppressed group in terms of salaries, housing, sanitation, health, and educational facilities. As a result of government policy and strong trade union action, improvements have been accomplished slowly. Because of discrimination, integrating with the rest of society is more challenging, although this is changing. There are indications of upward mobility due to education and anti-discrimination legislation.²³⁰

Footnote: It demonstrates the need for particular results is much more research focusing on the issue, both by civil society, UN agencies, and other institutions, and the need to include the element of discrimination while engaging in all research on child labor.

Cultural Beliefs and Child Labour

Cultural ideas have a significant influence on the encouragement of child labor. People in undeveloped countries think that employment helps children develop their character and enhances their skill development. In these households, it is customary for children to follow in their parents' footsteps and acquire a job from an early age. Some cultural ideas may contribute to the erroneous belief that a girl's education is less essential than a boy's education, leading to girls being forced into underage labor as domestic service providers. In India, not sending a kid to work means that the family would not be able to support itself. Child labor is exacerbated by sociocultural factors such as the caste system, discrimination, and cultural prejudices against girls.²³¹

Region: The region of Africa continues to be a top priority. The region's progress has slowed, putting it further behind the rest of the globe in the battle against child labour. In Africa, family agriculture is a major source of child labor. Addressing the circumstances that led to family farms relying on children's labor will be important to the region's growth. However, a focus on Africa must

²³⁰ Smita Narula, 'United Nations World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance' (Human Rights Watch, September 2001) <www.hrw.org/reports/2001/globalcaste/caste0801-03.htm#P292_53595> accessed 30 August 2021.

²³¹ *supra* note 181.

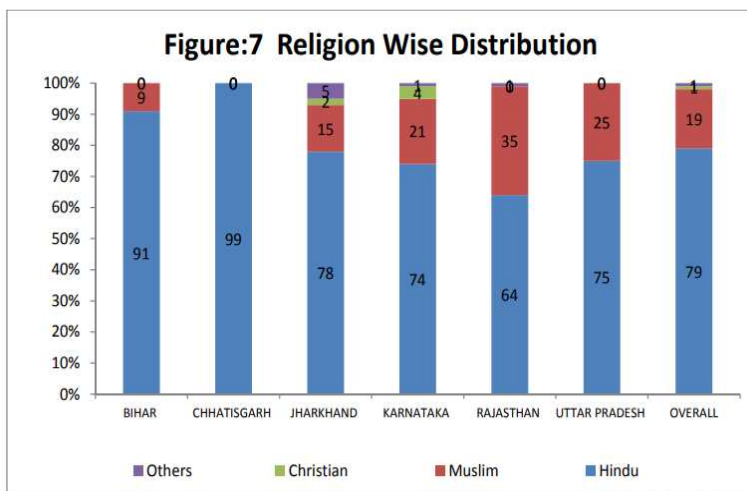


not come at the price of other activities. To guarantee that no kid is left behind in child labor each area of the globe has its own set of objectives and difficulties that must be addressed.

The vast region of Asia and the Pacific remains critical if only for the sheer number of children currently working. Progress in the region was not shared equitably throughout or between countries; substantial populations were left behind, especially indigenous children. As an area where children working by child labor is essentially completely dangerous, Europe and Central Asia distinguish themselves.

Many Arab countries have a fragility and crisis that makes children vulnerable in particular to extreme kinds of exploitation and abuse.²³²

Religion/Ideology And Culture And Child Labour



The chart added here shows the religion-wise distribution in India.

The given chart illustrates the religion-wise distribution in India.²³³

Working in a home is traditionally tolerated for the poor households of Asia as a coping technique. In many countries, the care of a rich parent is a tradition established and, if ever, rarely questioned by children of impoverished

²³² ‘Global estimates of child labor’ (ILO, 2017) <www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/publication/wcms_575499.pdf> accessed 30 August 2021.

²³³ ‘Child labor always in front of you but why constantly hidden from your view’ (Prognosis, 2011-2012) <www.niti.gov.in/planningcommission.gov.in/docs/reports/sereport/ser/ser_nclp1709.pdf> accessed 30 August 2021.



households. In addition to tradition, family work is an alternative to attract parents, employers and children. Parents choose domestic work because they consider it to be less difficult and lighter than other jobs that children in their community have available. Many employers see a child as an act of benevolence "taking in" to work in the house. It is seen as "favorable" to people who come from poor households. Many children are pleased to contribute even as domestic workers in a different household to their families' income - while better choices are not available. Traditional acceptability nevertheless cannot excuse continuing to practice if the rights of children are infringed.²³⁴

Like some other South Asian countries, Bangladesh has no large-scale bonded or forced labor. However, 26% of Hindu Dalits and 35% of Muslim Dalits are bound to a greater or lesser extent by employer debts. The Bangladeshi Constitution forbids forced or compelled labor, including child labor; but this restriction is not successfully enforced by the government. The problem of child labour is tremendous.²³⁵

Religion and ideology may also create situations that result in children being involved in harmful work. For example, many children may be recruited, forcibly or otherwise, into armed conflict under a religious pretext. For example, in Northern Ireland, paramilitaries have recently reported increasingly young members joining for ideological reasons.²³⁶

Footnote: It has been reported that the leaders of some Koranic schools (madrasas) in some countries, for example in West Africa, have forced their pupils to beg. Many children do not practice their faith in the working environment - those who never have time off cannot be permitted to pray in several places.

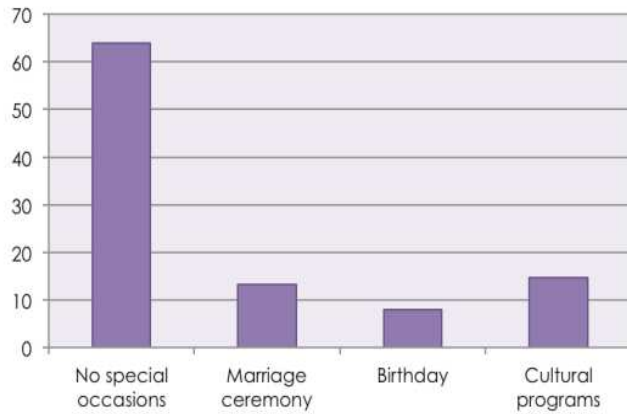
²³⁴ *supra* note 185.

²³⁵ 'Dalits of Bangladesh: Destined to a life of humiliation' (*International Dalit Solidarity Network*, 20080 <www.idsn.org/wp-content/uploads/user_folder/pdf/Old_files/asia/pdf/FACTSHEET_BANGLADESH.pdf> accessed 30 August 2021.

²³⁶ 'The Impact of Discrimination on Working Children and The Phenomenon Of Child Labour: NGO Group for the CRC Sub-Group on Child Labour' (*AntiSlavery*, June 2002) <www.antislavery.org/wp-content/uploads/2017/01/discriminationpaper.pdf> accessed 30 August 2021.



Class / Status



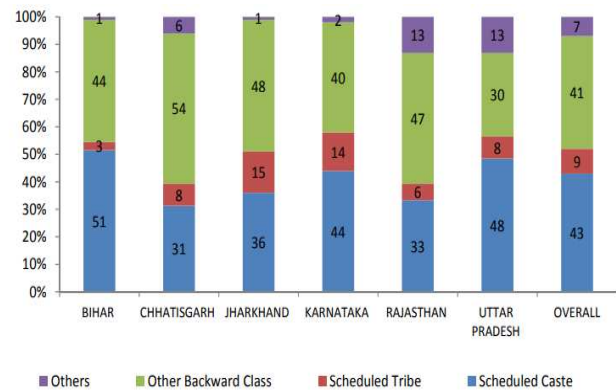
More than sixty percent (64%) of child laborers were not allowed to attend the special occasions where the employers participated. In this regard, social customary practices and prestige issues coupled with the honor and prestige of the employers, child workers were not invited to attend social and community parties. Only 8 percent and 13.3 percent got the

chance to participate in birthday and marriage ceremonial parties respectively. Society, especially in participating social occasions mentioned above.²³⁷

Caste and Child Labour

*The given chart shows the percent of child labor caste wise distribution.*²³⁸

The recruitment of children may be better focused on children from the lower caste or marginalized ethnic groups. Migrant kids are particularly exposed to illegal and covert employment.



Caste Wise distribution

The index in Nepal says "Indigenous and lower caste members are particularly subject to forced labor brick and gravel making, agriculture, domestic

²³⁷ 'The Socio-Economic Deprivation of the Child Laborer: Bangladesh Perspective' (*Journal of International Social Issues*, September 2013) <[www.winona.edu/socialwork/Media/JISI_Sheikh_Prodhan\(1\).pdf](http://www.winona.edu/socialwork/Media/JISI_Sheikh_Prodhan(1).pdf)> accessed 30 August 2021.

²³⁸ *supra* note 86.



servitude, street begging, agriculture, domestic bondage, supplications, forced marriage and child marriage, and sexual exploitation.”²³⁹ It also points to caste discrimination as the key obstacle to the emergence of slavery and stresses that *"their access to basic rights and infrastructure that can mitigate their risks of slavery-like education, health care, employment, and justice is frequently refused to members of the lower social classes, in particular women and children."*²⁴⁰

In the scenario of Pakistan, the study found planned (low) castes more prone to slavery. The brick-making business is characterized as "a high standard of slave workers abusing not just

vulnerable children but traditional family workers with 'low-caste.'²⁴¹

"Internationally condemned practices such as children are widespread and typically driven by caste discrimination, at a moment when Bangladesh is busy placing itself in the global economy," says the IDSNS.²⁴²

Caste-based allocation of labor is one of the core principles of the caste system. In the caste system, jobs and activities considered to be ritually impure for other caste societies have been assigned to Dalits or so-called untouchables. Low-caste, uneducated, and severely impoverished are mostly bonded workers, whereas creditors and employers generally have higher, literate, comparably prosperous, and are considerably more influential community members.

For the following reasons, the Dalits and the Hindus of low castes are more prone to bondage:

- High castes typically demand Dalits to do free services to assent to the bound system of labor and bond poor Dalits if poor caste Hindus are not bonded;
- Typically, Dalits are landless and consequently dependent on their employers economically. Economic dependence also prevents people from reporting abuses;

²³⁹ 'Global slavery index: caste a major factory' (IDSNS, 22 October 2013) <www.idsn.org/global-slavery-index-caste-a-major-factor> accessed 30 August 2021.

²⁴⁰ *Ibid.*

²⁴¹ *supra* note 235.

²⁴² 'Discrimination Briefing Dalit and Caste System' (CRIN) <www.archive.crin.org/en/library/publications/discrimination-briefing-dalit-and-caste-system.html> accessed 30 August 2021.



- High castes impose social and economic boycotts and commit violence against the Dalit communities, which oppose and enforce the rights of ancient traditions;
- Upper castes are dominated by local political institutions, police, and judiciary, labor surveillance bodies, and children's labor boards which should implement the bonded labor and child labor law; and
- prejudice against school-based Dalit youngsters pushes them to leave out and labor.

Violence against caste is strongly connected to bondage to children. Researchers of the Tamil Nadu-based NGO Legal Resources for Social Action (LRSA) say that there has been a spike in child labor notably in domestic and hotel employment, following upper-caste raids on Dalit communities.²⁴³

Human Rights Watch South Asia Director, Meenakshi Ganguly in an interview with the Nobel prize winners Satyarthi and Malala.

In her remark, Stopping the little hands of slavery also alludes to caste prejudice in India being partly attributable to child labor, as discrimination pursues a reduction in education for many Dalit children.²⁴⁴

Caste is a significant underlying element in Indian child labor. He states, "*Each child worker I have recorded comes from an extremely poor family unit and belongs to a low-caste or minority community.*"²⁴⁵

Satyarthi revealed himself that his involvement in combating the rights of mistreated and marginalized people was fueled by caste prejudice as a child and an adolescent in India. In an article from the New York Times, he tells how he felt as a child a Dalit child didn't go to school and that the caste of this boy determined that he would be working as a cobbler.²⁴⁶

²⁴³ Zama Coursen-Neff, 'SMALL CHANGE: Bonded Child Labor in India's Silk Industry' (HRW, January 2003) www.hrw.org/reports/2003/india/India0103-04.htm#P704_142315 accessed 30 August 2021.

²⁴⁴ *Ibid.*

²⁴⁵ 'Caste discrimination, child labor and the Nobel prize' (IDSN, 23 October 2014) <www.idsn.org/caste-discrimination-child-labour-and-the-nobel-peace-prize-winner> accessed 30 August 2021.

²⁴⁶ *supra* note 188.



Poverty

Poverty and caste are the main factors. Every child worker I've recorded hails from a poor family group and is a member of a low caste or minority population, such as Scheduled Castes, Scheduled Tribes, Other Backward Classes, and Muslims. The chances for steady income, education, access to health care, fundamental rights, tenancy safety or property ownership, and an inability to reach formal loan markets in these areas are highly lacking.²⁴⁷

Disability / Health

Dalit women and girls are more in danger of HIV and AIDS, who are compelled to become devadasis and ultimately auctioned into the urban brothels.

Moreover, most devadasis lack access for their children to a residential, medical, or educational home. In several southern regions, including Andhra Pradesh and Karnataka, the practice of devadasi, in which a girl, normally before the age of puberty, is ceremonially devoted or wedded to a god or a temple. Devadasis is generally a part of the Dalit caste, which means "female servant of God." Once it has been consecrated, the girl cannot marry and is compelled to become a prostitute of members of the Upper Caste society.²⁴⁸

Nicotine and hazardous pesticides are exposed to children's tobacco workers in the United States and mercury is being used by child miners in Mali and Tanzania to extract gold from ore that can do huge damage to them. It is estimated that worldwide some 15 million domestic children are often employed for long periods and are particularly vulnerable to trafficking, forced labor, physical and sexual abuse.²⁴⁹

²⁴⁷ Gabriel Domínguez, 'Poverty and caste fueling child labor in South Asia' (*DW made for minds*, 10 October 2014) <www.dw.com/en/poverty-and-caste-fueling-child-labor-in-south-asia/a-17995553> accessed 30 August 2021.

²⁴⁸ 'Discrimination: briefing on Dalit and the caste system' (Child Rights International Network, 2 September 2009) <www.archive.crin.org/en/library/publications/discrimination-briefing-dalit-and-caste-system.html> accessed 30 August 2021.

²⁴⁹ *supra* note 227.



Legal Status and Nationality

Official identification and access to services such as schooling are denied to children who are not enrolled by birth. Furthermore, parents and children may be prevented from being educated due to the cost and complexity of acquiring a children's birth certificate. In several Gulf nations, children of migrants may have no rights to free education, whereas citizens are children who may be discriminated against in their own country if they live outside their own country. In consequence, children are more likely to be working in all three categories. The unlawful status, particularly since they cannot attend school, of children trafficked over geographical borders and children of illegal migrants, renders them vulnerable to exploitation and abuse. As we have mentioned, children from migrants, refugees, internally displaced people, asylum seekers, and minority groups are not just more likely to work. In cases when such vulnerable children do not function and their national counterparts are not working, prejudice is likely to occur in that country since they do not have the rights and abilities to do so in comparison to nationals. When children who are being trafficked are collected by national authorities, they might be detained, accused of unlawful residence and criminal acts. This often leads to the criminalization of trafficked children, while their recruiters, traffickers, and intermediaries are free. In addition, many trafficked children in the criminal court system will not be treated as juveniles. Other children whose employment is considered unlawful can likewise be penalized and criminalized and their vulnerability might be increased. This might also put kids in the sight of systems of justice that are all too frequently unfit to deal with children and their specific challenges.²⁵⁰

Footnote: They are more prone than their parents to be exploited more frequently, such as lower pay and/or working conditions.

Discrimination amongst Child Labour

Discrimination also occurs among children's workers. Older children may prejudice against children of a different caste, children of a foreign or minority nature. there might be a blooming order according to age, sex, and region in a family with more than one child domestic worker.²⁵¹

²⁵⁰ *supra* note 238.

²⁵¹ *supra* note 239.



Race and Ethnicity

Those experiencing racial and ethnic prejudice include: indigenous, tribal, refugee and refugee, internally displaced persons, and migrants. Indigenous children have been discouraged from going to school in Peru, where official training is provided in Spanish and not in local indigenous languages. Efforts were made today in places where it was necessary to educate in native languages. This shows how prejudice may lead to more children in school and access to education.²⁵²

Footnote: They have often trafficked children who belong to underprivileged ethnic groups.

Migration and Trafficking

The urban demand for domestic workers, in general, was influenced by quick urbanization and the rise of the middle class in metropolitan regions. In other sectors beyond her household, the promotion of women has also generated the necessity for anyone to assume his home duties. domestic workers are therefore in high demand, both adults and children. Many of them find jobs in the domestic sector among migrant workers. Thailand's domestic sector, for example, is the second biggest post-agricultural labor sector for migrant workers.²⁵³

The migration of children might confront severe obstacles. These problems are especially significant when children relocate to countries where legal protection is not available and children are not allowed access to essential services such as school or health care, without valid documentation and/or their family. Under these circumstances, migrant children are more exposed to exploitation and child labor. Many child migrants end up in farming or domestic services. Some, but not all, are trafficked victims. Evidence also shows that migrants earn less income, work longer hours, attend school less often and suffer greater deaths at work compared to native children who are among children working at work.²⁵⁴

²⁵² *supra* note 238.

²⁵³ *supra* note 240.

²⁵⁴ 'Migration and child labor' (*ILO*) <www.ilo.org/ipec/areas/Migration_and_CL/lang--en/index.htm> accessed 30 August 2021.



Adolescents Version

I began helping my parents financially once I left school. From early morning to afternoon I collect garbage. I collect. I give my parents the money that I earn to purchase food so that we can survive and send my brother to school.

I feel like I want to cry when I watch my pals going to school. Occasionally, I dream, I imagine in school. Well, now, no longer, I used to attend school. I'm working amongst the trash.

One day, until the sun went down, I gathered trash. When I arrived home eventually, my parents informed me my younger brother didn't want to go to school. I've been mistaken. I could do nothing but pray that my little brother will return to school as he did before, hopefully.²⁵⁵

*- a scavenger girl from **Pancur Batu, Medan, Indonesia***

God gifted me with this, therefore I must work like this. Something else I can't do. . . I can't do it. It is inscribed on my skull and this cannot be changed by anyone. So we don't know what else to do. I was born in this neighborhood. This and nothing else we have to do. But there is no other option. I don't want to go into the looms. I don't want to.

*- **Vimali T.**, a fifteen-year-old low-caste girl, bonded to a loom owner for Rs. 8,000, **Kanchipuram, Karnataka**, March 21, 2002.²⁵⁶*

Tobacco is the toughest of all our crops. You become weary. You get exhausted. It removes your energy. You become sick, but then the next day you have to go back to the tobacco.

*- **Dario A.**, 16-year-old Tobacco worker, **Kentucky**, September 2013²⁵⁷*

²⁵⁵ Edelweiss F. Silan, Child Labor in Asia: A Review, Sep. 2001, www.hurights.or.jp/archives/focus/section2/2001/09/child-labor-in-asia-a-review.html.

²⁵⁶ Supra note 96.

²⁵⁷ Tobacco hidden children: Hazardous child labor in united states tobacco farming, human rights watch May 13, 2014, www.hrw.org/report/2014/05/13/tobaccos-hidden-children/hazardous-child-labor-united-states-tobacco-farming.



I'd barely eat anything since I'm not starving. I felt like I had to throw up sometimes. I felt like I would faint. With the tobacco plant, I would stop and just keep up.

- **Elena tobacco**, North Carolina's 13-year-old worker, May 2013

Works alongside her parents and her younger sister to hire on Kentucky tobacco fields. She told Human Rights Watch that she was unwell as her tobacco plants were being pulled off: *"I didn't feel right, but I kept doing it. I started casting up. I started casting up. I've been throwing up simply what I ate for about 10 minutes. For a few hours, I had a rest, and then I returned to work."*



CHAPTER 05

SECTORS WITH MAXIMUM RISE W.R.T. INDIA

5.1. Agricultural Sector

Child labourers in the agricultural sector are increasing day by day and according to the data analysis of many years child labourers in the agricultural sector are around 60 per cent worldwide. It was approximately in the near rate as the report says of the previous years.



It is explained that how child labour in agriculture is affecting the children.²⁵⁸

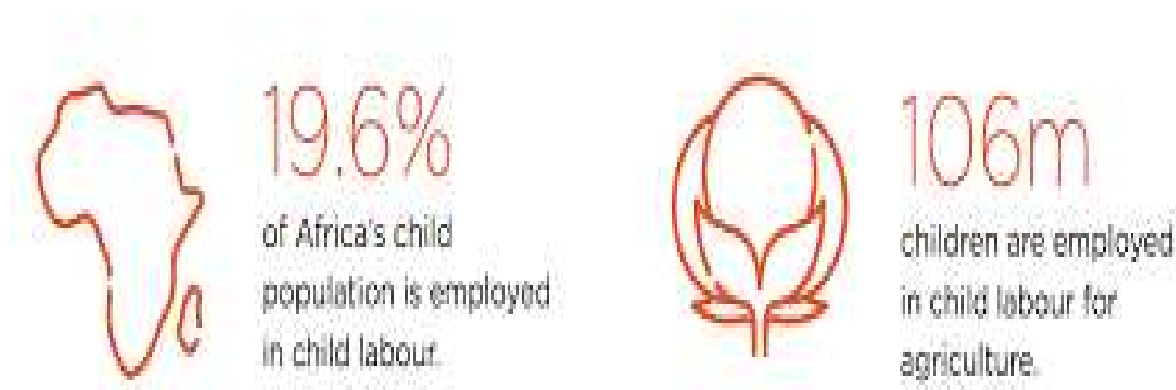
Africa has the highest rate of child labours which is 72 million and Asia is in second place which has 62 million child labours. The rate of child labourers in the agricultural sector is also high in **Africa**

²⁵⁸ 'Child labour in agriculture' (ILO, 2015), <www.ilo.org/infostories/Stories/Child-Labour/Child-Labour-In-Agriculture#introduction> accessed 30 August 2021.



which has 85% of child labourers while worldwide the total child labourers in the agricultural sector is around 71%.²⁵⁹

Most child labourers are in the agricultural sector. It employs 106.2 million children or 70% children. Cotton cultivation or working in ginning factories includes a large number of child laborers and this is mostly in countries such as India, Egypt and Kazakhstan.²⁶⁰



*The highest number of child labour is in Africa and highest numbers of child labour are involved in agricultural sector.*²⁶¹

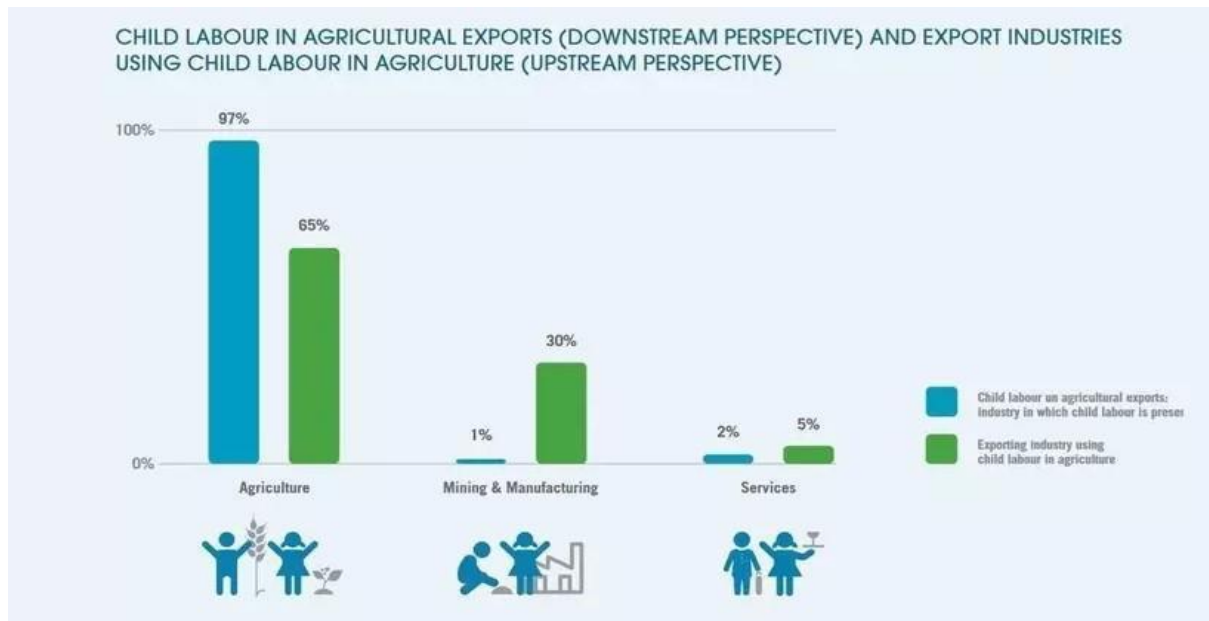
In agriculture sector the number of child labour is high and the age group is also different from the other sectors which is sometime in between 5 and 7 years of age. Agriculture sector is considered the most dangerous sector as it increases the risk of non-fatal accidents, work related tragedies and occupational diseases. The age group of 5-17 years of the children are working in hazardous situations in the agricultural sector.

²⁵⁹ 'In United to end Child Labour in Agriculture' (EC, 2019) <www.ec.europa.eu/international-partnerships/system/files/programme_united_to_end_child_labour_in_agriculture_20191206_en.pdf> accessed 30 August 2021.

²⁶⁰ 'Child Labour in the Fashion Industry' (Common Objective, 2021) <www.commonobjective.co/article/child-labour-in-the-fashion-industry> accessed 30 August 2021.

²⁶¹ 'Common objective-uploads' (Storage.Googleapis.com, 2021) <www.commonobjective-uploads.storage.googleapis.com/images/wysiwyg/CO-Data-Child-Labour-3a5.png> accessed 30 August 2021.





Global rate of child labourers in different sectors and the picture represents that the highest number of child labourers are involved in the agriculture sector and they are of both genders male and female.²⁶²

After 2016 the rate increased but not much, while during the pandemic due to COVID-19 the rate of the child laborers in the agriculture sector is highly increased and the organizations like ILO and UNICEF and many others are assuming that this may get worse.

Causes of Increase in Child Labour's in Agricultural Sector

Child Labour in agricultural sector is increasing higher than the other sectors. Rural areas are the most affected area and the main reason for this is poverty and this is rising in urban areas also due to poverty.

Most of countries consider child labour as an agricultural issue because the children of the age group of 5-17 years are working in agricultural sector, which includes farming, forestry, fishing and aquaculture, and livestock.

²⁶² 'Child Labour in Agriculture' <www.encrypted-tbn0.gstatic.com/images?q=tbn:ANd9GcR4XHqsbVOJFfZXiW0EbkU7C3MKbWnbvbmOyw&usqp=C AU> accessed 30 August 2021.



The highest numbers of child labours are from the unpaid family members, which clearly states that the major issue of child labour in every sector is poverty.

Poverty, the main cause of child labour in every sector but specially in agriculture sector because the people who are economically weak are from the rural area, so first reason is that they cannot go to urban area so they had to work and let their children's work and secondly if they get a way to move to urban areas they had to work there and let their children's work because they had to fulfil their daily needs and one person's earning is not sufficient for that.

Other than this the poverty leads to less access to quality education, less agricultural technology and access to labourers who are adults and these lead to high hazardous risks and traditional attitudes towards children, hence they had to work as labourers mostly in the agricultural sector.

There's a thing called FAMILY FARMING which is the major cause of increase in child labour's in agricultural sector. This basically means the children's working in their own hometown or their own farms, small scale fisheries and livestock husbandries, which is permissible to an extent that it is non hazardous as it may be considered as enhancing the skills of the child and children's food security.

But this is totally unacceptable when the work is hazardous and it is not meeting the interests of the child, like; schooling of the child, health related issues due to excess work, and personality development. Hence, it is making the situation worse for children and wasting their childhood and increasing the number of child laborers in agricultural sectors.²⁶³

Pandemic affecting child labour, a report by ILO and UNICEF on 12, June 2020, which is "*World Day Against Child Labour*"²⁶⁴

²⁶³ 'Child labour in agriculture (IPEC)' (*Ilo.org*, 2021) <www.ilo.org/ipecc/areas/Agriculture/lang--en/index.htm> accessed 30 August 2021.

²⁶⁴ 'Child labour rises to 160 million – first increase in two decades' (*Unicef.org*, 2021), <www.unicef.org/press-releases/child-labour-rises-160-million-first-increase-two-decades> accessed 30 August 2021.



Due to pandemic going on from the last months of 2019 to till now in 2021 the rate of child labour in agricultural sector has been increased in agricultural sector. The COVID-19 pandemic has highly affected the economy of the country and this is what had caused the increase in the child labour.

According to the report COVID-19 pandemic which was started in the year 2019 and it is continuing till now which is 2021, has led to highest rise of child labour in agricultural sector in many countries according to the report. *The agricultural sector has total 70% of children in child labour i.e., 112 million, in which the 20% are in service area (31.4 million) and 10% in involved in industrial work (16.5 million).* The countries where the rate of child labour was decreased in past four to six years are also getting affected by the pandemic, such as Asia and the Pacific America, and Latin America and the Caribbean.

And according to the previous data given in the report it is also assumed that if the situation doesn't get better then by the end of 2022, there are chances that 9 million more children can be pushed in child labour. This will increase the rate of child labour to 46 million in number unless the children's get the access to critical social protection coverage.

Agricultural Sector Child Labour in India



As per the census reports of UNICEF the rate of child labour in rural area was 11.3 million in 2001 and it decreased to 8.1 million in 2011, whereas in urban area the number of child labour was 1.3 million in 2001 and it increased to 2 million in



2011, because the urban area people are moving from their villages to work in cities to earn more and for that they are taking their children's to work.

*Summary of census report on child labour in India by UNICEF, comparing between 2001 and 2011.*²⁶⁵

The rate of farm children has increased in the agricultural states of the country which are Punjab, Haryana, Uttar Pradesh, Tamil Nadu, Kerala, and Bengal.

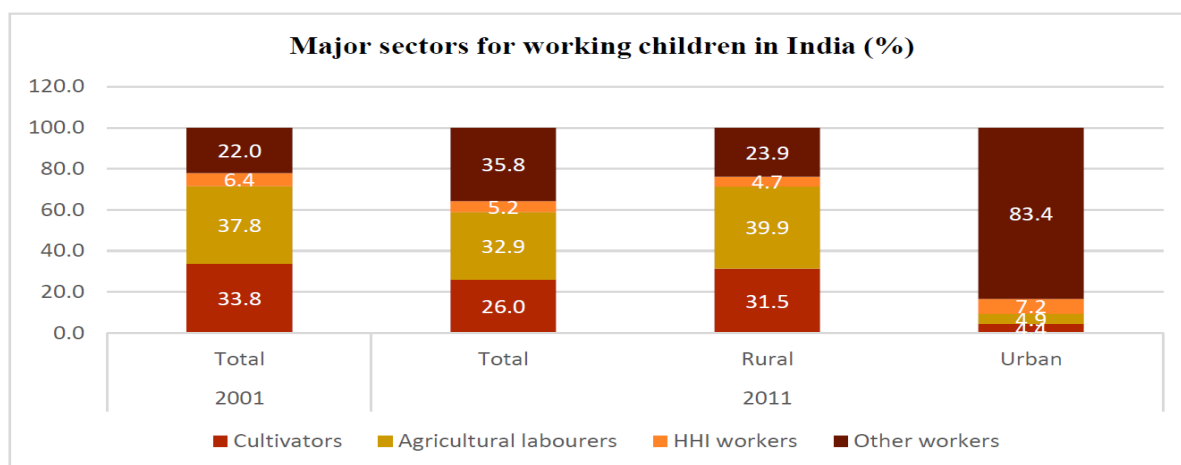


Fig: Comparing the rate of child laborers in different sectors in rural and urban areas of India and comparing the number with years 2001 and 2011, that is how it has changed.²⁶⁶

The greatest increase in the number of child labour in agricultural sector in the year 2001-2011 happened in eastern Uttar Pradesh, areas in Delhi and J & K.

The highest rate of increase of child labour in the agricultural sector was in 2019 which was around 56.4%. Between the years 2016-2020, 4 million additional children were drained into child labour in agricultural sector. This is highly affecting the health and education of the young ones and this is also affecting the proper development of the children.²⁶⁷

²⁶⁵ 'Child Labour UNICEF' <www.akm-img-a-in.tosshub.com/indiatoday/images/bodyeditor/201906/Child_labour_UNICEF_0-770x600.jpg?6b1f6JS4ezEa7O9EWWteFQ4tl3XIUi26> accessed 30 August 2021.

²⁶⁶ 'Child Labour in India' (ILO) <www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---sro-new_delhi/documents/publication/wcms_557089.pdf> accessed 30 August 2021.

²⁶⁷ 'Child labour in agriculture (IPEC)' (ILO.org, 2021) <www.ilo.org/ipec/areas/Agriculture/lang-en/index.htm> accessed 30 August 2021.



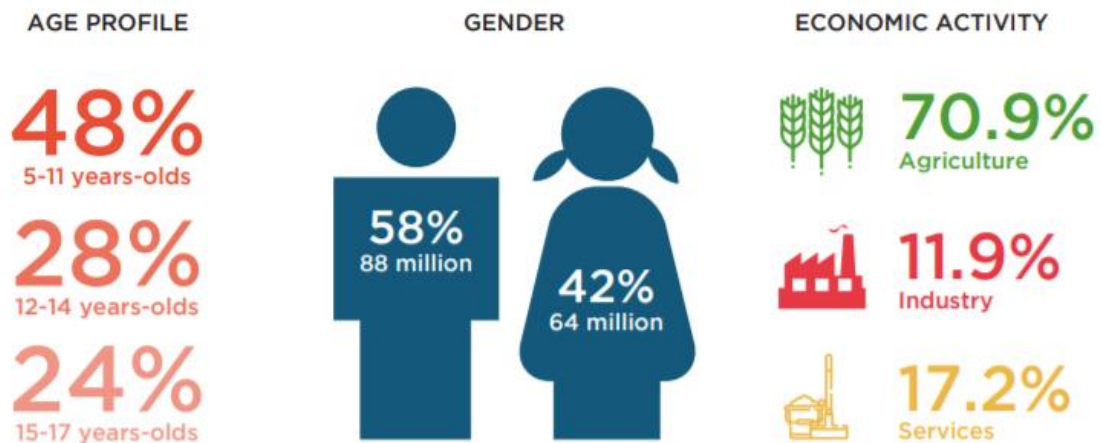
How Covid-19 Pandemic affected Agricultural Child Labours in India

Due to the lockdown in the country the workers who were working the cities for their livelihood have to return back to their home and this had highly affected the economic condition of specially those people.

So, they started small work like fishing, farming, and producing small things like livestock production for the earning of livelihood and managing to fulfill the needs of the family.

The families are living in their hometown and due to this COVID-19 people are using the children to work as there is decrease in labour in the places, families are also forcing the children to work as they need money and the people are making it as a medium of earning and hence this is increasing the rate of child labour in the country.

OF THE 152 MILLION CHILDREN IN CHILD LABOUR



There are around 152 million child labours and highest number of child labour is in agricultural sector.²⁶⁸

Children’s aren’t getting a proper access to get educated and major reason for the child labour is the movement of the migrant workers and it was so in rush and few people had lost their children’s and

²⁶⁸ ‘Of the 152 Million Children in Child Labour’ (*We Forum*)
 <assets.weforum.org/editor/MaLFSJfrE_lfbc00cITLzivA4BMTzeE6OpfyLGryuXNQ.PNG> accessed 30 August 2021.



they are separated and this is making the children's work for themselves and this is increasing the rate of child labour too.

Using the children as a labour is leading to a big problem and this is making the children drawn into hazardous activities which are leading to risk of life of the children.

As under Article 21 of the Constitution of India provides the provision for the children, that they have the right to get educated but this activity is violating the right of a child and also the right to life has been violated.

Working in the agricultural sector for children leads to an increase in the rate of health issues in children and it is also taking the children away from getting educated.

UNICEF and other international organizations are working on improving this major issue which is for the benefit of the children.²⁶⁹

Talking about India under Article 24 of the Constitution of India, there is a provision for the prohibition of the children below the age of 14 for the child labour in factories, mines and other dangerous work.²⁷⁰

The Child Labour (Prohibition and Regulation) Act, 1986, makes the provisions regarding the issue of the child labour in India, which is a great help to make the children get their rights as a child and lead to a good, enhanced and proper developed childhood.²⁷¹

Castes Affecting the Rate of Child Labour

In India people are divided into 3 major categories which divide the people in different castes which are schedule castes (SC), other backward caste (OBC) and general (upper caste) which also play a great role in increasing the rate of child labour in the country.

²⁶⁹ 'Child labour and exploitation' (*Unicef.org*, 2021) <www.unicef.org/india/what-we-do/child-labour-exploitation> accessed 30 August 2021.

²⁷⁰ 'Human Trafficking, forced Labour & slavery corporate accountability database' (2021) <www.accountabilityhub.org/provision/constitution-of-india-article-24> accessed 30 August 2021.

²⁷¹ 'Child Labour Prohibition Regulation Act 1986' (*IPLeaders Blog*, 2021) <blog.ipleaders.in/child-labour-prohibition-regulation-act-1986> accessed 30 August 2021.



Apart from the poverty the second reason for the increase in child labour in agricultural sector is caste discrimination which is highly affecting in the rural areas where still the caste discrimination is prevailed. This is making the children of dalits and the low caste children to work just because they are of lower caste. They are considered as untouchables and they are also asked by their own parents to work due to their bad economic condition.

Most effected category in this area of child labour is lower caste people who are below the poverty line and the families aren't able to earn for their livelihood and hence they are forced to work for their livelihood. This makes them to work and push the children into hazardous activities and which is affecting the health, education and growth of the children.

Child labour is highly increasing and increasing according to the data from 2001 to 2021 i.e., till now this needs to be stopped and this should be considered as a serious issue, because this is the matter of child right and this must be concerned.

Analysis on agricultural Child Labour's situation in Punjab²⁷²

Mostly the labourers are from SC category, around 7% from OBC and 5% from other castes.

The type of work given to the child labourers like ploughing, sowing, digging of vegetables etc. and the number of children involved is given in the following chart.

²⁷² Mini Goyal, 'Migration and Child Labour in Agriculture – A Study of Punjab' 8 (2011), <www.ageconsearch.umn.edu/record/119393> accessed 30 August 2021.



Table 2. Employment of migrant and native child labour in agriculture

Agricultural activity	Migrant child labour	Native child labour	Total
Help in ploughing	1 (1.33)	14 (6.17)	15 (4.97)
Sowing	1 (1.33)	20 (8.81)	21 (6.95)
Irrigation	1 (1.33)	14 (6.17)	15 (4.97)
Hoeing and weeding	15 (20.00)	18 (7.93)	26 (8.61)
Paddy transplantation	12 (16.00)	122 (53.74)	134 (44.37)
Crop harvesting	30 (40.00)	203 (89.43)	233 (47.15)
Cotton picking	-	8 (3.52)	8 (2.65)
Potato digging	53 (70.67)	39 (17.18)	92 (30.46)
Pea plucking	26 (34.67)	11 (4.85)	37 (12.25)
Crop watching	10 (13.33)	1 (0.44)	11 (3.64)
Fodder harvesting	1 (1.33)	199 (87.67)	200 (66.23)
Cattle grazing	11 (14.66)	133 (58.59)	133 (44.04)
Poultry farming	2 (2.66)	-	2 (0.66)
Dairy farming	12 (16.00)	24 (10.57)	36 (17.92)
Loading & unloading straw	-	30 (13.22)	30 (9.93)
Wheat ear picking	4 (5.32)	182 (80.18)	186 (61.59)
Stubble harvesting	50 (66.67)	57 (25.12)	107 (35.43)
Total	75 (100)	225 (100)	302 (100)

Note: Figures within the parentheses indicate percentage.

Total exceeds actual the number of child labour in respective category due to multiple responses.

Fig: *Types of work appointed to the child labours in agriculture sectors and the total number of child labours including both migrants and native child labours in Punjab.*²⁷³

Whether we can bring change into this serious issue or not in the world?

It is a great challenge to abolish child labour in agricultural sector as agriculture is an under regulated sector in many of the countries in the world, this basically means that the regulations for the children on child labour even if they exist they are often less strict in the area of child labour in agricultural sector. For example; National labour legislation do not extend to work on the farms of the family, which is the place or the root of this issue and high number of child labour is found there. It is considered as working for self but it has to be clearly understood by everyone that it is still affecting the child's health, education, growth and also destroying their childhood.²⁷⁴

²⁷³ Ageconsearch.umn.edu (2021) <www.ageconsearch.umn.edu/record/119393/files/9-Mini-Goyal.pdf> accessed 30 August 2021.

²⁷⁴ 'International labour standards and child labour in agriculture' (*Ilo.org*, 2021) <www.ilo.org/ipecc/areas/Agriculture/WCMS_172348/lang--en/index.htm> accessed 30 August 2021.



Role of IPCCLA in improving the situation of Child Labours in Agricultural Sector

The International Partnership for Cooperation on Child labour in Agriculture (IPCCLA) is a global initiative made to bring together the big organizations like ILO²⁷⁵, IFAD, CGIAR and IUF since 2007. It's one of the motives is to work in the area or issue regarding the child labour in agricultural sector and it is made to play a vital role in making better provisions for the children to make their childhood better.

Its partnership has gained increasing recognition for which the credit goes to its involvements in major child labour policy dialogues, including the second and third global conferences on child labour.

It works to promote policies and make policies regarding child labour in agriculture sector and to promote the youth employment.

It also focuses in the area of adoption of safer agricultural practices and preventions regarding agricultural child labours and to improve the livelihoods and income generating activities of the people living in rural areas.²⁷⁶

And as we say “HOPE IS GOOD” and “HARD WORK PAYS”, so we can get this issue solved because the organizations like ILO and UNICEF (also other organizations initiated with IP CCLA) and other institutions or organizations and the provisions made by the countries are working for the betterment for the children's so that they don't have to work but get all the rights which they deserve as a child.



Fig: Logo for International Partnership for Cooperation on Child Labour in Agriculture.

²⁷⁵ 'International Labour Organization' (*Ilo.org*) <www.ilo.org/global/lang--en/index.htm> accessed 30 August 2021.

²⁷⁶ 'International Partnership for Cooperation on Child Labour in Agriculture | Decent Rural Employment | Food and Agriculture Organization of the United Nations' (*Fao.org*, 2021) <www.fao.org/rural-employment/background/partnerships/international-partnership-for-cooperation-on-child-labour-in-agriculture/en> accessed 30 August 2021.



5.2. Domestic work

When we talk about child labour what comes to our mind is children working in factories, hotels, farms etc. but one of the works in which many children are indulged is domestic works. How often do we see a child who is supposed to be at school working at the homes of others and doing many household chores including taking care of another child who is just a few years younger than them. People often ignore children doing domestic works as they think that these are harmless jobs and do not affect the children adversely but in reality children doing domestic works risk physical, mental and sexual abuse. They are forced to work for longer hours and have to live in isolation away from family members.²⁷⁷

According to a report of ILO 17.2 million children are indulged in paid or unpaid domestic work in home of a third party throughout the world and out of these 17.2 million 3.7 million children are doing some hazardous work i.e. 21.4% of all the domestic child labourers have to do some hazardous work.²⁷⁸ In India as per the latest data 7.4 million children in the age group of 5-14 years are engaged in domestic work.²⁷⁹ Out of the 7.4 million child domestic labourers the ratio of girls to that of boys are high and this can be another explanation of why domestic child labourers are sexually exploited.

Viewpoint: As we all know that COVID exacerbated the financial crisis of many poor families because of the large unemployment caused by it and as a result many children were forced to work as domestic workers because factories and other places of work were closed due to government enforced lockdowns. People often do not consider domestic work as detrimental for children because they totally ignore the adversities a child is subjected to as a domestic worker and how it can affect them in a very adverse manner.

²⁷⁷ Navpreet Kaur, 'Prevalence and potential consequences of child labour in India and the possible impact of COVID-19 – a contemporary overview' (*Sage Journals*, 9 February 2021), <www.journals.sagepub.com/doi/full/10.1177/0025802421993364> accessed 30 August 2021.

²⁷⁸ 'Child labour and domestic work' (*International Labour Organisation*) <www.ilo.org/ipecc/areas/Childdomesticlabour/lang--en/index.htm> accessed 30 August 2021.

²⁷⁹ 'Need Gap Analysis of Child Domestic Labour In India' (*Global March*) <www.globalmarch.org/wp-content/uploads/2017/09/NeedGapAnalysis-INDIA_0.pdf> accessed 30 August 2021.



5.3. Hospitality and Entertainment

How often do we see a child in a circus show and feel so good for them by totally ignoring the fact that they are also working as a child labour. Even in small hotels and shops we often see small boys serving people. According to a report, hospitality and entertainment combined with domestic work is now the leading non-farm employer of children which covers almost 30% of non-farm child workers.²⁸⁰ Tourism is another sector where child labourers are exploited. According to a report of the International Labour Organisation in 2006, Tourism affects almost 218 million children throughout the world. As per official data almost 13 million children are indulged in the tourism industry but the real data may vary between 60 to 100 million.²⁸¹

Viewpoint: The number of children engaged in hospitality and entertainment is on a rise people and can soon be the largest sector for child labour. Even the most woke people tend to ignore the plight of these children and they continue enjoying their services. After Covid the tourism and other hospitality sectors will see a boom because of people being forced to stay at home for such a prolonged time. With a boom in these sectors the children employed in these sectors might be subjected to very harsh conditions and can be forced to work for prolonged hour which can affect them both physically and mentally.

5.4. Manufacturing and Construction

Manufacturing and Construction are the works which comes under the nature of hazardous child labor of Article 3(d) of the International Labor Organisation Convention, when the behavior of such is as that it may cause harm to the health, safety and morality of the children. According to t reports

²⁸⁰ Sriharsha Devulapalli, 'Where is child labour most common in India' (*LiveMint*, 11 February 2019) <www.livemint.com/politics/news/where-is-child-labour-most-common-in-india-1549906952167.html> accessed 30 August 2021.

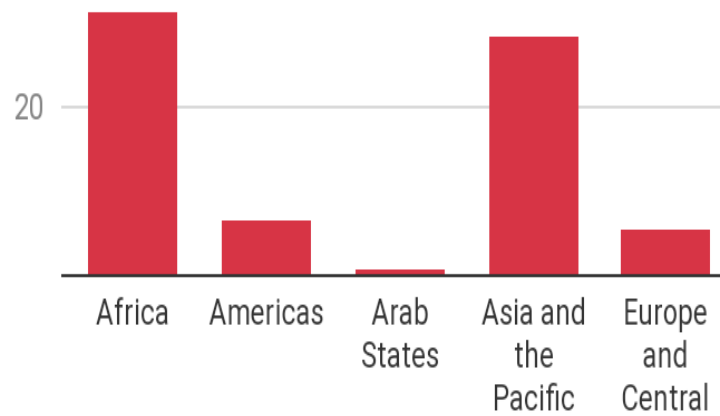
²⁸¹ Sharma A., Kukreja S., & Sharma A., 'Child labour – An Ugly Face of Travel and Hospitality Industry' 4(1) IOSRJBM pg no. 8, (2012)



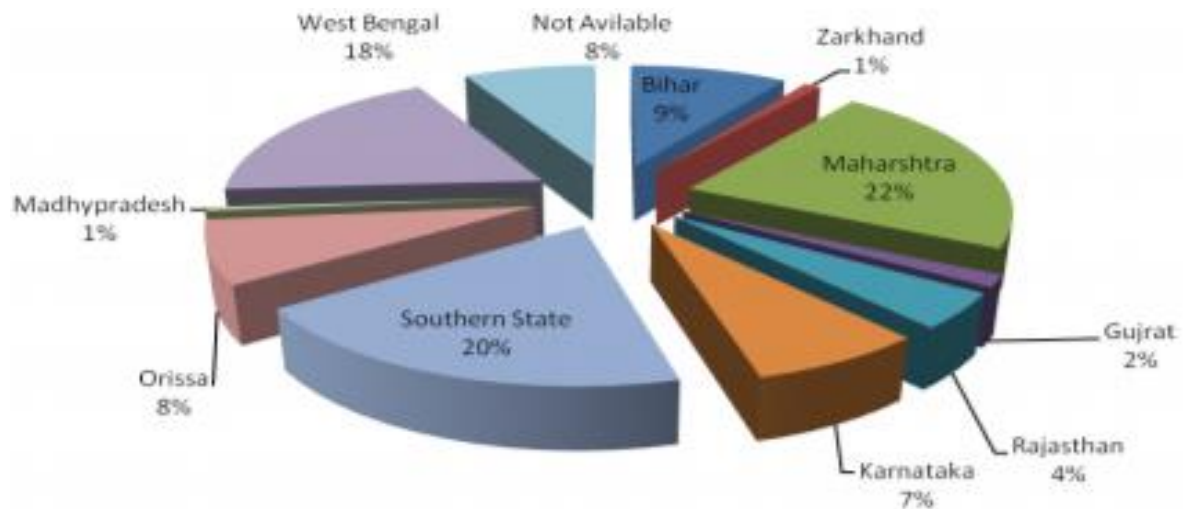
of the convention, 73 million children aging between 5 -17 years are found working in the industrial sectors especially manufacturing and construction. They started to work at an early age which results in their vulnerable condition and large effect on their body and minds.

*Representation of the number of children (5-17) years working in manufacturing and construction industries*²⁸²

According to the reports of the 2012 to 2016, there was a drastic decrease in the child labor among the minimum age who were confined to 12 - 14 years of age. Among countries, children mostly found in Africa and the undeveloped areas but with the coming of pandemic, there is ²⁸³a steep rise in the growth of child labor.



India is changing with the rapid speed with the high scale of modernization of high buildings and constructions which are touching the heights of clouds. The whole construction is a boon to the society, but the roots and backs are made from the sweats and pains of the poor people constructing



²⁸² 'ILO Global estimates of child labor: results and trends' (2012 – 2016).

²⁸³ *Ibid.*



the new India. According to the recent reports of the Indian Organisation, 54 million²⁸⁴ children are suffering as a child worker under the most vulnerable conditions.

*Diagrammatic Representation of number of child workers working in different states*²⁸⁵

Child labor is working on its peak due to the increase in the pandemic. About 70% of children who are working under the construction and manufacturing sites have to face the vulnerable condition where they suffer from malnutrition, illness and different diseases as compared to the national average of 21%. Other than that, there is a lack of clean drinking water and sanitation facilities which present room for different kinds of diseases and causes the death of children.

List of different manufacturing and construction works are as follows²⁸⁶:

1. Cement manufacturing and industries, including bagging of cement.
2. Manufacture of matches, explosives and fireworks.
3. Mica cutting and splitting
4. Manufacture of Shellac
5. Soap manufacturing
6. Tanning
7. Industries of Building and Construction with the processing and polishing of granite stones
8. Slate pencils manufacture
9. Manufacture of products from agate
10. Manufacturing using toxic materials and substances

²⁸⁴ 'Mumbai Mobile Crèches' (*Karmayog*) <www.karmayog.com/ngos/mobile.htm> accessed 2 September 2021.

²⁸⁵ 'Graph based on a survey conducted by Pratham' - 1020 workers interviewed.

²⁸⁶ Work list is based on 'Child Labour Prohibition and Regulation Act 1986'.



11. Manufacturing agarbatti
12. Automobile repairs and maintenance
13. Brick kilns and roof tiles
14. Production of hosiery goods
15. Manufacturing of detergent
16. Jute textile manufacture
17. Manufacturing in lime kilns
18. Manufacturing and processing related to exposure of lead material
19. Manufacturing of glass materials such as bangles, bulbs and other glass products
20. Manufacture of dye and dye stuffs
21. Manufacturing and processing of pesticides and insecticides
22. Manufacturing of burning coals and coal briquettes
23. Sports products which involve synthetic material, chemicals and leather.
24. Processing of fibreglass and plastics
25. Industries of poteries and ceramic
26. Manufacturing of brass products in all the forms
27. Manufacturing, skinning, dyeing of leather products
28. Crushing with breaking of stones
29. Processing and manufacturing of tobacco in every different forms



30. Food processing and beverages industries

31. Loading and handling of timber

32. Repairing and making of tyres

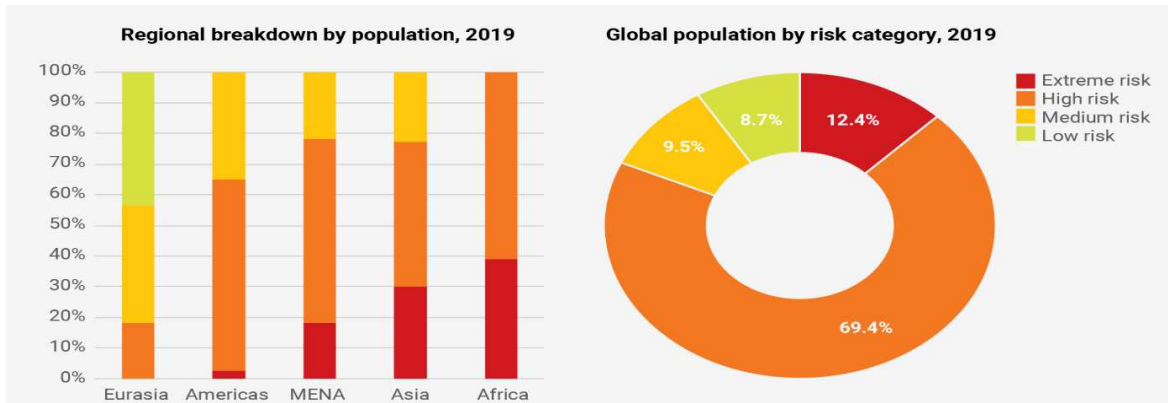
Some of the countries has been entangled as the manufacturing hub where economic growth is on its surface but the progress of child labor is identified at its most high chain rate.

There is a recent report of the Child Labor Index where countries like China, Bangladesh, Vietnam, India and Cambodia has shown no verified improvements in the ranking of 198 countries since long time. Roughly identifying the world's population, there are 27 countries which has been at its extreme risk on the context of child labor.

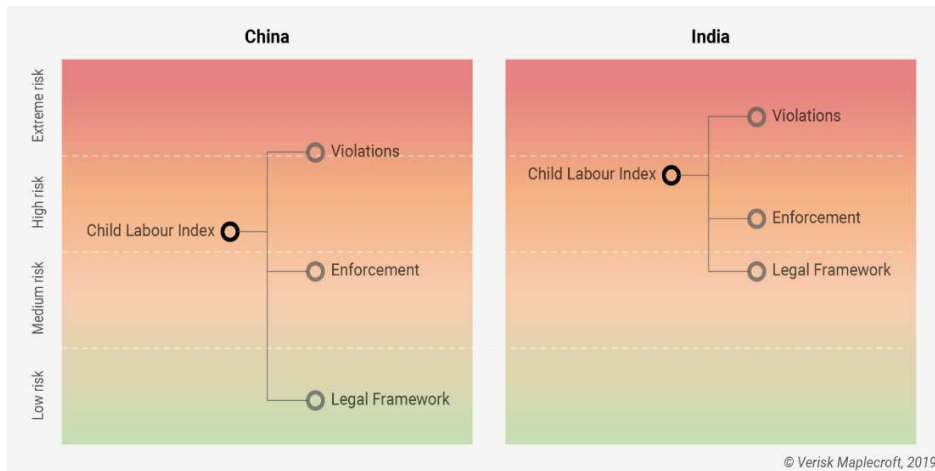
The 10 least performed countries since 2019 are as follows -

1. North Korea (on the highest rate)
2. Somalia
3. South Sudan
4. Eritrea
5. Central African Republic
6. Sudan
7. Venezuela
8. Papua New Guinea
9. Chad
10. Mozambique





The graph is the representation of the higher number of risk around the different countries.²⁸⁷



Extreme Risk on the Asian's economic sector

Here according to the diagram, there are 5 out of 10 countries whose representation has been shown on the complexity of the child labor where the chain is based upon the violations and severity of the

children rights, laws and agreements which was enforced in order to safeguard them.

According to the Child Labor Index report, India still stands on the (47) rank with China on (89) position followed by Ethiopia (30), Bangladesh (44), Turkey (63) and Vietnam on (87) position. There are among those 82 countries who are facing large risks towards the improvement of Child Labor.

²⁸⁷ Verisk Maplecroft, 2019.



The Red Signal on the China and India Borders

These two countries are regarded as South Asia's largest economy with its highest growth in manufacturing, agriculture, mining, construction and other industrialization activities. It not only represents its values on Asia world but also around the world. Taking its economy on the high rate, they are degrading the laws and treaties on the international basis which are made to safeguard the people from violations and trafficking. International Labor Organisation passed a report where it has shown that China and India are falling short on the legal working age of 15 years by upbringing more increasement in the Child Labor violations and exploitations. It has been noted on the 'extreme risk' of the Child Labor Index with more frequency and enlargement of exploitation.

Child Labour with other high-risk countries:

There was a highest risk shown in the Venezuela which has large increasement in Child Labour. During the various reasons of economic and political instability, its rank stands at 80th position around the globe. Under it comes the Nigeria and Cambodia which has shown an increasement towards child labor and placed its rank on 'extreme risk' countries of the index.

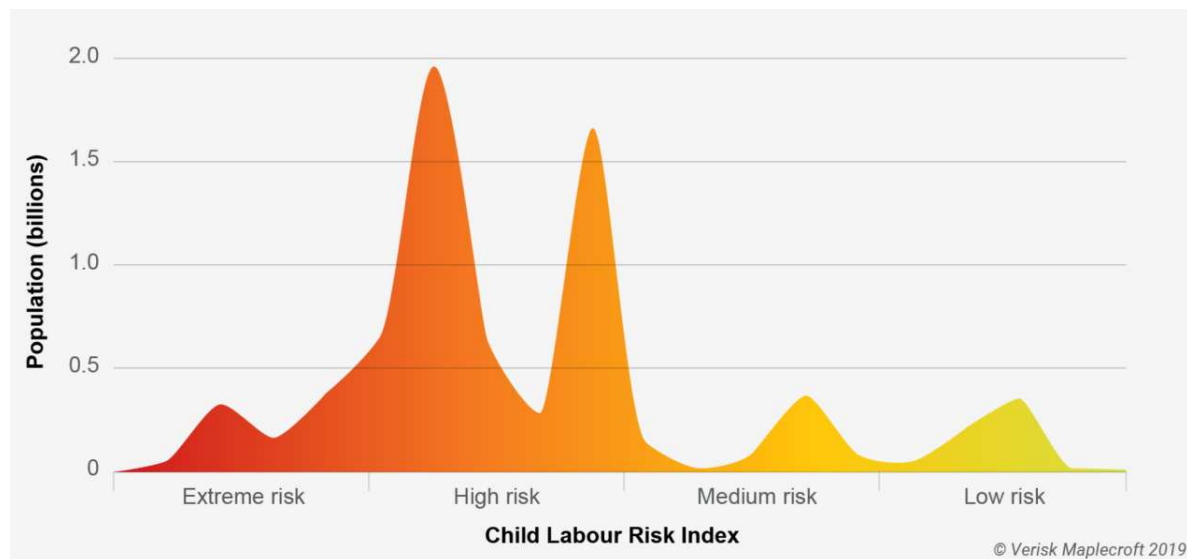


Fig: Graphic representation of countries decreasing in child labor risk ²⁸⁸

²⁸⁸ *Id.*



Other than this, out of 57 countries, there are many countries who have improved their index between 2017 to 2019. They include Liberia, Myanmar and Madagaskar who have been available to improve its chain through decreasing its phase towards Child labor exploitations.

It is the representation of the countries who have the high-risk rate index under the Child Labor but started to play a crucial role by decreasing the risk with their development towards the country. ILO always places its report by defining each child as the stone of the building nation where their hands need to be polished under the shine of education to bring out the great leaders of the country.

5.5. Armed Conflict

Children and Armed Conflict

Grave violations against children in conflict 'alarmingly high', latest UN report reveals.

Peace and Security

More than 19,300 boys and girls affected by war last year were victims of grave violations such as recruitment or rape, and the COVID-19 pandemic made it difficult for experts to reach them, the UN said in its annual report on Children and Armed Conflict (CAAC),

Grave violations against children remained “alarmingly high” at nearly 26,500, while the pandemic increased their vulnerability to abduction, recruitment and sexual violence, as well as attacks on schools and hospitals.

Measures to curtail coronavirus spread, also complicated the work of UN child protection monitors and experts, according to the report which is entitled *A Stolen Childhood and a Future to Repair: Vulnerability of Girls & Boys in Armed Conflict Exacerbated by COVID-19 Pandemic*.

“The wars of adults have taken away the childhood of millions of boys and girls again in 2020. This is completely devastating for them, but also for the entire communities they live in, and destroys chances



for a sustainable peace”, said Virginia Gamba, the Secretary-General’s Special Representative on CAAC.

Recruitment and use, as well as killing and maiming of children, were the most prevalent violations in 2020, followed by denial of humanitarian access and abduction, the report said.

Abductions, attacks on girls’ education

More than 8,400 youngsters were killed or maimed in ongoing wars in Afghanistan, Syria, Yemen, and Somalia, while nearly 7,000 more were recruited and used in fighting, mainly in the Democratic Republic of the Congo, Somalia, Syria and Myanmar.

Researchers reported “exponential growth” in abductions, which rose by a staggering 90 per cent last year. Rape and other forms of sexual violence also shot up by 70 per cent.

The report further revealed that girls made up a quarter of all child victims of grave violations. They also were mostly affected by rape and other forms of sexual violence, comprising 98 per cent of victims, followed by killing and maiming.

“If boys and girls experience conflict differently and require interventions to better address their specific needs, what the data also showed is that conflict doesn’t differentiate based on gender,”

Progress and Commitments

Despite the sobering statistics, the report also details tangible progress in dialogues with warring parties in Afghanistan, the Central African Republic, Nigeria, the Philippines, South Sudan and Syria. Some 35 new commitments or other engagement were reached last year to better protect children, including two new action plans signed in Myanmar and South Sudan.

Additionally, armed groups and forces freed more than 12,643 children from their ranks following UN engagement, and many more boys and girls were spared from recruitment due to age screening processes in situations where the UN has action plans with governments to stop child recruitment and use.



Pandemic Situation

In the past year, Council members continued to follow closely the potential effects of the COVID-19 pandemic on violations against children and the UN's ability to address them. According to a 3 May report by the Office of the Special Representative for Children and Armed Conflict titled "Impact of the COVID-19 pandemic on violations against children in situations of armed conflict", the pandemic severely affected the UN's ability to monitor and verify grave violations against children and curtailed its efforts to engage with conflict parties to end and prevent such violations.

The monitoring and reporting mechanism (MRM) was particularly affected during the second and third quarter of 2020 because of movement restrictions, which have limited the UN's ability to undertake fieldwork. While the UN country task forces on monitoring and reporting on grave violations against children (CTFMR) continued their work in that period, the restrictions resulted in a backlog of cases requiring verification. The 3 May report further emphasised that the MRM was able to maintain its high standards of monitoring and verification, notwithstanding the difficulties posed by the pandemic.

The report notes that because of the backlog in verifying reported violations, it might take some time for the full scale of violations against children during 2020 to become evident. Although available data does not allow for definitive conclusions on the impact of the COVID-19 pandemic on violations against children, the 3 May report suggests that the pandemic and measures implemented by states to mitigate its effects have likely increased children's vulnerability to recruitment and use, notably because of school closures and loss of family income. In addition, girls are likely to have become more vulnerable to sexual and gender-based violence because of reduced mobility and increased isolation.

More than 8,500 Children used as soldiers in 2020: U.N.

More than 8,500 children were used as soldiers last year in various conflicts across the world and nearly 2,700 others were killed, the United Nations. The report verified that violations had been



committed against 19,379 children in 21 conflicts. The most violations in 2020 were committed in Somalia, Democratic Republic of the Congo, Afghanistan, Syria and Yemen.

It verified that 8,521 children were used as soldiers last year, while another 2,674 children were killed and 5,748 injured in various conflicts.

The report also includes a blacklist intended to shame parties to conflicts in the hope of pushing them to implement measures to protect children. The list has long been controversial with diplomats saying Saudi Arabia and Israel both exerted pressure in recent years in a bid to stay off the list. Israel has never been listed, while a Saudi-led military coalition was removed from the list in 2020 several years after it was first named and shamed for killing and injuring children in Yemen.

In an effort to dampen controversy surrounding the report, the blacklist released in 2017 by Guterres was split into two categories. One lists parties that have put in place measures to protect children and the other includes parties that have not.

The only state parties named on the list for not putting measures in place are Myanmar's military – for killing, maiming and sexual violence against children – and Syrian government forces – for recruitment of children, killing, maiming and sexual violence against children and attacks on schools and hospitals.

India's child soldiers: Government defends officially designated terror groups' record on the recruitment of child soldiers before the UN Committee on the Rights of the Children associated with armed forces and groups.

Tens of thousands of girls and boys find themselves fighting adult wars in at least 17 countries in different regions around the world. Some are used as fighters and take direct part in hostilities while others are used in supportive roles (e.g. cooks, porters, messengers, or spies) or for sexual purposes. They are abducted, forcefully recruited or personally decide to enroll (for instance for survival, for protection or for vengeance). However, when personal initiatives are analyzed, it becomes clear that they were taken under duress and in ignorance of the consequences.

The use of children in armed conflict is a worst form of child labour, a violation of human rights and a war crime. ILO Convention No.182 defines forced or compulsory recruitment of children for use in armed conflict as a worst form of child labour. The Optional Protocol to the Convention on the



Rights of the Child on the Involvement of Children in Armed Conflict prohibits all recruitment – voluntary or compulsory – of children under 18 by armed forces and groups. The Rome Statute of the International Criminal Court makes it a war crime, leading to individual prosecution, to conscript or enlist children under the age of 15 years or use them to participate actively in hostilities.

Efforts to put an end to child recruitment and release children from armed forces and groups have intensified in the last decade. The United Nations negotiate action plans with armed parties to end recruitment of children. Release and reintegration programmes are being implemented worldwide and aim at supporting the process through which children transition into civil society and enter into meaningful roles and identities as civilians who are accepted by their families and communities in a context of local and national reconciliation.

Together with ILO's International Training Centre, IPEC has developed a capacity building programme aiming to train child protection agencies and other key stakeholders at country level on economic reintegration of conflict-affected children.

Child Soldiers in India & Children victims of Violence

19 out of 28 states of India face internal armed conflicts which are characterized by gross violations of international human rights and humanitarian laws both by the security forces and the armed opposition groups.

Among all the conflict regions of India the state of Chhattisgarh has been increasingly in the news for using children as combatants and in other war activities. The Naxalite militants, the Salwa Judum and the government security forces are all recruiting children to training camps where they are taught to use weapons and explosives.

According to a recent report by Human Rights Watch, there are no clear estimates of the number of children used by these different parties, not even the number of children who have been killed while participating in the conflict in Chhattisgarh.



The Naxalites have a front Organisation named Bal Mandal (Children Division) to carry out its activities. All former Naxalites interviewed by Human Rights Watch in 2008 stated that they joined different Naxalite wings when they were children. Naxalites repeatedly pressure parents into sending their children into Naxalite ranks.

Whenever State-sponsored child soldiers are killed in encounters, the government's claims the child was a member of an anti-State armed group, and the anti-State militia do the same and disown the child. In several cases, child soldiers' bodies have been mutilated in order to hide the possibility of their age and identities being found. Deaths of such children are frequently blamed on having resulted from being caught in the crossfire of an armed encounter.

Child soldiers' living conditions are invariably very poor, regardless of which faction they belong to. They are often denied adequate food. Food is often used as a reward for work. Children are used as scouts and to test the land for anti-personnel mines and other forms of explosives. Using children for these purposes makes troop movement easier for both sides. Even if a child dies or is injured, the loss is considered to be minimal, as a child is considered to be far more expendable than a trained cadre. Child soldiers in India are a common occurrence among non-state forces such as insurgent organizations and up to seventeen militant factions use child soldiers in the Kashmir region.

According to a report from the Conflict Study Center, child soldiers are used in Assam, Manipur, Nagaland, Andhra Pradesh, Chhattisgarh, Jharkhand, Karnataka, Maharashtra and Jammu and Kashmir; and that children were used by both states backed and anti-state insurgent groups.

Use of children below the age of 18 in active conflict is a violation of the Indian Penal Code, the Geneva convention and the Convention on the Rights of the Child. In Chhattisgarh state, it is estimated that up to 90,000 children are involved in the ongoing Naxalite insurgency. The majority of children are used by militants, though government supported militias also use them. The Asian Legal Resource Centre has stated that human rights groups have voiced concerns over the use of child soldiers by the state and the Naxalites. According to them, up to 118 districts in India are facing armed insurrection and that child soldiers were used by both sides in these conflicts. Human rights watch has also accused the Indian security forces of using children as spies and messengers, although the Indian government denies this allegation. The Coalition to Stop the Use of Child Soldiers report in



2008 stated that there was recruitment of children by state backed groups in the region although the majority of child soldiers were used by militants.

5.6. Prostitution and Pornography

Trafficking of Children for Prostitution and the UNICEF Response

While there are different patterns of exploitation in different parts of the world, children are trafficked for a number of purposes, including:

- Sexual exploitation;
- Adoption;
- Child labour (e.g., domestic work, begging, criminal work like selling drugs);
- Participation in armed conflicts;
- Marriage;
- Camel racing;
- Organ trade

Between 5,000 and 7,000 Nepali girls are trafficked every year across the border to India. Most of them end up as sex workers in brothels in Bombay and New Delhi. An estimated 200,000 Nepali women, most of them girls under 18, work in Indian cities (estimates by Maiti Nepal, Child Workers in Nepal and National Commission for Women in India).

An estimated 10,000 women and girls from neighboring countries have been lured into commercial sex establishments in Thailand. Recent Thai Government policy to eradicate child prostitution means



that fewer girls are being trafficked from northern Thailand and more girls and women are being brought from Myanmar, southern China, Laos and Cambodia (estimates by ECPAT [End Child Prostitution in Asian Tourism]).

China's Public Security Bureau reported 6,000 cases of trafficking of children in 1997, with a steady increase in girls aged 14 and 15 (Oxfam).

UNICEF estimates that 1,000 to 1,500 Guatemalan babies and children a year are trafficked for adoption by foreign couples in North America and Europe.

Girls as young as 13 (mainly from Asia and Eastern Europe) are trafficked as "mail-order brides". In most cases these girls and women are powerless and isolated and at great risk of violence (quoted by La Strada, Ukraine and Sanlaap, India).

Large numbers of children are being trafficked in West and Central Africa, mainly for domestic work but also for sexual exploitation, to work in shops or on farms, to be scavengers or street hawkers. Nearly 90 per cent of these trafficked domestic workers are girls.

Children from Togo, Mali, Burkina Faso and Ghana are trafficked to Nigeria, Ivory Coast, Cameroon and Gabon. Children are trafficked both in and out of Benin and Nigeria. Some children are sent as far away as the Middle East and Europe. Child trafficking works through personal and familial networks as well as through highly organized international criminal networks. Recruiters are often local people. Trafficking routes change rapidly to adjust to changing economic or political circumstances or the opening of new markets. However, the main trafficking routes are from south to north and from east to west:

- From Latin America to North America, Europe and the Middle East;
- From countries of the former Soviet bloc to the Baltic States and Western Europe;
- From Romania to Italy, and through Turkey and Cyprus to Israel and the Middle East;
- From West Africa to the Middle East;
- From Thailand and the Philippines to Australia, New Zealand and Taiwan;
- From Cambodia, Myanmar, and Viet Nam to Thailand; and



- From Nepal and Bangladesh to India; and from India and Pakistan to the Middle East UNICEF Policy
- UNICEF is guided by the Convention on the Rights of the Child (CRC), which has been ratified by all countries except the US and Somalia.
- Articles 9 and 10 of the CRC state that a child must not be separated from his or her parents against their will, except where it is in the best interests of the child. Article 11 commits States to combat the illicit transfer of children abroad.
- Article 35 asks States to adopt appropriate national, bilateral and multilateral measures to prevent the abduction, sale or trafficking of children for any purpose or in any form. For children who do not live with their parents,
- Articles 20 and 21 declare the best interests of the child to be paramount, and note the desirability of continuing the child’s ethnic, religious, cultural and linguistic background. Article 21 provides that international adoption must not involve “improper financial gain”.
- Articles 32, 34, 36 and 39, which provide for protection against economic, sexual and all other forms of exploitation, and the child’s right to physical and psychological recovery and social reintegration, are also relevant to the protection of child victims of trafficking.

The UNICEF strategy for addressing child trafficking focuses on four main areas:

- Raising awareness about the problem;
- Providing economic support to families;
- Improving access to and quality of education;
- Advocating for the rights of the child.



Measures aimed at preventing the trafficking of children include increased educational opportunities for disadvantaged children, particularly girls; support to families at risk, appropriate social welfare, training of law enforcement officials and judicial authorities. It is also essential to raise awareness of the media, communities and families on the rights of child victims of any form of trafficking.

ICPF report warns of sharp rise in demand for online child pornography during lockdown.

Special Rapporteur on the sale and sexual exploitation of children

Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and any other child sexual abuse material.

The UN Special Rapporteur on the sale and sexual exploitation of children is mandated to analyse the root causes of sale and sexual exploitation of children, identify new patterns of the phenomena, exchange good practices to combat it, promote measures to prevent it, and make recommendations for the rehabilitation of child victims of sale and sexual exploitation. The mandate of the Special Rapporteur was created in 1990 and is the only mandate of the UN Special procedures system with an exclusive focus on children.

Online child sex abuse spiked by 31% in 2020, Figures from the National Center for Missing and Exploited Children (NCMEC) showed a 31% increase in the number of images of child sexual abuse reported to them in 2020. The figure was up by around 5 million, from 16 million reports in 2020 to 21 million in 2021, said Yiota Souras, the lead counsel at the NCMEC. In 2019, Facebook recorded more child sexual abuse material than any other tech company, and was responsible for around 99% of all reports to the NCMEC.

Though a breakdown of the 2020 NCMEC figures is not yet available, Facebook said that it detected 13 million images on Facebook and Instagram from July to September alone. The figure indicates that the problem is still rampant, and may be worsening.

COVID-19 pushed victims of child trafficking and exploitation into further isolation: Save the Children



One in twenty child victims of sexual exploitation worldwide is under eight years old, Increase in demand for child pornography in Europe

The COVID-19 crisis has changed the pattern of sexual exploitation, which is now operating less on the streets and more “indoors” or “online”

The pandemic has also jeopardized escape routes that would usually be available to many survivors. In Italy, among 2,033 people taken into care in anti-trafficking operations in 2019, the most widespread form of exploitation remains sexual exploitation (84.5%), which affects mainly women and girls [6] (86%). As many as one in twelve victims is younger than 18, and 5 percent of the victims are under 14. The girls who are most exposed are Nigerian (87%), Ivorian (2.5%) and Tunisian (1.9%).

In the first six months of 2020, some 1,000 new victims of trafficking and exploitation were registered in Italy, and direct economic support measures were also activated to mitigate the widespread impoverishment caused by the effects of the COVID-19 pandemic.

Measures Adopted

UNICEF supports major studies of trafficking that are taking place around the world, including a study of trafficking in the NAFTA region underway at the University of Pittsburgh.

UNICEF provides input to “The Global Programme Against Trafficking in Human Beings”

In the Asia and Pacific Region, UNICEF is a partner in a number of projects that specifically address the trafficking of women and children. They include:

The Mekong Regional Law Centre project, “Illegal Migration: The Case in Trafficking of Women and Children” (Cambodia, China, Laos, Myanmar, Thailand, Viet Nam), which aims to develop a practical program to improve legislation and law enforcement in the area of trafficking;

The ESCAP (Economic and Social Commission for Asia and the Pacific) Human Resources Development Section of the Social Development Division, “Project for the Elimination of Sexual Abuse and Sexual Exploitation of Children and Youth in Asia and the Pacific”(Cambodia, China, Laos, Myanmar, the Philippines, Thailand, Viet Nam, Bangladesh, India, Nepal, Pakistan, Sri Lanka),



which will build capacity of local government and NGO personnel through research and networking, raising awareness of policymakers, development of curriculum and training materials and sub-regional training;

The ILO-International Programme for the Elimination of Child Labour (IPEC) project, “Combat Trafficking in Children and Women for Labour Exploitation in the Mekong Sub-region and South Asia”, which aims to develop best practice guidelines based on the evaluation of pilot activities and train trainers as well as offering direct socio-economic alternatives to child and women victims of trafficking and to those at risk;

The UNDP project, “Trafficking in Women and Children in the Mekong Sub-region”, which will do an inventory of UN agency, government, NGO and CBO activities addressing trafficking; assess gaps in these activities; establish mechanisms to improve communication and coordination; identify research needs and begin research;

The International Organization for Migration (IOM) project, “Return and Reintegration of Trafficked Women from China to Vietnam, Thailand to Cambodia and Cambodia to Vietnam”, which will build research capacity, train border police and provide psycho-social recovery assistance to trafficking victims.

UNICEF participates in the Regional Working Group on Child Labour (involving ILO/IPEC, Save the Children Alliance, and Child Workers in Asia).

UNICEF supports the International Network for Girls (INfG). Organized by the NGO Working Group on Girls, the network comprises 400 NGOs in 86 countries who work with and for girls. Sexual exploitation and trafficking are two of its highest priorities.

In Benin, UNICEF supports the Project on Children in Need of Special Protection. The project raises awareness about child trafficking and exploitation and the hazards these children face. The project also advocates for children’s rights in the CRC; has set up eight educational facilities for girl domestic workers; provided community support, giving women access to loans to finance income-generating activities; and promoted girls’ education.



In Cambodia in July 1999 the Cambodian National Council for Children has launched a national 5-year plan against child sexual exploitation and trafficking.

Legal Framework on Child Pornography

Child pornography laws give seriously punishments to makers and wholesalers in practically all Western social orders, ordinarily including imprisonment, with shorter length of sentences for non-business appropriation relying upon the degree and substance of the material circulated. India had hindered around 857 explicit sites in 2015 in view of the worries about child pornography. This specific choice was taken under the Information Technology Act and in consonance with Article 19(2) of the Constitution of India that permits the legislature to force limitations on the grounds of conventionality and profound quality. In any case, this total boycott was later lifted and just executed to those sites containing child pornography. As of late, again with the Department of Telecom has prohibited 827 destinations because of unlawful substance on sites. Current issues in the field of protection of children are closely associated with rise in accessibility and usage of information and communication technologies (ICTs). The use of technology and the accessibility to internet services have increased worldwide. There must be an a urgent need to address the upcoming threat related to technology which impose new risks for the exploitation and abuse of children, as culprits misuse modern communication technologies to facilitate child sexual abuse. Therefore, states have to develop tailor-made instruments to tackle the specific dangers related to the use of ICTs by children. Sexual maltreatment among children in India has become wildly throughout the years, and an ongoing report by the Ministry of Women and Child Development expressing that over half of children have been manhandled comes as an eye-opener. Sexual maltreatment of children has not been another wonder, yet has won in the public eye for quite a while. Notwithstanding, the endeavors to check this marvel have been negligible, prompting an ascent in child sexual maltreatment.

Considerably after rehashed request by different partners to sanction another law to ensure children, such requests failed to be noticed. At last, the Government of India in the wake of setting up a draft Bill in the year 2006 passed the Protection of Children from Sexual Offenses Act, 2012. This



exceptional enactment guarantees the assurance of children from sexual offenses lastly takes into consideration stricter discipline for such pedophiles.

There are different laws in India to secure and advance the offspring of the nation. In the Constitution itself, Article 21 accommodates the privilege to life and freedom, Article 24 does not permit children beneath 14 years to work in a mine, plant or take part in dangerous business. Article 39(f) makes it required for the State to coordinate its approach towards making sure about the wellbeing and quality of children and to give those openings and offices to grow steadily and Article 45 gives that the State will attempt to give youth care and training to children beneath the age of 6 years [3]. There likewise exist uncommon laws for violations against children, for example, The Immoral Traffic (Prevention) Act, 1986, The Child Marriage Restraint Act, The Child Labor (Prohibition and Regulation) Act, 1986 and The Juvenile Justice (Care and Protection of Children) Act, 2000.

The Penal Code, 1860 and The Criminal Procedure Code, 1973 oversees the substantive and procedural pieces of criminal offenses, including those which apply to children. Since no uncommon arrangements are overseeing the maltreatment of children, similar laws apply to the grown-ups and offspring of the nation. The laws overseeing sexual offenses incorporate Sections 375 (Rape), 377 (unnatural offenses) and 354 (shocking the humility of ladies) under the Penal Code. There are additionally offenses against minor young ladies for example Section 372 (selling of young ladies for prostitution) and Section 373 (purchasing of young ladies for prostitution). In any case, these laws are not exhaustive or satisfactory to deal with such grave offenses on such delicate matured children. These arrangements are additionally one-sided towards ladies and are insufficient themselves either substantively or procedurally to meet the exceptional needs of sexual maltreatment among children.

Disregarding such broad laws, the State of Goa passed the Goa Children's Act, 2003 to ensure, advance and safeguard the interests of children in Goa and to make a general public that is pleased to be child inviting. The demonstration isolates the offenses into grave rape which covers various kinds of intercourse-vaginal, oral, butt-centric, utilization of articles, constraining minors to have intercourse with one another, purposely making injury the sexual organs and making children present for explicit photographs or movies; rape which covers sexual contacting with the utilization of anyone part or item, voyeurism, exhibitionism, indicating obscene pictures of movies to minors, making children watch others occupied with sexual action, giving of dangers to explicitly mishandling a minor, loudly



manhandling a minor utilizing revolting and profane language; and interbreeding which is the commission of a sexual offense by a grown-up or a child who is a relative through ties of appropriation. In this manner, this was the main enactment of India constrained to Goa, where there were exceptional laws to shield children from sexual maltreatment.

The absence of satisfactory laws was likewise referenced in different cases under the watchful eye of the Supreme Court of India. In India the applicants needed the intra-State dealing of small children, their subjugation and coercive repressions, customary inappropriate behavior and maltreatment to be made cognizable under the Indian Penal Code. The Supreme Court of India likewise made a referral to the Law Commission of India on issues of child sexual maltreatment.

The Law Commission expressed that the instances of penile entrance were secured under Section 375, the unnatural offenses, for example, fleshly intercourse against the request for nature with any man, lady or creature were taken consideration by Section 377 and the infiltration of finger or lifeless thing into the vagina or rear-end against the desire of a lady or female child would be secured by Section 354.

The avocation given by the Law Commission was that the gravity of these different offenses were extraordinary and in this way, the offenses referenced under Sections 354 and 377 ought not be brought under the proviso of assault or be given such unforgiving discipline and consequently there was no compelling reason to carry any new law into the image. In any case, one feels that all the previously mentioned offenses are egregious and there ought to be stricter discipline forced on such guilty parties.

Without stricter rules for unfortunate casualty security, the Supreme Court itself detailed different rules for the assault injured individual. The court expressed that because of the actuation of extraordinary dread or because of the stunned State of the person in question; the injured individual will most likely be unable to give full subtleties of the episode, which may prompt an unnatural birth cycle of equity. The inquiries in this way presented to the unfortunate casualty in court may prompt shame of the person in question, because of which an injured individual may not be agreeable, and subsequently, the Court asked the Presiding Officer instead of the restricting direction to offer the pertinent conversation starters to the person in question.



The Court additionally requested that the exploited people be permitted breaks and adequate time to respond to the inquiries. The Court additionally proposed holding such preliminaries in the camera, to make the unfortunate casualty progressively agreeable, and to guarantee that the injured individual can respond to the inquiries effortlessly, thus that the injured individual is not reluctant and is coming clean.

Another token of our lacking laws is the Report of the National Crime Records Bureau concerning child sexual maltreatment. The records show that a sum of 5484 kid assault cases were accounted for during the year 2010, an expansion from 5368 in the year 2009, 679 instances of procurement of minor young ladies were accounted for in 2000 against 237 out of 2009. Seventy-eight instances of purchasing young ladies and 130 instances of selling of young ladies for prostitution were accounted for in the year 2010 against 32 and 57 of every 2009.

The investigation of Child Abuse by the Government of India in the year 2007 gave some stunning disclosures. It was discovered that 53.22% of youngsters had confronted at least one types of sexual maltreatment and half of such maltreatment were from people known to the child or were people in a place of trust and obligation.

In the light of the grave circumstance confronting children in India, today, the Protection of Children from Sexual Offenses Bill was made in the year 2006 and was at long last passed by the Indian Parliament in 2012.

International laws

Under International law the first convention which was implemented on children's right was (CRC) convention of rights of children. This convention lays the guidelines on right enjoyed by the children's and also give accurate meaning to the term child. It is comprehensive convention which deals with every aspect of a child right. Article 2 of the convention make it clear that there must not be any discrimination made in respect to race, language, sex, religion or any other status when you are empowering the child with their rights.



Article 19(1) states that every child need to be protected from different type of physical and mental violence specifically sexual maltreatment, sexual abuse and sexual exploitation. This amounts to be most essential article to put end to sexual exploitation of children. Article 23 of this convention is concerned with right of children with disabilities. Other than convention on rights of children we have governed with one declaration which also deals with protection of children's that is universal Declaration of human rights under article 25(2) of the declaration it is been observed that every child born out or without wedlock needs to be equally protected. Likewise, in International covenant on civil and political right we have Article 24(1) which states that every child will be protected without any discrimination in respected of race, sex, color accordingly as it is required by his status as a minor on the part of his family and society.

Protection of children from sexual offenses Act, 2012

Child pornography is not solely a legal issue, however conjointly associate moral issue as a result of it's the propensity to adversely alter a child's perception of humanity. The continual circulation of sexy content over the net worsens the trauma of child victims by keeping the injuries contemporary.

The International Centre for Missing & Exploited youngsters (ICMEC) analyzed porn|kiddie porn|kiddy porn|pornography|porno|porn|erotica|smut} laws in 184 Interpol-member countries and located that over ½ them had no legislation directly addressing the matter of kid pornography, and people countries wherever laws were in situ were unsuccessful in handling it with efficiency. As of now, solely forty-five countries within the world have comprehensive laws to combat kiddy porn.

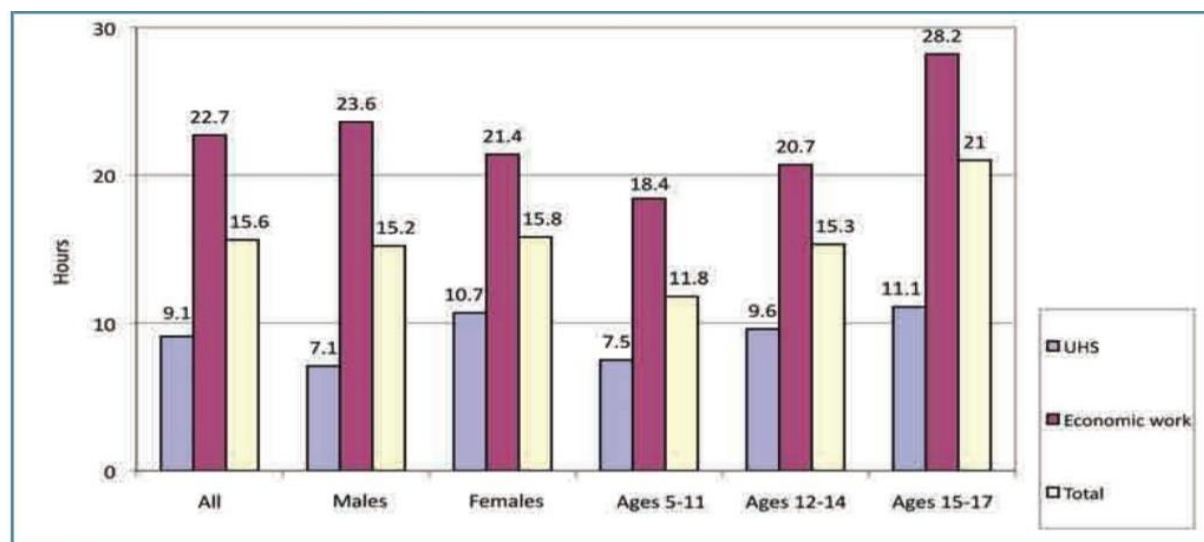
Despite having some international conventions in place, we, as a worldwide community, have had setbacks in chalking out conclusive pointers for his or her implementation. A universal international framework for the detection, assessment, and prosecution of on-line kiddy porn is that they would like of the hour, and it should be enforced as a principle of law. The framework ought to be additional comprehensive and fewer dogmatic in its approach, and it ought to be one that reinforces redressal mechanisms through international cooperation and participation.



CHAPTER 06

EMPLOYMENT OR EXPLOITATION?

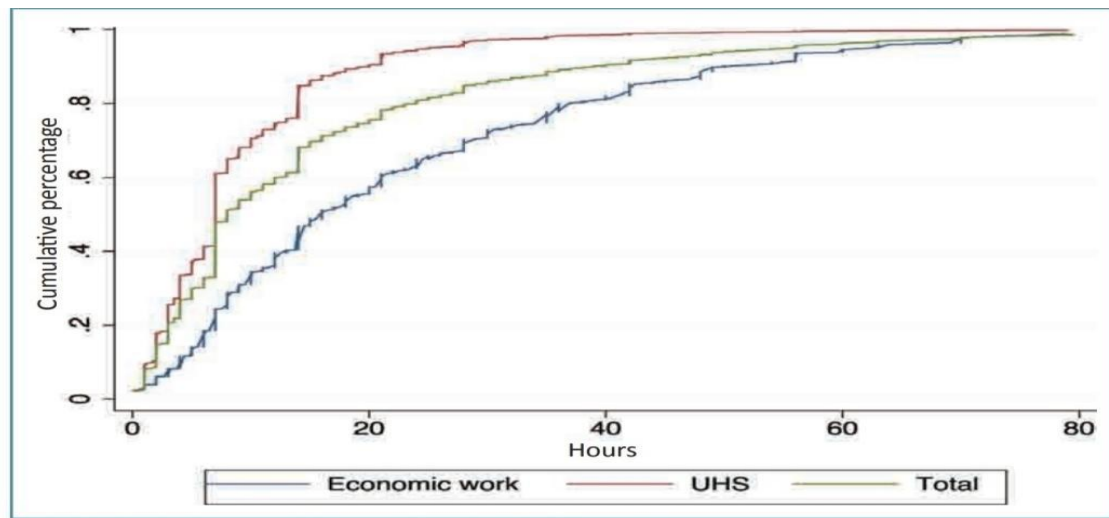
6.1. Average work hours and wages

Around the world

This diagram shows the normal hours out of each week that children are occupied with different exercises, by sex and age. The mean long stretches of neglected family benefits (UHS) are assessed at 9.1 hours out of each week.²⁸⁹

²⁸⁹ 'Child labour paper 2, Impact of unpaid household services on the measurement of child labour' (UNICEF Data, 2013) <www.data.unicef.org/wp-content/uploads/2015/12/Child_labour_paper_No.2_FINAL_163.pdf&usg=AOvVaw2VJWDGfDtpPklhGxA4LlfX&hl=en_IN> accessed 2 September 2021.





This diagram outlines the combined circulation of week after week UHS and monetary work hours and their sums.²⁹⁰

Viewpoint: No matter how hard children work to help themselves and their family, their wages are not identical to the measure of difficult work they put in. Furthermore, for some work they are not getting paid.

In the event that you think 40 hours work week is excessively high of a gauge, reconsider.

The counter depends with the understanding that the normal child worker works 40 hours every week.

²⁹¹To represent, child workers in Bangladesh work a normal of 64 hours per week. Furthermore, that is the normal²⁹². There are instances of little youngsters working more than 100 hours per week. ²⁹³

²⁹⁰ *Ibid.*

²⁹¹ 'If you think 40 hours work week is too high of an estimate. Think again' (*The World Counts*) <www.theworldcounts.com/challenges/people-and-poverty/child-labor/modern-day-child-labor/story> accessed 2 September 2021.

²⁹² *Ibid.*

²⁹³ *supra* note 280.



In Bangladesh, helpless children younger than 14 work as child workers a normal of 64 hours every week.²⁹⁴ Children however youthful as 6 seem to be utilized full-time and others work up to 100 to 110 hours per week.²⁹⁵ On normal the functioning children procured under \$2 per day.²⁹⁶

Children in employment vs hours worked by children, 2016

Our World
in Data

The horizontal axis shows the share of children ages 7-14 who are involved in an economic activity for at least one hour in the reference week of the corresponding survey. The vertical axis shows the average weekly working hours among these economically active children. Colors represent world regions. Bubble sizes are proportional to the population of the country.

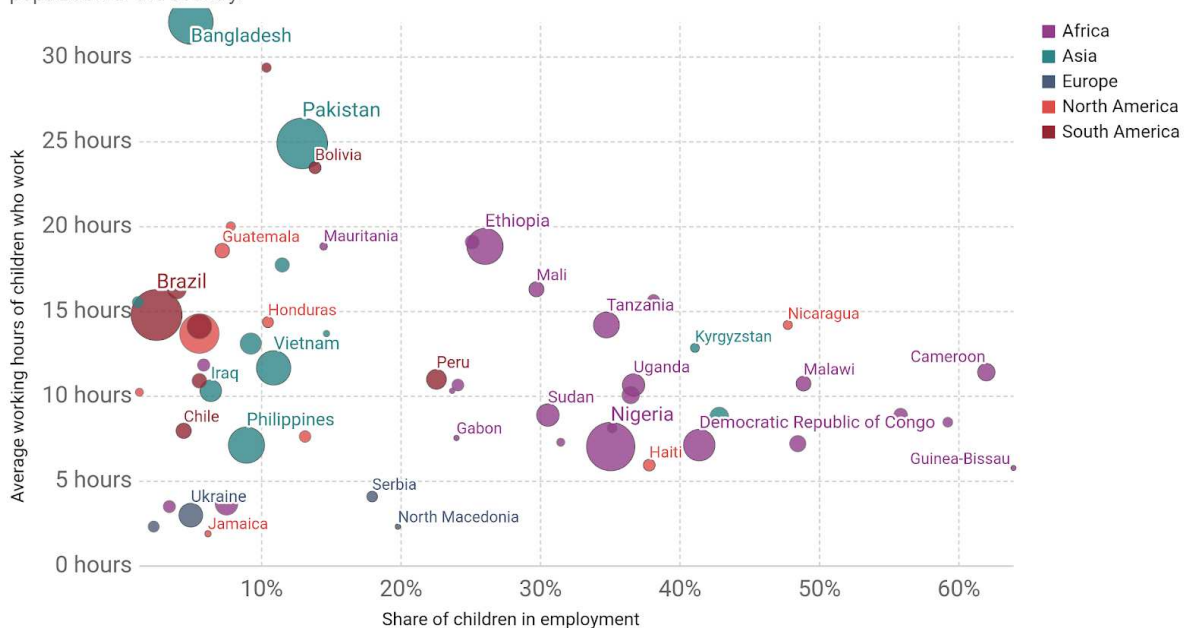


Fig: This diagram shows the children in business versus hours worked by children in various nations in 2016.²⁹⁷

²⁹⁴ Jason Beaubien, 'Study: Child Laborers In Bangladesh Are Working 64 Hours A Week' (*Goats and Soda*, 7 December 2016) <www.npr.org/sections/goatsandsoda/2016/12/07/504681046/study-child-laborers-in-bangladesh-are-working-64-hours-a-week> accessed 2 September 2021.

²⁹⁵ *Ibid.*

²⁹⁶ Jason, *supra* note 296.

²⁹⁷ 'Children in employment vs our work in data' (*Our world in Data*)

<www.ourworldindata.org/grapher/children-in-employment-ages-7-14-vs-weekly-hours-worked-by-children-ages-7-14> accessed 2 September 2021.



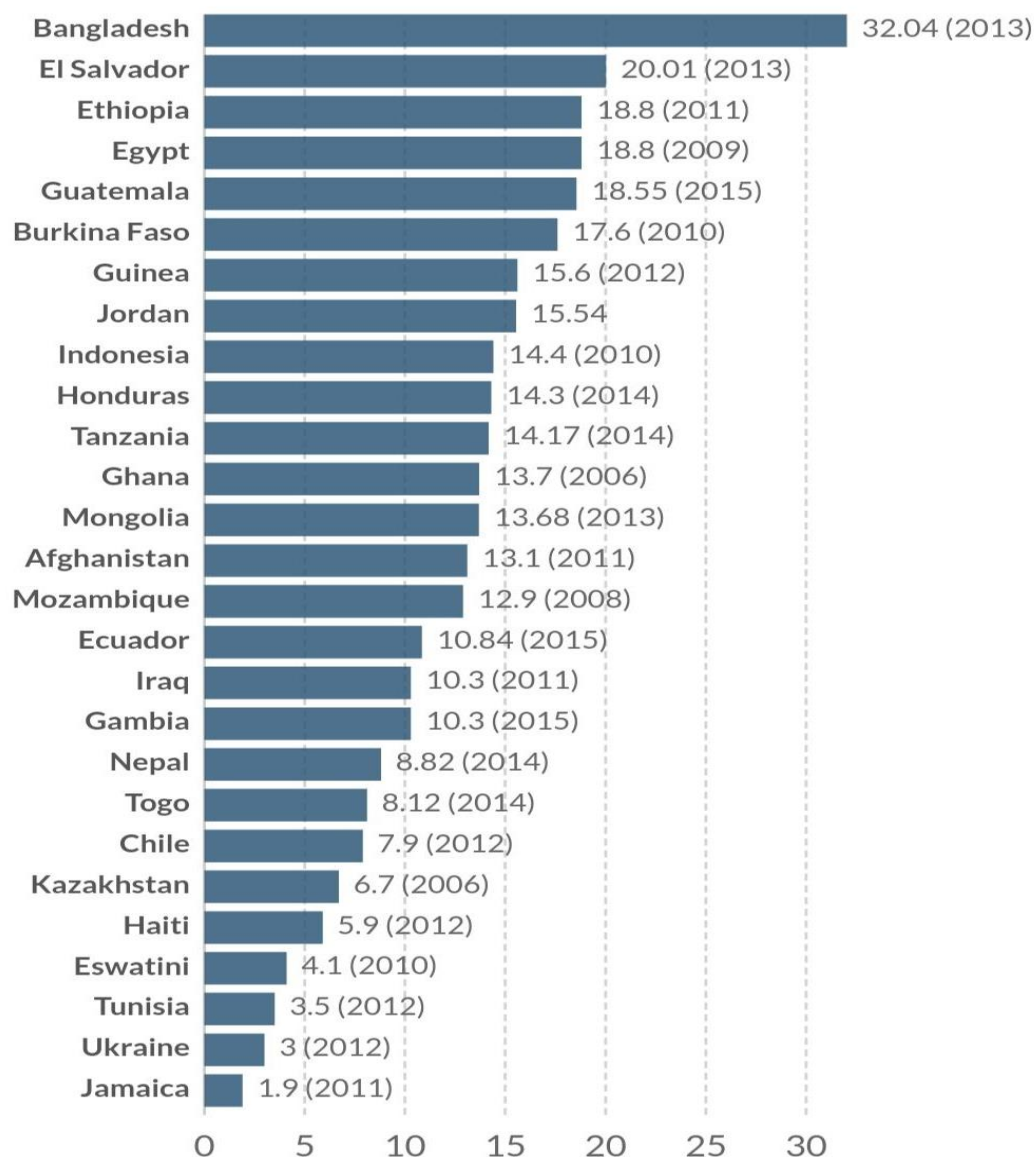


Fig: This chart shows normal week by week working long stretches of children of various nations from various years:

²⁹⁸ On the upward side names of various nations are referenced and on the flat side the quantity of hours is referenced.

²⁹⁸ 'Average weekly working hours of children' (*Our World in Data*)

<www.ourworldindata.org/grapher/average-working-hours-of-children?country=CHL~BFA~UKR~AFG~ECU~EGY~SLV~ETH~GMB~GHA~GTM~GIN~HTI~HND~IDN~IRQ~JAM~JOR~KAZ~SWZ~~TZA~THA~TGO~TUN~NAM~MOZ~NPL~MNG~BGD> accessed 2 September 2021.



Viewpoint: Children's wages are not as per their work hours. They are given low wages. For the sake of business, they are exceptionally taken advantage of. Child work has consistently been a double-dealing and it can never be considered a business.

Country shrewd data about normal working hours and wages of Child workers

Nigeria: Hours out of each week information was accounted for at 7.030 Hour in 2011. This records a lessening from the past number of 29.900 hour for 2010.²⁹⁹

Hours out of each week information is refreshed yearly, averaging 18.465 hour from Dec 2010 to 2011, with 2 perceptions. The information arrived at a record-breaking high of 29.900 hour in 2010 and a record low of 7.030 hour in 2011.³⁰⁰

By 2013, the quantity of Nigerian children occupied with child wage double-dealing arrived at the midpoint of 28.8 percent of the populace under fifteen years. A CNN world child work list in 2013 included Nigeria among the best ten most noticeably awful nations for child wage abuse.³⁰¹

Additionally, the aftereffect of the NOIPoll overview of 2013 shows that North-western Nigeria had the most elevated level of child wage double-dealing with an astounding 83 percent of its children associated with child wage double-dealing.³⁰²

²⁹⁹ 'Nigeria NG: Average Working Hours of Children: Study and Work: Aged 7-14: Hours per Week' (*CEIC Data*) <www.ceicdata.com/en/nigeria/labour-force/ng-average-working-hours-of-children-study-and-work-aged-714-hours-per-week> accessed 2 September 2021.

³⁰⁰ *Ibid.*

³⁰¹ 'Historicizing Child Wage Exploitation in Nigeria' (*The University of Texas at Austin*, 2017) <www.repositories.lib.utexas.edu> accessed 2 September 2021.

³⁰² *Ibid.*



Brazil: Hours out of each week information was accounted for at 15.490 hour in 2015. This records a lessening from the past number of 16.614 hour for 2014.³⁰³

Hours out of each week information is refreshed yearly, averaging 16.996 hour from December 2011 to 2015, with 4 perceptions. The information arrived at a record-breaking high of 19.100 hour in 2011 and a record low of 15.490 hour in 2015.³⁰⁴

Guatemala: Hours out of each week information was accounted for at 18.550 hour in 2015. This records a lessening from the past number of 31.095 hour for 2014.³⁰⁵

Hours out of each week information is refreshed yearly, averaging 18.550 hour from December 2012 to 2015, with 3 perceptions. The information arrived at a record-breaking high of 31.095 hour in 2014 and a record low of 16.200 Hour in 2012.³⁰⁶

Average work hour done by Child Labour with reference to India

The Department of Statistics, Government of India facilitated a pilot time use concentrate in six areas of India between July, 1998, and June, 1999. Undertaking such an examination was, somewhat, to look at the consequences of paid and disregarded work among men, women and children in commonplace and metropolitan areas. This assessment was coordinated in Haryana, Madhya Pradesh, Gujarat, Orissa, Tamil Nadu and Meghalaya. The full scale model size was 18,628 families scattered among the states comparable to the hard and fast number of evaluated families as indicated by the Public Example Study Association (NSSO) 1993-94 survey. The investigation accumulated total information on how people, including children more than six years, contribute their energy on different activities. The one-day survey method was used for data collection. The data reveals that "children developed 6-14, who,

³⁰³ 'Brazil BR: Average Working Hours of Children: Study and Work: Male: Aged 7-14: Hours per Week' (CEIC Data) <www.ceicdata.com/en/brazil/labour-force/br-average-working-hours-of-children-study-and-work-male-aged-7-14-hours-per-week> accessed 2 September 2021.

³⁰⁴ *Ibid.*

³⁰⁵ 'Guatemala GT: Average Working Hours of Children: Study and Work: Aged 7-14: Hours per Week' (CEIC Data) <www.ceicdata.com/en/guatemala/labour-force/gt-average-working-hours-of-children-study-and-work-aged-7-14-hours-per-week> accessed 2 September 2021.

³⁰⁶ *Ibid.*



participated in monetary activities went through 21.46 hours seven days (around three hours of the day), on a typical, on SNA (System of National Accounting) work, which comes to 12.77 percent of their supreme after a long time after week time. Youngsters went through 24.27 hours while young women went through 18.63 hours. The data shows that youngsters busy with mining, quarrying and tunneling contribute the most outrageous energy on this work (34.5 hours), which proposes that huge quantities of them are busy with these activities on a full-time premise. This is followed by delivering work (32.70 hours), advancement work (26.16 hours), creature brushing (21.54 hours) and collect developing (20.14 hours). In the occurrence of young women busy with SNA works out, most noteworthy time (37.34 hours seven days) is spent by the people who are busy with mining, quarrying and tunneling. This is followed by youngsters busy with gathering works out (27.57 hours), advancement work (22.30 hours), crop developing (20.79 hours) and animal cultivating (18.02 hours). The time-use outline showed that while 67.13 percent of children are busy with enlightening activities and around 17% in pure financial activities, the balance 15.87 percent were secured either in expanded SNA practices or non-SNA works out. Widened SNA practices while not considered thoroughly monetary activities fall in the 'General Production Boundary' what's more, consolidate practices like family upkeep, the board, care of

kinfolk, cleared out, developed and injured and other family works out. Care of kin, the developed, the cleared out and the disabled take up a nice proportion of great importance of children. For example, young women in the age section 6-14 and 6-9 years go through 7.96 hours and 7.52 hours on the real thought of children independently. The time-use survey shows that young fellows and youngsters go through 21.46 hours seven days on SNA works out, which is around 47% of the time spent by an experienced childhood with SNA works out. Youngsters (6-14) participate in extended SNA practices fundamentally more than part men, things being what they are. Subsequently, while youngsters go through 13.01 hours on family the load up, 10.64 hours on neighborhood and 11.17 hours on care works out, the examination data on time spent by men are 6.76 hours, 7.99 hours and 6.12 hours independently.³⁰⁷

³⁰⁷ 'Magnitude of Child Labour in India' (*The Hindu Centre*)
<www.thehinducentre.com/multimedia/archive/02447/Magnitude_of_Child_2447581a.pdf> accessed 2 September 2021.



According to the current data base, UNICEF (2019) categorizes the models as follows: (a) children 5–11 years old who accepted somewhere near 1 h of monetary activity or on the other hand if nothing else 21 h of family undertakings every week; (b) children 12–14 years old who endeavored something like 14 h of money related development or then again if nothing else 21 h of family tasks every week; and (c) children 15–17 years old who embraced no under 43 h of financial activity every week. UNICEF's change to their standards of child work reflects the concerns of the ILO (2013, 2016) that more than 20 h of family undertakings conversely impacts children's tutoring. In advance, the time edge for family tasks for seemingly forever 5–14 was 28 h (UNICEF 2017), yet this has now been reduced to 21 h. Children 'working in hazardous working conditions' or children (15–17 years) who invest expanded times of energy doing family tasks, which were proportions of child work in the Multiple Indicator Cluster Survey (MICS) from UNICEF (2017), are not, now, included.³⁰⁸

As indicated by a report³⁰⁹ distributed, the work hour increments with decline in financial status. For instance, on the off chance that an individual is from SC Category, it will accomplish more work than general classification. 46.7% of the child work labor for 6 hours daily and 6.1 days in seven days.

In an investigation led by Madras School of Social work, it found that among children employed as mechanics, handling plant and advancement workers and weavers, 31% worked 10 to 11 hours step by step and 22 percent worked 12 to 13 hours. In the messy regions, children were paid piece rates, occurring in any longer hours for low pay.³¹⁰

Average wages

In an examination led by WSWS in Chennai, their specialist addressed numerous child work about their working and everyday environments. Two of them recounted the story. Ramesh, 14, lives with his mother and youthful sister in Ayanavaram, a Chennai suburb. His mother works in a weaving

³⁰⁸ Jihye Kim, Wendy Olsen & Arkadiusz Wiśniowski, 'A Bayesian Estimation of Child Labour in India' (*Springer*, 18 June 2020) <link.springer.com/article/10.1007/s12187-020-09740-w#cities> accessed 2 September 2021.

³⁰⁹ Pramod Kumar Agarwal & Dr. Anil Chandra Pathak, 'A Socio – Economic analysis of child labour in india' 1 LJSM (2015) <www.shram.org/uploadFiles/20171025033735.pdf> accessed 2 September 2021.

³¹⁰ 'World socialist website' <www.wsws.org/en/articles/2006/06/indi-j08.html> accessed 2 September 2021.



association and gains 100 rupees (\$US2) every day. "Her work starts at 10 am and she returns at 9 pm." There is no work for her for quite a while. Exactly when Ramesh was 11 years old he acknowledged this situation to learn mechanical work. "My work starts at 9 am and finishes at 7 pm. I get paid 50 rupees (\$1) per week." Parvathi, 12, lost her people at a youthful age. Her senior sister Selvi is 16. Their mother's senior sister sent them to a Christian mission housing and She persuaded her sister to track down another profession in a calfskin association and Parvati got another profession in a decent association. Parvati gets paid 800 rupees (\$16) per month. For her work in the cowhide creation line, Selvi gets 900 rupees (\$18) a month.³¹¹

As indicated by the study directed by the ILO in spaces of Gujarat, it was tracked down that one of every ten paid country workers were a child. The degree of children in the paid workforce is a great deal lower in metropolitan locales. Child workers in country locales were generally dismissed family workers and nice laborers. In adventures, children were paid not by and large the adult workers, with the differential being less by virtue of children working in tea or snack stalls. Nearly 20% of the child

Profiles of Selected Villages in Guntur, Khammam, Kurnool and Mahabubnagar Districts

Districts	Villages	Total Households	SC	ST	OBC	OC	Type of House			ICDA Center	PS	UPS	HS	Govt. Hospital	Out Migration	Wage Rate (Per day)			Post Office
							Pucca	Semi Pucca	Kucha							Male	Female	Child-ten	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Guntur	Panne kal	1225	300	200	50	250	1000	200	25	1	1	1	1	-	-	250	150	100	1
	I.G. Pudi	530	150	20	250	110	300	200	30	1	1	1	-	-	-	200	150	100	-
	K.T. Pavru	300	50	06	150	96	55	202	15	1	1	-	-	-	1	200	150	100	-
	Elavaru	250	40	05	170	35	45	195	10	1	1	1	1	-	1	200	150	100	-
	Vellatur	1100	90	35	750	225	600	400	100	1	1	1	1	-	1	200	100	60	1
Khammam	G.padu	750	154	-	541	55	150	500	100	1	1	1	1	-	1	100	80	80	-
	Kottapeta	295	75	210	10	-	200	75	20	1	1	-	-	-	-	120	100	100	-
	V.Puram	265	20	34	208	-	50	112	100	1	1	1	-	-	1	150	100	100	1
	Thatipudi	764	120	70	509	65	460	260	44	1	1	1	1	-	1	200	100	100	-
	Vallapur	246	100	-	78	68	170	71	05	1	1	1	-	-	-	200	100	100	-
Kurnool	E.Bayyaram	1000	45	150	155	650	940	30	30	1	1	1	1	-	-	150	100	80	1
	S.peta	300	20	30	250	-	60	140	100	1	1	1	-	-	-	200	100	80	1
	G.durthy	900	130	15	600	155	300	595	05	1	1	1	1	-	-	200	100	50	1
	Potti padu	235	45	-	110	65	45	184	06	1	1	-	-	-	1	200	100	70	1
	Palle padu	650	30	-	620	-	100	500	50	1	1	1	-	-	1	100	70	70	1
Mahabubnagar	Ivargal	300	65	-	220	15	50	190	60	1	1	-	-	-	1	100	70	70	1
	P.Kota west	1300	500	18	732	50	200	1085	15	1	1	1	1	-	-	150	100	80	1
	M.G.puram	271	80	05	134	52	150	121	-	1	1	1	-	-	-	200	100	100	1
	Gangapur	1115	210	35	640	200	400	700	15	1	1	1	1	-	1	150	100	100	1
	Ekvaipally	230	10	02	168	50	110	100	20	1	1	-	-	-	1	150	100	80	1
Mahabubnagar	Macherla	1020	150	04	824	42	500	500	20	1	1	1	1	-	1	150	100	100	1
	Balgera	609	200	06	403	-	300	209	100	1	1	1	-	-	1	150	100	100	1
	Vaspula	250	100	02	75	73	125	125	-	1	1	1	1	-	1	200	150	-	1

³¹¹ Id.



agents of metropolitan Surendranagar and 15% of those in nation and metropolitan Surat nitty gritty that they were paid lower remuneration than the rate prevalent in those locales.³¹²

The above table³¹³ Shows the compensation rate each day for children in the chose area of Andhra Pradesh. The examination is led by Planning Commission which has taken a tiny example size like taking a state rather than entire nation. It is seen that the day by day wages of male, female and child workers are likewise expanded fundamentally for the most part due to execution of MGNREGA. The pay paces of male relaxed workers are running between Rs.150 to Rs.250 and the day by day wages of female work range between Rs 100-150 relying upon the season. Essentially, the pay pace of Child Laborers is between Rs.50 to Rs.100 which is low when contrasted with people.³¹⁴

6.2. Work Environment and Nature of Work

Children are supposed to stay at home till they attain the age of 5 years and afterwards they are supposed to go to school and learn, because it is their fundamental right to get educated and live their life freely without any hindrances like not being able to go to school or not getting a childhood life which, they deserve.

In this world children are divided into two groups one which is of children's who have a good access to education and they are getting everything they need as a child but the second group is of the children who are unable to go to school and instead of enjoying their childhood they are working as a labour in places which are dangerous or hazardous for a child's health and life too.

The environment of the place where the children are working and how it affects them, either it gives them employment or it is exploiting their childhood.

³¹² 'Global - About the ILO' (ILO) <www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_008051/lang--en/index.htm> accessed 2 September 2021.

³¹³ 'Combating Child Labour In India an empirical Study In Andhra Pradesh' (Planning Commission NITI Ayoga) <www.niti.gov.in/planningcommission.gov.in/docs/reports/sereport/ser/ser_childlabour2801.pdf> accessed 2 September 2021.

³¹⁴ *Ibid.*



Child laborers are asked to work in a condition including the crowded place and unclean factories, where the safety codes aren't meeting the level according to children's perspective; they had to work for long hours from morning to evening or sometimes night.

The working place affects the health and life of the child so much, they get sick and they are sometimes put into dangerous situations and it leads to death of the children or the child laborers.



*Fig: The appalling images exposed child labor in America; these boys were seen working at 9 p.m. in an Indiana Glass Works Factory, August 1908.*³¹⁵

Industrial Revolution has affected the child labours badly, because this has raised the needs of workers and children became ideal labours because they don't have the demand of particular amount of salaries and hence, the factories get their work done by the children in the amount the employer fixes. There is no demand and no situation to complain about anything as children are unaware and

³¹⁵ Image (History)

<www.history.com/image/c_limit%2Ccs_srgb%2Cfl_progressive%2Ch_2000%2Cq_auto:good%2Cw_2000/MTU5Mzk2ODg0NjUyNTY2NDM5/12_lewis-hine_child-labor_7494179046_ff78198898_o.jpg>
accessed 2 September 2021.



they just know that they have to work and they are not even provided a proper working condition which is hazardous for children.³¹⁶

Effects of Bad Environment

- **Health issues:** Working in harsh conditions lead to many problems like premature ageing, depression, malnutrition, drug dependency etc. From an economically weak background, abducted from family and being from minority groups, these children have no access to protection and it becomes important for them to work because this becomes their source of survival. The employers are using them as they want without concerning their condition and without thinking about what is good and what is wrong for the children.
- **Violation of child rights:** The children used to work in humiliating conditions, their fundamental rights and principles based on human nature are also neglected. They don't get access to education and this will make them illiterate youth which is bad for the future. The children have no chance to grow and have a professional and social life.
- **Endangers the life of children:** the children who work specially when sexual exploitation is involved, like prostitution and child pornography the child's dignity and morals are in danger and this makes a child loose his/her self-confidence like even if they come out of that zone or work they face many problems mentally and they don't have that confidence to face the world again.
- **Health issues:** the children working are mostly affected from malnutrition. These children are mostly victims of bad physical and mental health and they face physical, mental and sexual abuse³¹⁷.

³¹⁶ 'Child Labor' (*History*) <www.history.com/topics/industrial-revolution/child-labor> accessed 2 September 2021.

³¹⁷ 'Child Labour – Humanium' (*Humanium*) <www.humanium.org/en/child-labour> accessed 2 September 2021.



Nature of Work in Different Sectors

Domestic Work

Children working in a situation have different kinds like working in non-hazardous condition and working full time, and in slavery like situation etc. *It also includes the children working in their homes, household chores done by the children, in reasonable condition and under the supervision of adults and is just for enhancing the skills of the child can be taken as a positive way of working for children.*

But in some situations, it's not possible to take it in a positive way because the children's are working more than the limits, which may interfere with the normal life of a child which he/she has the right to live accordingly, and this is considered as child labour in domestic works.



Fig: *Child laborers doing domestic work during the construction of roads.*³¹⁸

There is no employment at this place but still it is exploiting the life of children so it should be considered as child labour, and it must be taken more seriously because it is affecting more in number as it is not any organization or factory it is the home where a child must feel safest and happiest but it is the only place exploiting their childhood.

³¹⁸ Representing Image Child Labour (*Wordpress*) <www.bizextras.files.wordpress.com/2013/06/child-labour.jpg> accessed 2 September 2021.



Causes of domestic work

Poverty, its feminization, social exclusion, lack of education, gender discrimination, violence suffered by their own homes, rural urban migration and the loss of parents due to any reason in early childhood, these reasons make a child work at own home and it is exploiting the life of children.

Domestic work also includes the work outside the home like working as made or worker in others houses, the main causes of which are social and economic disparities, debt bondage and women are mostly entered in this labour market and this makes the children to join and this is the thing which is a root cause of child labour doing domestic work.

Hazards faced by domestic child labourers

The children are in very much hazardous condition in doing domestic work because it affects the child physically and mentally both.

- The International Labour Organization has identified the hazards faced by child laborers. The children working day and night or working for a long period makes them tired and sick because as a child they need to take proper rest and proper meal,
- using toxic chemicals like while cleaning washrooms and doing some other works also lead to health issues,
- carrying heavy loads can lead to physical issues and it also can become more hazardous if any accident may happen by chance,
- handling things like knives, axes and working to cut woods or working in area where is fire is dangerous,
- Facing physical and verbal violence and sexual abuse from the employer or the family members under whom they work.

These hazards are to be seen in association with the violation of fundamental rights of the child, like not being able to get education is considered, these must also be included in the rights of a child, for



example; access to good health, right to rest, right to play and recreate as a child, right to get proper care and having regular contact with parents and peers. These may lead to betterment in the life of the children whose lives are in danger and this can lead to betterment and safety of children.³¹⁹

Agricultural Work

This is the sector which has the highest number of child labourers and this sector also includes the domestic works.



Fig: *A four-year-old girl in Cambodia works in a field collecting water mimosa.*³²⁰

Children working in this sector have to work in the most hazardous conditions because they work both day and night and this leads to overwork and it causes health issues for the children.

³¹⁹ ‘Child labour and domestic work (IPEC)’ (*Ilo.org*)

<www.ilo.org/ipecc/areas/Childdomesticlabour/lang--en/index.htm> accessed 2 September 2021.

³²⁰ Representing Image (*United Nations*)

<global.unitednations.entermediadb.net/assets/mediadb/services/module/asset/downloads/preset/assets/2019/06/10-06-2019-ChildLabour-UNICEF-UN077763.jpg/image1170x530cropped.jpg> accessed 2 September 2021.



Agricultural work may cause non-fatal disease, accidents and work-related fatalities. Due to less agricultural technology and access to adult laborers, the children are used as laborers in this sector which is highly hazardous and full of risks.³²¹ Agriculture work includes farming, fishing and aquaculture, forestry and livestock production.

Farming: Child laborers working in farms have to prepare the land, transport the things like equipment and the produced products, etc. and planting of seedlings, weeding, putting fertilizers and pesticides, harvesting and processing of collected crops.

The work child labourers do is sometime hazardous like, exposure to sharp tools to them, letting them to use the dangerous machines, there is also the risk of insects' bite or any other injury from animals, working in extreme environmental conditions and using pesticides and fertilizers may lead to allergy and many serious health issues to them.³²²

Fishing and aquaculture: This work demands physical work which is mostly carried out for long working hours and in extreme weather conditions. The children who work offshore work with a low level of hygiene and they don't have proper facilities. Unsettled time for work makes it difficult for the children to go to school regularly. Many injuries are caused while doing this work which impacts the health of the children, because there are chances of dangerous fish coming out of the water and this may lead to serious health issues and also risk to life. Working in this sector may cause; hypothermia, wounds, swelling and pain due to injury, sprains, fractures, burns, chemical exposure and poisoning, and smoke inhalation.³²³

Forestry: the hazardous condition of work is in forestry sector work, because it includes climbing trees, collecting honey, harvesting fruits, cutting rubber, planting and logging. These works may cause many health and safety hazards, like falling from trees, cuts, fracture, sprain, wounds and bruises due to any accident and health issue due to extreme weather in forests, exposure to chemical substances

³²¹ 'Child labour in agriculture (IPEC)' (*Ilo.org*) <www.ilo.org/ipecc/areas/Agriculture/lang--en/index.htm> accessed 2 September 2021.

³²² 'Farming' (*Ilo.org*) <www.ilo.org/ipecc/areas/Agriculture/WCMS_172416/lang--en/index.htm> accessed 3 September 2021.

³²³ 'Fishing and aquaculture' (*Ilo.org*) <www.ilo.org/ipecc/areas/Agriculture/WCMS_172419/lang--en/index.htm> accessed 3 September 2021.



which are hazardous and many skin diseases and infections. Working outdoors for long hours may increase the risk of deadly disease if it reaches its extreme or not treated well like malaria, dengue fever, and other infectious diseases.³²⁴

Livestock production: it includes collecting grass for cattle, cleaning the house and shelters of animals like cowsheds and looking for small livestock for domestic consumption. The condition of the work is hazardous sometimes because it cannot be assured that the animals will not cause injury and it is risky to put a child at that place and let them work. The injuries caused by the animals can cause very serious issues like damage to the body part of the child or even it may kill the child.

Children rarely have the facilities of the shoe or boots or any other protection measures which adds the risk of injuries and illness such as wounds, bruises, cuts or any other skin infections, injuries and other diseases. Regular contact with animals may cause infections and the dust coming during the work may lead to lung infections.

Use of chemicals, including the disinfectants which are used in livestock production contains corrosive material and may be stored at a place which is easily accessible to children; this may cause particular health hazards for children.³²⁵

Sexual Exploitation of Children and its Nature of Work

This includes *child's trafficking* for the sex trade, *child sex tourism*, and use of children *in sexual activities* remunerated in cash or in kind which is commonly known as child prostitution in both streets and indoors, working as brothels, massage parlors, bars, hotels, restaurants, etc., use of children for sex shows both public and private, and the *child pornography*.³²⁶

³²⁴ 'Forestry' (*Ilo.org*) <www.ilo.org/ipecc/areas/Agriculture/WCMS_172421/lang--en/index.htm> accessed 3 September 2021.

³²⁵ 'Livestock production' (*Ilo.org*) <www.ilo.org/ipecc/areas/Agriculture/WCMS_172431/lang--en/index.htm> accessed 3 September 2021.

³²⁶ 'Commercial sexual exploitation of children (IPEC)' (*Ilo.org*) <www.ilo.org/ipecc/areas/CSEC/lang--en/index.htm> accessed 3 September 2021.





Fig: *Sexual violence against children affects both mentally and physically to the children.*³²⁷

Around 85 million child labours are working in hazardous condition, forced child labour, child trafficking, and bonded labour.

Other Works

Mining: it is one of the most dangerous jobs across the world; unfortunately, one million children are working in mines in appalling conditions that can cause serious injuries and also death to the worker.

Fig: *Children working at a mine site in Burkina, Faso.*³²⁸



³²⁷ Representing Image (UNICEF)
<www.unicef.org/sites/default/files/styles/hero_desktop/public/UN014958.jpg> accessed 3 September 2021.

³²⁸ Image Representation (UNICEF)
<www.unicef.org/sites/default/files/styles/press_release_feature/public/Pic.JPG> accessed 3 September 2021.

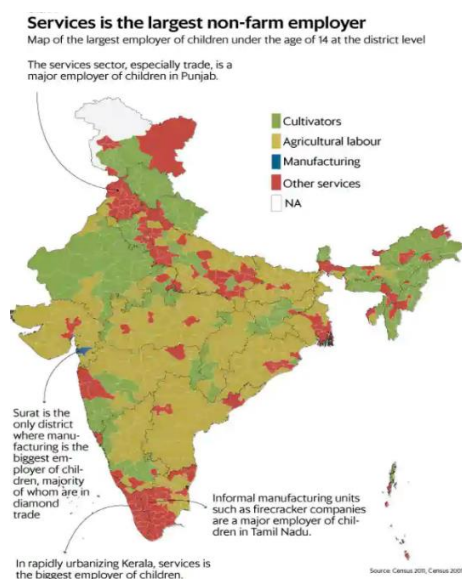


Building Sites: Children working on building sites work without any proper safety rules and facilities. There is risk from chemicals, machines and bad working conditions and lots of hazards including health hazards due to excess work and unsafe work.

Armed Forces and Groups: Children's who are forced to become soldiers or are slaves are treated very badly and suffer terrible physical and mental harm and abuse, as well as sexual exploitation. Child domestic workers are also at risk of sexual abuse and violence.³²⁹

The children are working in this sector as servants for making food and the sometimes they are used as sex worker or as a prostitute to fulfill the needs of the people who are far from their families. This is leading to great loss of childhood and it is affecting the morals and dignity of the child, which is the most dangerous condition for a child.³³⁰

Nature and Work Environment of Child Labour in India



India is a country which has around 10 million child labourers, working in different sectors and this is a serious issue and the lives of the children are in danger and it is totally exploiting the childhood and there is no sense that the employment given to the children is just for the sake of employment. Children are not supposed to be employed, it is the adult who needs employment. Using children as workers or labour is exploitation not employment.

“Children belong in schools not workplaces. Child labour deprives children of their right to go to school and reinforces intergenerational

³²⁹ ‘Child labour’ (*Their World*) <theirworld.org/explainers/child-labour> accessed 3 September 2021.

³³⁰ ‘Child labour and armed conflict (IPEC)’ (*Ilo.org*) <[www.ilo.org/ipecc/areas/Armedconflict/lang--en/index.htm](http://www.ilo.org/ipecc/areas/Armedconflict/lang-en/index.htm)> accessed 3 September 2021.



cycles of poverty. Child labour acts as a major barrier to education, affecting both attendance and performance in school.³³¹

Fig: Sectors in which child labourers work in India according to the census 2011.³³²

Child Labours are working in these sectors in India:

- **Agriculture:** working for the production of livestock, harvesting, fishing, ploughing, and planting;
- **Cottage industry:** pottery, carpet and cloth weaving, candle-making, thangka painting, poultry farming;
- **Manufacture:** printing, bricks making, garment, matches, cigarettes, soaps, etc.;
- **Plantation:** tea, sugarcane, tobacco;
- **Domestic:** caring for parents and being servants;
- **Catering:** hotels, tea stalls, restaurants, bars;
- **Selling:** street hawking, petrol pump attendant, shop assistant, shoe shining, newspaper distributor and delivery of goods;
- **Manual labour:** rock breaking, mechanic, sweeper, road and building site workers, carpenter;

³³¹ 'Child labour and exploitation' (*Unicef.org*, 2021) <www.unicef.org/india/what-we-do/child-labour-exploitation> accessed 3 September 2021.

³³² Image Representation (*LiveMint*) <[images.livemint.com/img/2019/02/11/original/g-Plainfct11Feb-\(children-of-india\)web4_1549907552191.jpg](http://images.livemint.com/img/2019/02/11/original/g-Plainfct11Feb-(children-of-india)web4_1549907552191.jpg)> accessed 3 September 2021.



- **Tourist and travel industry:** portering, circus performer, rafting and trekking guide, bus conductor, rickshaw puller; and
- **Other:** like rag picking, prostitution, child pornography and begging, etc.



Fig: Children used to sell in the tourist areas and roadside in India.³³³

Nature and environment of the work Child Labourers do

The situation of child laborers in India is hopeless. Children work for seven to eight hours in a day with a small break for having their meals. The meals they get are also not food which is nourished and it is cheap and of bad quality. Most of the migrant children, who don't have the chance to go home daily, have to sleep at their workplace and this leads to bad health and development. Around 75% of the population of the country resides in rural areas and are economically weak that they cannot afford a proper meal for their children, which is nutritious. Being from poor families makes the children work and it destroys their childhood and also affects them physically and mentally. Children and parents have to sacrifice their education, and the elder siblings have to work for the younger ones and they face many obstacles.³³⁴

Children have to work in all kinds of weather without proper care of clothes and other facilities and needs for the children. This is hazardous for the life of the children.

³³³ Representing Image (*DNA India*, 2021)

<cdn.dnaindia.com/sites/default/files/styles/full/public/2020/06/12/909182-768254-Childlabourers-122218.jpg> accessed 3 September 2021.

³³⁴ Legal India, 'Child Labour in Indian Society' (*Legalservicesindia.com*, 2021)

<www.legalservicesindia.com/article/257/Child-Labour-in-Indian-Society.html> accessed 3 September 2021.



Even if the rates of child labour is declining over few years, children are still been used as labour across the country. Children are working in different sectors and in hazardous conditions. This is leading to exploitation including sexual and production of child pornography, offline including online. This is putting the life of the child laborers at high risk.³³⁵

Hence, child labour is exploitation not employment because the nature and environment of the work is highly affecting the life of the children and it is deadly in nature. The children are working in very extreme weather conditions and in hazardous conditions like in water bad, working for long hours, not getting proper meals between the working time and after.

Including the health issue, it is also violating the fundamental right of the child which is the right to education, due to work children are unable to attend the schools and which is the problem and it must be concerned seriously because education can only bring changes nothing else can.



Fig: *A pledge initiated by UNICEF.*³³⁶

Right to life is a fundamental right for everyone and this right includes living a life without any hindrance but the children who are working are

getting deprived from their right and this is not right according to humanity and not even according to law.

³³⁵ 'Child labour and exploitation' (Unicef.org, 2021) <www.unicef.org/india/what-we-do/child-labour-exploitation> accessed 3 September 2021.

³³⁶ Representing Image <encrypted-tbn0.gstatic.com/images?q=tbn:ANd9GcRZc1Q-5lqDWKVpk4SLX4h75csi3SSQuCMIjg&usqp=CAU> accessed 3 September 2021.



Gender and Age Disparity in Child Labour

Child labourers are differently treated or get the work according to their gender, whereas the further report will be showing that which age range children are more involved in child labour and what is the situation of their workplace and how hazardous the condition is there. Gender plays a vital role in the total work hours of the child labourers and in the work type.

Gender Disparity in Child Labour 2020-21

➤ Determinants of child labour may differ by gender

The differences in the amount of household Chores and economic activities performed by boys and girls suggest that the determinants of child labour may also differ by gender.

➤ Consequences of child labour may differ by gender

Because males and females engage in different types of work, both early and later in Life, the impact of child labour on future labour market outcomes may also differ. Research on Mexico and Brazil finds that the future Earnings penalties for engaging in early economic activity (with or without concurrent Schooling) are more severe for girls than boys (Knaul 2001; Gustafson-Wright and Payne 2002). In Mexico, the returns to early work experience can compensate males for the associated earnings penalties, but this is not the case for females

Gender issues and child labour

To address the Gender issues faced in Child Labour we need to consider the following three needs:

1. **Practical gender needs** are the basic needs of women or men that relate to responsibilities and tasks associated with their traditional gender roles or to immediate perceived necessity. Responding to practical needs can improve quality of life but does not challenge gender divisions or men's and women's position in society. Practical needs generally involve issues of condition or



access. They are practical in nature and often inadequate in living conditions such as water provision, health care and employment.

2. **Strategic gender Needs** are the needs of men and women identified because of their subordinate position in society. They vary according to particular contexts, related to gender divisions of labour, power and control, and may include such issues as legal rights, domestic violence, equal wages, and women's control over their bodies. Meeting Strategic gender Needs

GLOBAL GENDER GAP INDEX RANKINGS 2020

Rank	Country	Score
1	Iceland	0.877
2	Norway	0.842
3	Finland	0.832
4	Sweden	0.820
5	Nicaragua	0.804
6	New Zealand	0.799
7	Ireland	0.798
8	Spain	0.795
9	Rwanda	0.791
10	Germany	0.787
21	United Kingdom	0.767
50	Bangladesh	0.726
53	United States	0.724
81	Russian Federation	0.706
92	Brazil	0.691
101	Nepal	0.680
102	Sri Lanka	0.680
106	China	0.676
112	India	0.668
121	Japan	0.652
151	Pakistan	0.564
153	Yemen	0.494

%AGE OF WOMEN IN COMPANIES' BOARD OF DIRECTORS (Top five countries in each category)

OVER ONE-THIRD	
France	43.4%
Iceland	43%
Norway	42.1%
Sweden	36.3%
Italy	34%
OVER ONE FIFTH	
Netherlands	29.5%
Latvia	28.8%
Australia	28.7%
United Kingdom	27.2%
Canada	25.8%
OVER ONE-TENTH	
Austria	19.2%
Ireland	17.6%
Portugal	16.2%
Slovak Republic	15.1%
Colombia	15.1%
India	13.8%

Source: Global Gender Gap Report, 2020; Scores from 0 to 1, where 0 is the lowest

assists women and men to achieve greater equality and change existing roles, for example skill and capacity building.

3. **Strategic gender interests** concern the position of women and men in relation to each other in a given society. Strategic interests may involve decision-making power or control over resources. Addressing strategic gender interests assists women and men to achieve greater equality and to change existing gender roles and stereotypes. Gender interests generally involve issues of position, control, and power.

Gender Inequality Continues to Affect the Lives of Many Girls in India³³⁷

³³⁷ 'Gender Inequality Continues To Affect The Lives Of Many Girls In India' (CRY, 2021) <www.cry.org/blog/gender-inequality> accessed 3 September 2021.

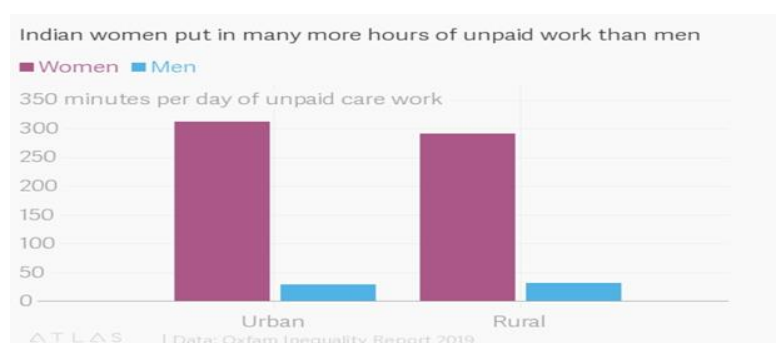


Gender inequality has been a crucial social issue in India for centuries. Census 2011³³⁸ shows the child sex ratio among children of 0-6 years to be 918 girls for every 1000 boys in India

1. 12.15 million children are married in India – 8.9 million are girls; married girls are three times the boys. (Census 2011)
2. 51% of all trafficking victims were children, of which more than 80% were girls. (NCRB 2018)
3. There are 223 million child brides in India; 102 million were married before turning 15. (UNICEF)

Age Disparity in Child Labour

According to ILO a person who is under the age of 18 years is considered as “child”³³⁹ and if a child works and the working conditioned isn’t suitable for a child is considered as “child labour”.



In a survey done by UNICEF, it was known that the greatest number of children working as labourers are between 5 to 17 years³⁴⁰ and the children have to work in hazardous conditions and in extreme weather.

Age Profile of Child Labour

³³⁸ ‘Child labour and exploitation’ (Unicef.org, 2021) <www.unicef.org/india/what-we-do/child-labour-exploitation> accessed 3 September 2021.

³³⁹ ‘International Labour Standards on Child labour’ (Ilo.org) <www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/child-labour/lang--en/index.htm> accessed 3 September 2021.

³⁴⁰ ‘Child labour - UNICEF Data’ (UNICEF Data) <www.data.unicef.org/topic/child-protection/child-labour> accessed 3 September 2021.



Around 85% of child labourers are in the 5-11 years range, 28% are in 12-14 years and 25% fall into the bracket of 15-17 years. Children working as labour are mostly between 5-11 years of age and they have to work in hazardous conditions and it is very bad for a child to tackle the situation and hence, it affects the health of the children.

			Children in employment		Of which: Children in child labour		Of which: Children in hazardous work	
			2012	2016	2012	2016	2012	2016
World (5-17 years)		Number (000s)	264 427	218 019	167 956	151 622	85 344	72 525
		Prevalence (%)	16.7	13.8	10.6	9.6	5.4	4.6
Age range	5-14 years	Number (000s)	144 066	130 364	120 453	114 472	37 841	35 376
		Prevalence (%)	11.8	10.6	9.9	9.3	3.1	2.9
	15-17 years	Number (000s)	120 362	87 655	47 503	37 149	47 503	37 149
		Prevalence (%)	33.0	24.9	13.0	10.5	13.0	10.5
Sex (5-17 years)	Male	Number (000s)	148 327	123 190	99 766	87 521	55 048	44 774
		Prevalence (%)	18.1	15.0	12.2	10.7	6.7	5.5
	Female	Number (000s)	116 100	94 829	68 190	64 100	30 296	27 751
		Prevalence (%)	15.2	12.4	8.9	8.4	4.0	3.6
Region (5-17 years)	Africa	Number (000s)	--	99 417	--	72 113	--	31 538
		Prevalence (%)	--	27.1	--	19.6	--	8.6
	Americas	Number (000s)	--	17 725	--	10 735	--	6 553
		Prevalence (%)	--	8.8	--	5.3	--	3.2
	Asia and the Pacific	Number (000s)	129 358	90 236	77 723	62 077	33 860	28 469
		Prevalence (%)	15.5	10.7	9.3	7.4	4.1	3.4
	Europe and Central Asia	Number (000s)	--	8 773	--	5 534	--	5 349
		Prevalence (%)	--	6.5	--	4.1	--	4.0
Arab States	Number (000s)	--	1 868	--	1 162	--	616	
	Prevalence (%)	--	4.6	--	2.9	--	1.5	

Fig: *Global estimate of child labour according to age, this is a data given by ILO.*³⁴¹

Out of the total range of child labourers around **19 million children are between the age of 5-11 years** and they are involved in hazardous work. Well there is no reason to categorize the level of work or hazardous conditions of work between ages of the children because all the children are needed to be protected from the hazardous works because it is violating human rights and child labour is affecting children's both physically and mentally.

³⁴¹ 'Global Estimates of Child Labour: 2012-2016' (*International Labour Organisation*) <www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/publication/wcms_575541.pdf> accessed 4 September 2021.



But we need to be aware that the young child labourers get affected more than the older ones because they are not that strong. The working conditions directly endangers the health, safety and especially in the moral development of the children.

The age ranges of **15-17 years have almost 38 million child labourers out of which 24 million are boys and 14 million are girls.** This age is considered as the age above the minimum age of child labour and they are also called to be a child labour because the work they are doing and the condition in which they are working is too harsh and dangerous for them and it is affecting them physically or psychologically and health and well-being. The basic fact is that the highest level of work-related illness and injuries are suffered by the child labourers between the age of 15-17 years and the highest numbers of children dropped out from the schools are also in this age bracket.

Policies which have been made for the child labourers must see all the dimensions like age of the child, gender of the child and regional dimensions also. The children who are under the age of 12 years grab more attention while the children working as labour under 15-17 years should also get attention as they are also getting affected from being used as labour in such a young age and this is spoiling their childhood, they must also be priorities while making the provisions for the child labourers. Apart from age the gender disparity is also there among child labourers. The extent and nature of the work is divided among the girls and boys accordingly. The girls work in houses as maids and the boys are sent to industries to work, like this the work is divided among both the genders.³⁴²

Age Disparity in India

According to the ILO report there are around 12.9 million child labourers in India who are in the range of 7-17 year old. The children working and doing unpaid work are less likely to go to school because they face lots of problems due to the economic condition of their families and also due to them being laborers at an early age, working as labour as a child leads to many problems and it affects the children both physically and mentally.

³⁴² 'Child Labour Data' (*Ilo.org*)

<www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/publication/wcms_575541.pdf>
accessed 4 September 2021.



The girls and boys work at stations, selling cigarettes and other things on the streets and work at factories. The majority of the children doing this work are between 12-17 years of age and they have to work for almost 16 hours a day to help their families and make money for living.

Around 10.1 million children are between the age group of 5-14 years; this is the age range which has the highest number of Child labourers in India. The children have to work in hazardous conditions and in bad weather and this badly affects the health of the child and it also makes them physically and mentally weak.

As the children get older, they get more involved in the work at hazardous industries and other jobs. In India, 20% of all the child labourers, the age group of 15-17 years are mostly involved in hazardous works; measuring the exact rate of this work age and level of work is difficult because most of the places where children are employed are hidden and under-reported.

Almost 18 million children, who are between the ages of 7-17, are considered as “inactive” in India, they are neither counted in the child labour and neither in the children going to school. They are considered as missing girls and boys and this can be assumed that may be they are trapped into worst form of child labour.³⁴³



³⁴³ ‘Child Labour in India’ (*Soschildrensvillages.ca*) <www.soschildrensvillages.ca/news/child-labour-in-india-588> accessed 4 September 2021.



CHAPTER 07

UNDERLYING REASONS

7.1. Economic Crisis and Falling Living Standards

As with globalization, urbanization, and environmental change, infectious disease outbreaks and epidemics have become global threats.³⁴⁴ Covid-19 pandemic has severely affected the economies of many countries with drastic change in the lives of everyone around the world. The economic crisis due to the pandemic is going to impact all classes of population. Half of the world's global workforce may lose their livelihoods due to the pandemic. As a result of the lack of social protection and access to adequate health care in the informal economy, employees are particularly vulnerable. Without the means to earn an income during lockdowns, many are unable to feed themselves and their families. It's a fact of life that for most people, not having money means not being able to afford food.³⁴⁵

In its press release in June 2020, the World Bank had predicted that the global economy would shrink by 5.2%. This will be the deepest recession since the Second World War, most economies seeing their per capita output fall since 1870.³⁴⁶

³⁴⁴ Pak A, Adegboye OA, Adekunle AI, Rahman KM, McBryde ES and Eisen DP, '(2020) Economic Consequences of the COVID-19 Outbreak: The Need for Epidemic Preparedness. *Front. Public Health* 8:241. doi: 10.3389/fpubh.2020.00241.

³⁴⁵ 'Impact COVID-19 peoples Livelihoods their health and our food systems' (*WHO*) <www.extranet.who.int/goarn/content/impact-covid-19-peoples-livelihoods-their-health-and-our-food-systems-0> accessed 4 September 2021.

³⁴⁶ 'COVID-19 to Plunge Global Economy into Worst Recession since World War II' (*World Bank*) <www.worldbank.org/en/news/press-release/2020/06/08/covid-19-to-plunge-global-economy-into-worst-recession-since-world-war-ii> accessed 4 September 2021.



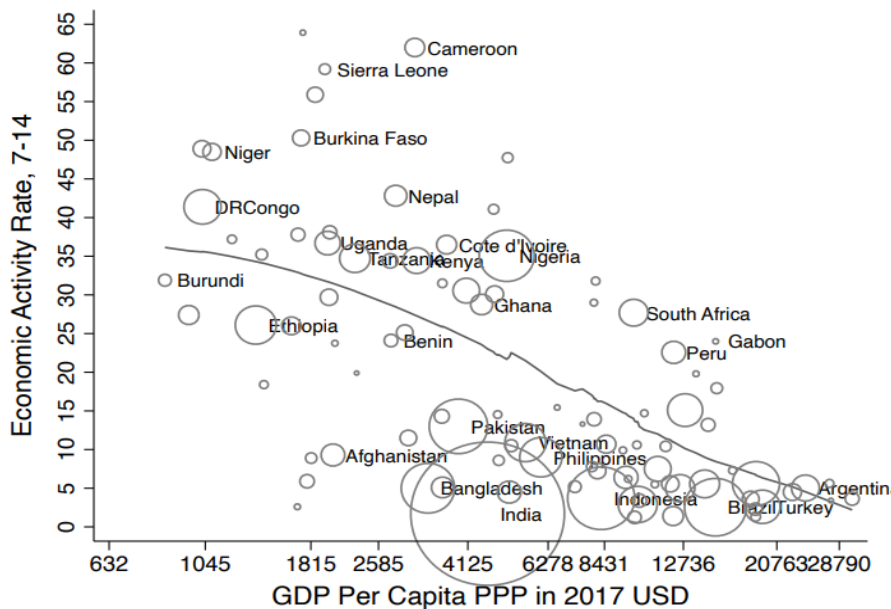
Parallelism between Economic Crisis and Falling Living Standards on Child Labour

Is it or Is it Not?

Economic crisis and falling living standards are two terms that go hand in hand, but the main question arises; does it have a direct repercussion on child labour or does it differ due to situations arising? A family, to a great extent, generally stands at risk when factors approximating crises in the economy and rapid decrease in the living standards come into the picture. Each and every decision voiced by the head of the family depends on how their country’s economy functions and depending upon the stability as well.

Viewpoint: The sentences inscribed above determine how families run, this means their survival depends on the various differences brought in by the economy; a well-equipped family with no worries in particular, no matter what changes the economy of their country brings would normally pay very little or no attention to the adjustments made, whereas the same economical change would mean a

huge difference; for better or for worse, with the families who struggle to survive.



Note: Economic Activity of the children working and the National Income of 28 Countries.³⁴⁷

³⁴⁷ Eric V. Edmonds & Caroline Theoharides, ‘Child Labor and Economic Development Handbook of Labor, Human Resources and Population Economics’ (*Amherst College*, July 2020),



The figure above includes children between the ages of 7-14 and is indicated by way of dollars, the circles indicate the population of children under the age of 15; this would mean larger the circle more the number of children. The curve line presented in the graph shows a local kernel smoother. This graph shows the children who are economically active or in simple words who work in order to get monetary benefits and who are inclusive of the GDP in the year of 2017.

Viewpoint: Economic crisis and falling living standards are directly proportional to child labour. This would mean that an increase in an economic crisis or the presence of such in a country would naturally make a fall in families' or individuals' standards of living. This would prove detrimental to the poorer families or large member families since they would have to try their very best to sustain themselves; one of the ways by sending their children to work in order to earn whatever they can. Vulnerability among these children would escalate further especially when they are sent to work at such a young age without their parents guiding them. This causes nothing but the worst scenarios to our future; such situations do much more than just make them vulnerable to conditions, they worsen child morbidity and mortality which takes a threatening physical toll on the children.³⁴⁸

Although economic crisis of a country and child labour is directly proportional to each other, it doesn't give out a simple cause and effect; this would mean that inconsistencies due to economic crisis would not always give out the same result due to the other factors revolving around it.³⁴⁹ This can be shown through a simple example; as obvious to the citizens of a country that child labour being a crime, there are various small and unnoticeable ways through which it is taken care of, one is by way of school enrolment and attendance, the un-willingness and the inability in sending the children to school by the families can be factors that come under economic crisis, but 'idleness' as a factor does not specify under economic crisis but comes under other frivolous and personal factors like lethargy and tardiness.³⁵⁰ Therefore instead of expecting a result of simple cause and effect, there are various other

<www.amherst.edu/system/files/Edmonds_Theoharides_HBK_final_post.pdf> accessed 4 September 2021> accessed 4 September 2021.

³⁴⁸ Caroline Harper et al., 'Children in times of economic crisis: Past lessons, future policies' (*ODI*, 20 March 2009), <odi.org/en/publications/children-in-times-of-economic-crisis-past-lessons-future-policies> accessed 4 September 2021.

³⁴⁹ Kane J., 'What the Economic Crisis Means for Child Labour' Vol. 9 (Supp) *Sage Journals* 176, 175-196 (2009).

³⁵⁰ *Ibid.*



factors which disturb the response as well.

UNICEF Executive Director Henrietta Fore delivers, “In times of crisis, child labour becomes a coping mechanism for many families. As poverty rises, schools close and the availability of social services decreases, more children are pushed into the workforce,”³⁵¹

The year of 2000 saw around 94 million children removed from child labour, all in vain; those are rapidly revived especially during a crisis like the pandemic.³⁵² Poverty wouldn't be a sudden factor for families to let their children out for child labour, although it one of the main factors that push them, but what makes these families into sudden motions of letting their children go into child labour would be facets like economic shocks and a continuous plummet in their living standards.³⁵³ Poverty is yet again a facet which drives an increase in child labour since it pushes out or deepens the already existed underdevelopment amongst the downtrodden specially when there is an economic crisis present. Therefore, in a worldwide situation and crisis like the pandemic, due to the unceasing increase in poverty, it leaves no choice to the household but to push their children out there in order to survive; when poverty increase only by 1%, child labour increases at a steady 0.7% in some countries.³⁵⁴

The Prediction of Economic Crisis

Covid-19 was declared as a pandemic in March 2020 and in June 2020 International Monetary Fund (IMF) released a report, ‘A Crisis Like No Other, An Uncertain Recovery’.³⁵⁵ In its report Global growth was projected –4.9% in 2020, which was 1.9 percentage points below the April 2020 World Economic Outlook (WEO) forecast. The economic growth was estimated to be slightly less than what

³⁵¹ ‘COVID-19 may push millions more children into child labour-ILO and UNICEF’ (*UNICEF Albania*, 12 June 2020) <www.unicef.org/albania/press-releases/covid-19-may-push-millions-more-children-child-labour-ilo-and-unicef> accessed 4 September 2021.

³⁵² ‘COVID-19 may push millions more children into child labour’ (*Atalaya*, 22 June 2020) <atalayar.com/en/content/covid-19-economic-crisis-will-push-millions-children-child-labour> accessed 4 September 2021.

³⁵³ *supra* note 329.

³⁵⁴ ‘COVID-19 may push millions more children into child labour-ILO and UNICEF’ (*International Labour Organization*, 12 June 2020) <www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_747583/lang--en/index.htm> accessed 4 September 2021.

³⁵⁵ ‘World Economic Outlook Update, June 2020: A Crisis Like No Other, An Uncertain Recover’ (*IMF*, 2020), <www.imf.org/en/Publications/WEO/Issues/2020/06/24/WEOUpdateJune2020> accessed 4 September 2021.



was expected before, reflecting the greater-than-expected interruption to domestic activity. As a result of social distances and lock-downs, private consumption would be weaker, also there would be an increase in cautionary savings.

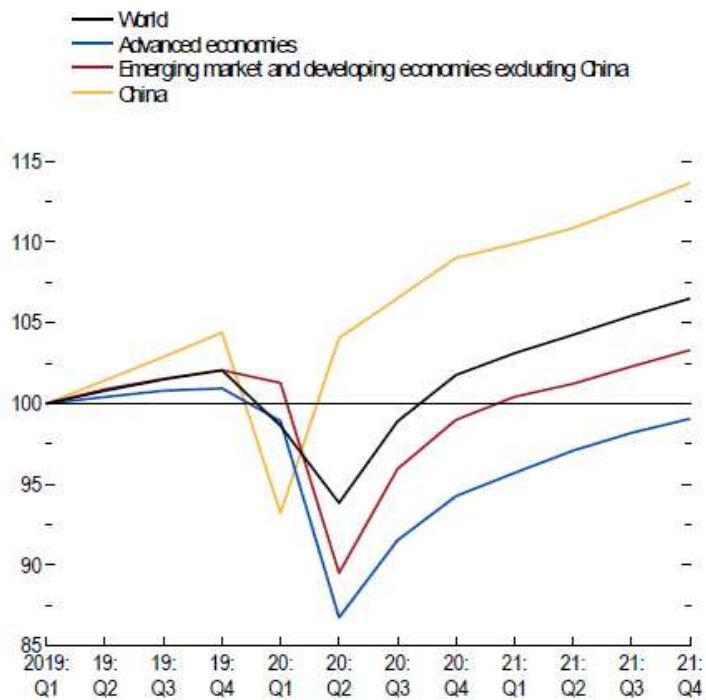
It was predicted that in the second quarter of 2020, global activity was expected to be small and recover later. It was anticipated that growth would increase by 5.4% in 2021. Consumption was projected to increase gradually in 2021 and investment to strengthen, but it will continue to diminish. (Figure 1 of the IMF report).

A reversal in the progress on poverty reduction was predicted. In recent years, the share of the world's poor population has fallen below 10%. This progress has become jeopardized by the COVID-19 problem, which

forecasts negative growth in per capita income in 2020 for over 90 per cent of the emerging and developing economies. Lockdowns have resulted in unemployment and abrupt loss of income for many of those employees in nations with substantial levels of informal employment. In addition, the UN Educational, Scientific, and Cultural Organization estimates that almost 1.2 billion pupils (approximately 70% of the world's total) had received widespread school closures in roughly 150 nations at the end of May globally. This will lead to severe learning loss with disproportionately unfavorable repercussions in low- income nations on earnings potential for youngsters.

As for the global labour market, the significant fall in activity has had a detrimental effect. However, there are countries (mostly in Europe) that have been able to minimize the consequences through the

Figure 1. Quarterly World GDP
(2019:Q1 = 100)



Source: IMF staff estimates.



implementation of successful short-term labour plans. Yet according to ILO, a reduction of 130 million full-time jobs was lost in 2020: Q1 compared to 2019: Q4. More than 300 million full-time jobs could be lost in 2020: Q2.

In 2020 Q2, the decline is equivalent to more than 300 million full-time jobs. Where economies have been reopening, activity may have dipped in April, as evidenced by the May employment statistics for the United States, where furloughed workers are returning to work in those of the industries most affected by the closure. Low-skilled workers who cannot work from home have been hurt the hardest. In certain nations, women in lower-income categories seem to have been hit harder than men. The

Table 1. Overview of the World Economic Outlook Projections
(Percent change, unless noted otherwise)

	Year over Year				Difference from April 2020		Q4 over Q4 2019		
	2016	2019	Projections		WEO Projections 1/		2019	Projections	
			2020	2021	2020	2021		2020	2021
World Output	3.8	2.9	-4.8	5.4	-1.9	-0.4	2.8	-8.6	4.8
Advanced Economies	2.2	1.7	-8.0	4.8	-1.8	0.8	1.5	-7.2	5.1
United States	2.9	2.3	-8.0	4.5	-2.1	-0.2	2.3	-8.2	5.4
Euro Area	1.9	1.3	-10.2	6.0	-2.7	1.3	1.0	-8.6	5.8
Germany	1.5	0.8	-7.8	5.4	-0.8	0.2	0.4	-6.7	5.5
France	1.8	1.5	-12.5	7.3	-5.3	2.8	0.9	-8.0	4.2
Italy	0.8	0.3	-12.8	6.3	-3.7	1.5	0.1	-10.0	5.5
Spain	2.4	2.0	-12.8	6.3	-4.8	2.0	1.8	-11.4	6.3
Japan	0.3	0.7	-5.8	2.4	-0.8	-0.8	-0.7	-1.8	0.0
United Kingdom	1.3	1.4	-10.2	6.3	-3.7	2.3	1.1	-9.0	6.9
Canada	2.0	1.7	-8.4	4.9	-3.2	0.7	1.5	-7.5	4.8
Other Advanced Economies 3/	2.7	1.7	-4.8	4.2	-0.2	-0.3	1.9	-5.1	5.5
Emerging Market and Developing Economies	4.6	3.7	-3.0	5.8	-2.8	-0.7	3.9	-0.5	4.2
Emerging and Developing Asia	5.3	5.5	-0.8	7.4	-1.8	-1.1	5.0	2.4	3.9
China	6.7	6.1	1.0	8.2	-0.2	-1.0	6.0	4.4	4.3
India 4/	6.1	4.2	-4.5	6.0	-5.4	-1.4	3.1	0.2	1.2
ASEAN-5 5/	5.3	4.9	-2.0	6.2	-1.4	-1.8	4.5	-1.4	0.1
Emerging and Developing Europe	3.2	2.1	-5.8	4.3	-0.5	0.1	3.4	-7.0	6.8
Russia	2.5	1.3	-6.6	4.1	-1.1	0.6	2.2	-7.5	5.8
Latin America and the Caribbean	1.1	0.1	-9.4	3.7	-4.2	0.3	-0.2	-9.0	4.1
Brazil	1.3	1.1	-9.1	3.6	-3.8	0.7	1.5	-9.3	4.5
Mexico	2.2	-0.3	-10.5	3.3	-3.9	0.3	-0.8	-10.1	4.8
Middle East and Central Asia	1.8	1.0	-4.7	3.3	-1.9	-0.7	...	...	...
Saudi Arabia	2.4	0.3	-6.8	3.1	-4.5	0.2	-0.3	-4.4	4.1
Sub-Saharan Africa	3.2	3.1	-3.2	3.4	-1.8	-0.7	...	...	...
Nigeria	1.9	2.2	-5.4	2.6	-2.0	0.2	...	...	...
South Africa	0.8	0.2	-8.0	3.5	-2.2	-0.5	-0.6	-2.1	-2.8
Memorandum									
Low-Income Developing Countries	5.1	5.2	-1.0	5.2	-1.4	-0.4	...	...	...
World Growth Based on Market Exchange Rates	3.1	2.4	-6.1	5.3	-1.9	-0.1	2.3	-4.9	4.8
World Trade Volume (goods and services) 6/	8.8	0.8	-11.8	8.0	-3.9	-3.4	...	...	...
Advanced Economies	3.4	1.5	-13.4	7.2	-1.3	-0.2	...	...	...
Emerging Market and Developing Economies	4.5	0.1	-9.4	9.4	-0.5	-0.7	...	...	...
Commodity Prices (U.S. dollars)									
Oil 7/	29.4	-10.2	-41.1	3.8	0.9	-2.5	-6.1	-42.6	12.2
Nonfuel (average based on world commodity import weights)	1.3	0.8	0.2	0.8	1.3	1.4	4.9	-0.8	1.3
Consumer Prices									
Advanced Economies 8/	2.0	1.4	0.3	1.1	-0.2	-0.4	1.4	-0.1	1.5
Emerging Market and Developing Economies 9/	4.8	5.1	4.4	4.5	-0.2	0.0	5.0	3.1	4.0
London Interbank Offered Rate (percent)									
On U.S. Dollar Deposits (six month)	2.5	2.3	0.9	0.6	0.2	0.0	...	...	...
On Euro Deposits (three month)	-0.3	-0.4	-0.4	-0.4	0.0	0.0	...	...	...
On Japanese Yen Deposits (six month)	0.0	0.0	0.0	-0.1	0.1	0.0	...	...	...

Note: Real effective exchange rates are assumed to remain constant at the levels prevailing during April 21–May 19, 2020. Economies are listed on the basis of economic size. The aggregated quarterly data are seasonally adjusted. WEO = World Economic Outlook.

1/ Difference based on rounded figures for the current and April 2020 WEO forecasts. Countries whose forecasts have been updated relative to April 2020 WEO forecasts account for 90 percent of world GDP measured at purchasing-power-parity weights.

2/ For World Output, the quarterly estimates and projections account for approximately 90 percent of annual world output at purchasing-power-parity weights. For Emerging Market and Developing Economies, the quarterly estimates and projections account for approximately 80 percent of annual emerging market and developing economies' output at purchasing-power-parity weights.

3/ Excludes the Group of Seven (Canada, France, Germany, Italy, Japan, United Kingdom, United States) and euro area countries.

4/ For India, data and forecasts are presented on a fiscal year basis and GDP from 2011 onward is based on GDP at market prices with fiscal year 2011/12 as a base year.

5/ Indonesia, Malaysia, Philippines, Thailand, Vietnam.

6/ Simple average of growth rates for export and import volumes (goods and services).

7/ Simple average of prices of UK Brent, Dubai Fateh, and West Texas intermediate crude oil. The average price of oil in US dollars a barrel was \$61.39 in 2019, the assumed price, based on futures markets (as of May 19, 2020), is \$38.18 in 2020 and \$37.54 in 2021.

8/ The inflation rate for the euro area is 0.2% in 2020 and 0.9% in 2021, for Japan is -0.1% in 2020 and 0.5% in 2021, and for the United States is 0.5% in 2020 and 1.5% in 2021.

9/ Excludes Venezuela.



International Labour Organization believes that close to 80 percent of the nearly 2 billion informally employed workers in the globe have been seriously affected.³⁵⁶

The table above is the Overview of the World Economic Outlook Projections by the IMF. Countries are divided into Advanced Economies and emerging economies.

Advanced growth in the economy in the group is expected to be –8.0% by 2020, 1.9% less than the WEO in April 2020.

The blow from domestic disruption is forecast to be closer in the emerging markets and developing countries to the low scenario foreseen in April, rather than compensating for improved financial market perceptions. The decline also indicates increased spills due to lower external demand. The lower revision of emerging and developing economies' growth expectations for 2020–21 (2.8%) is higher than that of advanced economies.

Fall in Living Standards

It is quite an obvious fact that child labour is dominant in the poorer households, therefore a growth in the economy would help in the down-falling of the child labour at least a bit due to the very fact that their standard of living might be a bit better than nothing. Falling standards of living is something that follows naturally when an economic crisis occurs.

In the year of 1990, when Côte d'Ivoire saw a fall in the prices of cocoa, they fell into deep economic crisis which led to 10% fall in income; but this was not all, the 10% fall income led a natural 3% decline in school admissions and a 5% increase in child labour.³⁵⁷ Another instance falls under the coffee bean sector where child labour from the middle class was more than used. In Brazil, the coffee production led to work among the children which led to a 4% increase in the child labour used and subsequent 10% increase in the coffee prices as well; this income effect made it quite impossible for them to let

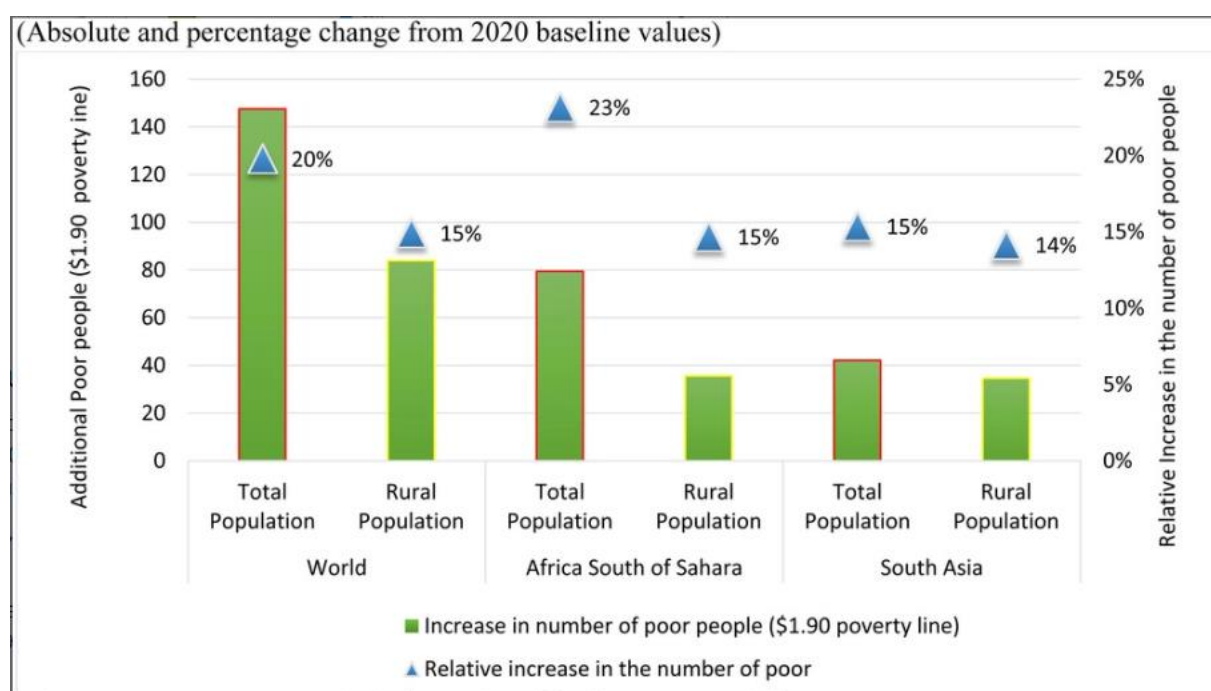
³⁵⁶ *Id.*

³⁵⁷ 'Chiara Ravetti, The effects of income changes on child labour' (*International Cocoa Initiative*, April 2020) <www.cocoainitiative.org/wp-content/uploads/2020/04/ICI_Lit_Review_Income_ChildLabour_15Apr2020.pdf> accessed 4 September 2021.



go of children as their workers.³⁵⁸ Generally a growth in the average per capita of an economy improves the standards of living of the downtrodden families. Taking all these into consideration, it must be understood that families often fail to protect themselves and their children especially when situations of economic crises arise; they themselves are deprived of social security. It must be also understood that child labour would effectively decrease with the improvement in living standards of the families.

After almost a year since the pandemic a research was conducted in which two global frameworks were taken - FPRI's global CGE model, MIRAGRODEP and the POVANA household³⁵⁹ data was used. As per the study the impact on poverty was as follows, COVID-19 increased the number of impoverished by 20 percent (almost 150 million people). In Africa south of the Sahara, urban and rural inhabitants were hit hardest, as 80 million additional people fell into poverty, a 23 percent rise. As a result of the lower rate of illness transmission and the resilience of demand and supply for food compared to many other, more vulnerable sectors, the poverty growth in rural areas should be less



³⁵⁸ Kruger D., 'Coffee production effects on child labor and schooling in rural Brazil' 82 (2) *Journal of Development Economics* 448, pp. 448–463 (2007).

³⁵⁹ Laborde, et al., 'Impacts of COVID- on global poverty, food security and diets: Insights from global model scenario analysis, 2021' (*Agricultural Economics*) <www.doi.org/.agec> accessed 4 September 2021.



than that in urban areas. The global and regional poverty impacts of the first model in COVID 19 scenario is shown in the image below.³⁶⁰

Another research was conducted in 9 countries using random sampling. At least one telephone survey was conducted (April–June 2020). The following data was drawn from the research.

- By April, numerous families were at that point unfit to meet fundamental nutritional necessities. For instance, 48% of country Kenyan families, 69% of landless agrarian families in Bangladesh, and 87% of rustic families in Sierra Leone had to miss dinners or lessen their segment sizes to adapt to the emergency.
- A full 50 to 80% of sample populations in Bangladesh, Burkina Faso, Colombia, Ghana, Kenya, Rwanda, and Sierra Leone reported income loss during the COVID-19 period.³⁶¹
- The COVID-19 crisis also contributed to rising rates of domestic violence in rural Kenya. Both violence against women and children—groups that are already marginalized in rural Kenyan society—rose by 4 and 13% (0.3 and 2.6 percentage points), respectively, during the crisis period.³⁶²
- Households facing acute food shortages may be less willing to adhere to social distancing rules than others and could instead seek out income-generating opportunities even in crowded and epidemiologically risky markets.³⁶³

From both these researches we can conclude that due to COVID-19 the standard of living has fallen as a number of people have lost their jobs causing them to lose their earnings. As breadwinners lose their jobs, become ill, or die, millions of women and men's food security and nutrition are jeopardised, with those in low-income nations bearing the brunt of the burden.

³⁶⁰ *Id.*

³⁶¹ Dennis Egger et al., 'Falling living standards during the COVID-19 crisis: Quantitative evidence from nine developing countries' (*Science Advances*, 2021) <advances.sciencemag.org/content/7/6/eabe0997?utm_source=TrendMD&utm_medium=cpc&utm_campaign=TrendMD_1> accessed 4 September 2021.

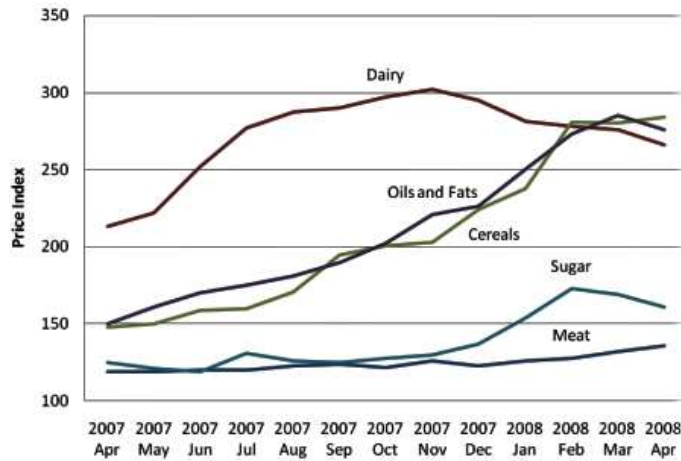
³⁶² *Ibid.*

³⁶³ *supra* note 361.



Economic Crisis Encountered

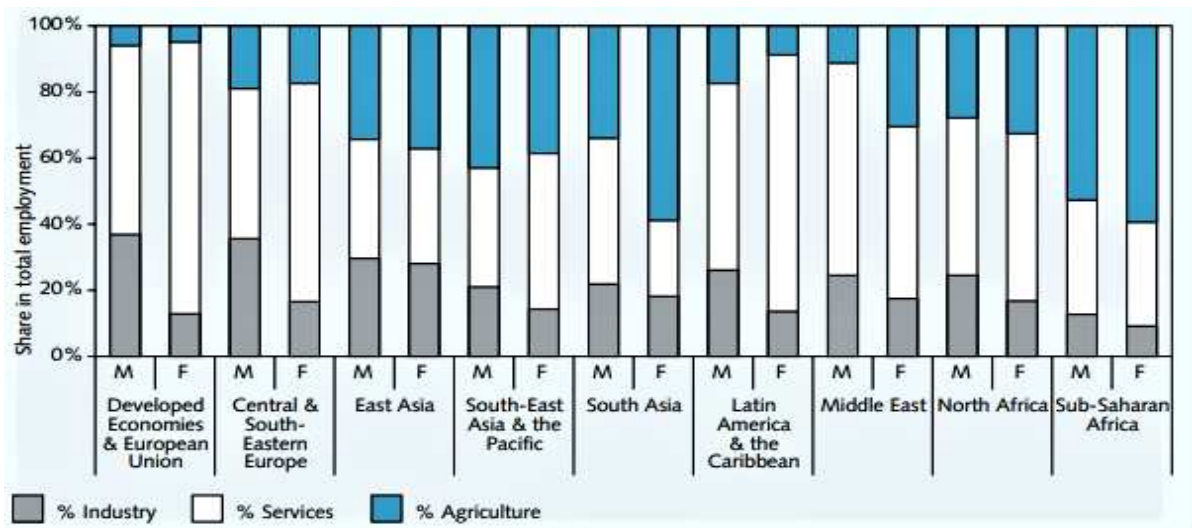
The summer of 2007 saw the starting of a global economic crisis which then later on spread to the



years of 2008 and 2009. The year of 2008 experienced a devastating global economic crisis with the rise in food prices and this proved to be an overwhelming effect towards the poor in general. The figure beside shows the massive changes that occurred between the years of 2007 and 2008.³⁶⁴

The year of 2009 March saw the momentum of poverty elimination decrease and it was found that almost 65 million falls under the \$2

poverty line as a result of the said crisis as declared by the World Bank Global Economic Forecast. The said crisis also left almost 20 million people; both men and women under unemployment which thereby naturally threatened their social security.³⁶⁵



³⁶⁴ Shah A., 'Global Food Crisis 2008' (*Global Issues*, 10 August 2008), <www.globalissues.org/article/758/global-food-crisis-2008> accessed 4 September 2021.

³⁶⁵ 'ILO says global financial crisis to increase unemployment by 20 million' (*International Labour Organization*, 20 October 2008) <www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_099529/lang-en/index.htm> accessed 6 September 2021.



Conclusions of past three years from 2009 was looked on and it was found out that, young females amongst both the sex were even more pushed forward to heinous conditions which in turn affected them in many ways.³⁶⁶ These young girl children face countless problems from less to no access to basic rights to survive to development factors like education, health etc. The unfortunate part to know is that situations are still only improving and haven't yet been curbed. This problem has been taken out of many due to the reason for the past two decades' financial crisis. The table below shows a comparative analysis between both the genders of children working during the year 2008.³⁶⁷

As seen above in the table M represents male children and F represents females of the countries showcased. Female children can be easily 'bought' is what can be clearly inferred from the table. They are often the 'ideal' workers since young females are cheap to work with.³⁶⁸

“As the pandemic wreaks havoc on family incomes, without support, many could resort to child labour, social protection is vital in times of crisis, as it provides assistance to those who are most vulnerable. Integrating child labour concerns across broader policies for education, social protection, justice, labour markets, and international human and labour rights makes a critical difference, said ILO Director-General, Guy Ryder.”³⁶⁹

7.2. School Shutdowns

With schools closed and families desperate for income, millions of children are being forced into work that is often dangerous, arduous and illegal. The coronavirus pandemic has forced millions of the world's poorest children to halt their educations and go to work to help support their families, as schools have closed and parents' incomes have fallen or vanished. The rise in child labor also

³⁶⁶Ruth Pearson et al., 'Because I am a Girl' (*Reliefweb*, 2009) <www.reliefweb.int/sites/reliefweb.int/files/resources/936546CAAFD6CEF1C125764E00458C1D-Plan_Sep2009.pdf> accessed 6 September 2021.

³⁶⁷ *Ibid.*

³⁶⁸ Naila Kabeer & Simeen Mahmud, 'Rags, Riches and Women Workers: Export-oriented Garment Manufacturing in Bangladesh' (*Wiego*, 29 June 2004) <www.wiego.org/sites/default/files/migrated/publications/files/Kabeer-Mahmud-Export-Oriented-Garment-Bangladesh.pdf> accessed 6 September 2021.

³⁶⁹ *supra* note 344.



compounds other threats to children resulting from the global recession. Hunger now threatens far more people in many parts of the world than it did a year ago. There have also been increases in forced marriages, teenage pregnancy and child trafficking. With school closings around the world affecting well over one billion children, many of them can continue to learn online or at home. But hundreds of millions come from the poorest families, with no access to computers, the internet or tutors. Many of the students forced from the classroom and into work were doing well academically, fueling dreams of better futures. Those dreams are now in peril.³⁷⁰

The economic crisis and school closures stemming from the COVID-19 pandemic have made millions of children more vulnerable to working longer hours, under worsening conditions and in dangerous jobs. A report by the United Nations Children’s Fund (UNICEF) and International Labour Organization (ILO) found 8.4 million children were pushed into child labour over the last four years and nine million more are at risk of a similar path by the end of 2022 as a result of COVID-19.³⁷¹

Many children feel they have no choice but to work to help their families survive, but a rise in child labor is not an inevitable consequence of the pandemic. School closures have contributed to an increase in child labor worldwide. Most children interviewed had limited or no access to distance learning. Some lost access to free school meals. Some have dropped out of school permanently, while others continued to work even after their schools reopened. “As millions of families struggle financially due to the pandemic, cash allowances are more important than ever to protect children’s rights³⁷²

- Children lacking to the internet and technology, especially those from impoverished and rural communities will be unable to participate in remote self-guided learning during school closures

³⁷⁰ ‘Futures in Peril: The Rise of Child Labor in the Pandemic’ (*NY Times*, 2021) <www.nytimes.com/2020/09/27/world/asia/coronavirus-education-child-labor.html> accessed 6 September 2021.

³⁷¹ Suleymanova, ‘Child labour on the rise for the first time since 2000: UN’ (*Al Jazeera*, 2021) <www.aljazeera.com/economy/2021/6/10/child-labour-on-the-rise-for-the-first-time-since-2000-un> accessed 6 September 2021.

³⁷² ‘Covid-19 Pandemic Fueling Child Labor’ (*HRW*, 2021) <www.hrw.org/news/2021/05/26/covid-19-pandemic-fueling-child-labor> accessed 6 September 2021.



- In addition to the immediate loss of learning, some students may decide to drop out of school permanently
- Experience shown that children and youth not enrolled in school are at a much higher risk of child labour.
- When schools reopen, parents without jobs may not have the money to pay for school fees, supplies and uniforms.³⁷³

The report warns that globally, nine million additional children are at risk of being pushed into child labour by the end of 2022 as a result of the pandemic, which could rise to 46 million without access to critical social protection coverage. Additional economic shocks and school closures caused by COVID-19 mean that children already obliged or forced to work, may be working longer hours or under worsening conditions, while job and income losses among vulnerable families may push many more into the worst forms of child labour. “Now, well into a second year of global lockdowns, school closures, economic disruptions and shrinking national budgets, families are forced to make heart-breaking choices”³⁷⁴

And now the *COVID-19* pandemic threatens to push millions more youth into the workforce as job losses and sharp declines in household income are hitting already vulnerable families hard. This is especially true for children in low- and middle-income countries whose *schools remain closed to contain the spread of coronavirus* and for whom remote learning is impossible. *Putting out-of-school children to work becomes a survival tactic. Fighting coronavirus* is not just about stopping the spread of the deadly virus. The *fight against coronavirus* has become intertwined with saving children from forced labor that could eclipse their childhood along with their right to a productive, fulfilling future. The biggest risk factor for kids is being out of school. The *gradual reopening of schools will be a critical window* to help children restart their

³⁷³ ‘COVID-19 and Child Labor’ (*Global Child Forum*, 2021) <www.globalchildforum.org/blog/covid-19-and-child-labor> accessed 6 September 2021.

³⁷⁴ ‘Child labour figure rises to 160 million, as COVID puts many more at risk’ (*UN News*, 2021) <www.news.un.org/en/story/2021/06/1093682> accessed 6 September 2021.



education and avoid permanently dropping out. Community-level action will be needed to ensure that every child returns to school *when it is safe to do so*.³⁷⁵

The poorest families may be less concerned for their children to enter into education in the new settlement area of the brick kilns as they have need for them to contribute to the household by looking after younger children or household work. Emerging briefings on the specific impact of COVID-19 on children of migrant workers note the impacts of the shutdown of schools, pressures on development projects to meet the needs of children, and that children are at an increased risk of child labour. In turn, extreme household poverty increases the risk of child trafficking and child labour, with further exploitation for those children working in hazardous conditions including increased vulnerabilities to COVID-19.³⁷⁶

As an immediate measure to stem the spread of the COVID-19 pandemic, governments around the world have shut down educational institutions. UNESCO estimates that as of April 20, 91.3% of total enrolled learners, that is 1.57 billion learners from 191 countries, were affected by school closures. As governments are obligated to respect the right to education of children, UNESCO has recommended that countries adopt a variety of hi-tech, low-tech and no tech solutions to assure the continuity of learning during this period. As of now, mostly private schools and select public schools like Kendriya Vidyalaya have started online classrooms. However, most government schools are either not set up to use these platforms, or do not have the technology and equipment to provide online teaching. Moreover, the majority of students do not have access to the internet, smartphones or a computer. Therefore, a large number of children studying in public schools remain cut off from online education. This will induce a large number of children to discontinue their study even after “normalcy” is restored. There is a high probability of many of these out of school children getting involved in child labour.³⁷⁷

³⁷⁵ ‘COVID-19 and Child Labor: A Time of Crisis, a Time to Act’ (UNICEF USA, 2021) <www.unicefusa.org/stories/covid-19-and-child-labor-time-crisis-time-act/37741> accessed 6 September 2021.

³⁷⁶ ‘Breaking the child labour cycle through education: issues and impacts of the COVID-19 pandemic on children of in-country seasonal migrant workers in the brick kilns of Nepal’ (TandF Online, 2021) <www.tandfonline.com/doi/full/10.1080/14733285.2021.1891406> accessed 6 September 2021.

³⁷⁷ ‘COVID-19 Crisis Will Push Millions of Vulnerable Children into Child Labour’ (The Wire, 2021)



We can see the situation everywhere in the world not here this happened the children are bothered about their career but due to the situation their imagination had fallen down they are not able to do anything in this situation

The pandemic has put millions of *children worldwide at risk of being pushed into labour*, reversing two decades of work to combat the practice and potentially marking the first rise in child labour since 2000, the United Nations warned in June.³⁷⁸

With schools closed indefinitely since the nation went into a strict lockdown to fight COVID-19 in March, Moses is among some 15 million Ugandan children at risk of being forced to work as families are pushed towards extreme poverty, charities say.

Viewpoint: As we see the present situation that schools had shut down from 2020 due to the pandemic, the children are not attending the schools some of the private schools had started the online classes but we see in the government schools the students are not able to attend the online classes due to the financial issues and as they don't have any phones, laptops and internet facilities in urban areas due to this all situations the parents are sending their children to the works & this causes the increase in the child labour.

Rise of Child Labour in India due to the shutdown of school during the COVID-19

Studies have also concluded that there is a general trend of an increase in child labour and a decrease in children going to schools during prolonged periods of crisis. Furthermore, previous financial vulnerability pushes parents to send their children to work, as seen in India, and this pattern exists even in other developing countries like Guatemala and Tanzania. The sharp increase in child labour during the pandemic, especially in northern India is also evident from the increase. Moreover, when schools eventually resume, many may not have enough money to send their children back. As a result

<www.thewire.in/rights/covid-19-crisis-will-push-millions-of-vulnerable-children-into-child-labour> accessed 6 September 2021.

³⁷⁸ 'Child Labour' (*News Foundation*, 2021)

<www.news.trust.org/item/20200708085058-8ptfw> accessed 6 September 2021.



of this, and the loss of jobs of their parents, children may have to continue working for the family's survival. Statistics show that child labour in India is likely to increase post-pandemic. In a conference with the labour ministry, the director of ILO Dagmar Walter stressed that India has to provide basic social security that guarantees children's protection. Labour minister Santosh Gangwar agreed that there is a possibility of more children engaging in child labour due to the loss of jobs during the pandemic.³⁷⁹

The unprecedented economic impact of the Covid-19 pandemic is pushing children into exploitative and dangerous child labor. Many children feel they have no choice but to work to help their families survive, but a rise in child labor is not an inevitable consequence of the pandemic. The second wave of Covid-19 cases in Nepal puts children at even greater risk of child labor in the wake of new lockdowns and rising illness and death rates among caregivers.³⁸⁰ Millions more children risk being pushed into child labour as a result of the COVID-19 crisis, which could lead to the first rise in child labour after 20 years of progress," the agencies said children already in child labour may be working longer hours or under worsening conditions and more of them may be forced into the worst forms of labour, which causes significant harm to their health and safety. The report noted that children are often the most available labour in households and when families need more financial support, they turn to children. Parental unemployment due to economic shocks in Brazil has led children to step in to provide temporary supports a result, more children could be forced into exploitative and hazardous jobs. Gender inequalities may grow more acute, with girls particularly vulnerable to exploitation in agriculture and domestic work, the brief says. According to the report, COVID-19 could result in a rise in poverty and therefore to an increase in child labour as households use every available means to survive. *"As poverty rises, schools close and the availability of social services decreases, more children are pushed into the workforce. Quality education, social protection services and better economic opportunities can be game changers."*³⁸¹

³⁷⁹ Athray, 'COVID 19 unemployment implications child labour' (*ORF Online*, 2021) <www.orfonline.org/expert-speak/covid19-unemployment-implications-child-labour> accessed 6 September 2021.

³⁸⁰ 'Nepal: Covid-19 Pandemic Fueling Child Labor' (*HRW*, 2021) <www.hrw.org/news/2021/05/26/nepal-covid-19-pandemic-fueling-child-labor> accessed 6 September 2021.

³⁸¹ 'Covid may push millions more into child labour in India and other countries: UN' (*The Print*, 2021) <www.theprint.in/india/covid-may-push-millions-more-into-child-labour-in-india-and-other-countries-un/440364> accessed 6 September 2021.



Disasters like the COVID-19 pandemic have the potential to slow down the economy that may push children all the more into different forms of work. Workers in the informal economy, who were working on a daily-wage, casual labourers, unskilled workers, migrant workers, those who are self-employed, workers in out-sourced manufacturing, garment making³⁸²

In India, children are allowed to work from the age of 14, but only in family-related businesses and never in hazardous conditions. But the country's economy has been hit hard by the coronavirus pandemic and many have lost their jobs, leading some families to allow their children to work to bring in anything they can. *"This is not simply the health crisis or economic crisis. This is the crisis of justice, of humanity, of childhood, of the future of an entire generation."* When India went into a strict lockdown in March, schools and workplaces closed. Millions of children were deprived of the midday meal they used to receive at school and many people lost their jobs. Between April and September, 1,127 children suspected of being trafficked were rescued across India and 86 alleged traffickers were arrested, according to Bachpan Bachao Andolan. but it's not just parents who feel they have no other choice -- the children themselves may feel compelled to go to earn money for their hungry families. Schools were still shut and, as the eldest child in his family, he felt a responsibility to help.³⁸³

COVID-19 pandemic has wreaked havoc on children's education, physical and mental health across the world. With countrywide school closures, loss of family income, and mass displacement. This was bound to happen. Children who were already vulnerable to child labour and trafficking were now at a heightened risk due to schools' closures and loss of family income. Girls are at an even greater risk of being forcefully married, never to return to school.³⁸⁴

As of now, over 2000 children have been rescued by the Bachpan Bachao Andolan alone. And there are thousands more across the country. The pandemic affected both, children that were already

³⁸² 'COVID Lockdown economic recession, child labour laws exploitation, unemployment crisis' (*The Quint*, 2021) <www.thequint.com/voices/opinion/covid-lockdown-economic-recession-child-labour-laws-exploitation-unemployment-crisis> accessed 6 September 2021.

³⁸³ 'The Pandemic has created a second crisis in India the rise of child trafficking' (Sur, 2021) <www.ctvnews.ca/world/the-pandemic-has-created-a-second-crisis-in-india-the-rise-of-child-trafficking-1.5160828> accessed 6 September 2021.

³⁸⁴ 'Cannot Leave Our Children Behind': Kailash Satyarthi on Covid-19 Impact on Child Health, Education' (*News18*, 2021) <www.news18.com/news/buzz/cannot-leave-our-children-behind-kailash-satyarthi-on-covid-19-impact-on-child-health-education-3318398.html> accessed 6 September 2021.



trapped in child labour due to lockdowns, and those who were made more vulnerable due to the impact of the pandemic.

Viewpoint: Globally, the number of out-of-school children is set to increase by 24 million that could reverse decades of progress. We cannot afford to ignore this. Online education is not an alternative to education; it is an additional tool to improve access and quality of education. Most importantly, the reliance on online education is dangerous till the time there is equal access to digital tools by all children

7.3. Loss of Earning Members

The economic consequence of the COVID-19 pandemic has pushed children into harmful and exploitative child labour.

Many Children feel that their employment is just going to help their families survive, but the epidemic doesn't inevitably lead to an increase in child labor.

The pandemic resulted in households' economic insecurity, either because of the deaths of income earners, increased indebtedness, job loss, or limited employment options - particularly for marginalized communities. This has made kids particularly vulnerable and we will increasingly see kids entering manual or untrained work to add to family incomes. *"Furthermore, the closing of schools which have kept children out of education for more than a year now would exacerbate the issue whenever the schools were opened up and we would suffer huge losses,"* said Kreeanne Rabadi, Regional Director of Child Rights.³⁸⁵

³⁸⁵ Sonam Saigal, 'Child Labour Day sees increase in cases' (*The Hindu*, 11 June 2021) <www.thehindu.com/news/national/child-labour-day-sees-increase-in-cases/article34792168.ece> accessed 6 September 2021.



A parent's disease, disability, or death is another major cause of child labor. As Covid-19's global death toll has reached 3.3 million, hundreds of thousands of youngsters have lost their parents worldwide and may be forced to become the main salary worker of their families.

"And kids who lost their parents to COVID have taken up the same work in cities as Mumbai where restaurants and factories are shut down. Like being a vendor of vegetables, fruit or a cobbler or sweeper,"

Example: Monali and Gaurav, will turn adults after six years of dreams of becoming an air hostess and a pilot, but for the last eight months, they have been working in a food shop in the Thane district in Bhiwandi since their father died of COVID-19. *"We saw days when we had no money to even purchase cereals. My mother asked Gaurav and me to work,"* Monali stated, who was saved by Catalysts for Social Action, a child welfare organization, with her brother and others.

In 53 children (17,67%) or 52 (17,33%) children were forced to work by their parents, the cause of death of either parent was 78 (26%) of children in a family breakdown.

Child labor (7.67 percent) dragged into employment because of parents' chronic disease. 19 (6.33%) children had no cause for employment, while 18 (6%) had taken the job of avoiding school because they feared repeated failings.

The most common causes of child labor were poverty, family issues. Through increased their family income and restricting children to work for the family, special policies should be formulated to promote family growth.

#COVIDOrphans

The coronavirus epidemic has emerged as a child's rights issue, exacerbating the risk of children's work as many more families are expected to fall into extreme poverty. UNICEF India representative, Yasmin Ali Haque remarked.

"The likelihood of negative coping methods such as abandonment and forced labor, marriage and even victims of trafficking is now increased for children living in impoverished and disadvantaged households in India," she says.



She stated children lost parents and caretakers of the illness, without parental care, leaving them penniless. *"They are quite vulnerable to neglect, abuse, and exploitation."*

"We must act quickly to avert a permanent COVID-19 epidemic for children, especially the most vulnerable, in India," she stated.

In recent months, the second wave of COVID-19 triggered an incredible scenario in which families were being torn away by death, sufferings, and sorrow. In press, broadcasting, and social media platforms, there are heart-wrenching stories on the **#COVIDOrphans**. There were also photographs of children who had succeeded in this virus standing near their parents' bodies.

This unexpected attention to children who were orphaned by COVID-19 is based on postings on social media platforms around one month ago, which both offered **#COVIDOrphans** and tried to take them over. This was indeed the first time that this term was used.³⁸⁶

Alerted to the potential for unlawful adoptions and perhaps child trafficking, children's rights campaigners sounded an alarm. The Department of Women and Children, the Government of India, and the Children's Protection Commission of Delhi promptly issued instructions and advertisements declaring that it was illegal to adopt children without the correct procedure - it was necessary to follow the protocol.

To act against the NGOs which are discovered to be engaged in unlawful adoption, the Supreme Court of India instructed the State governments and Union territories on 8 June 2021.

While media are aggressive with reports about **#COVIDOrphans**, many relief initiatives have been announced by central and state governments. Even the Prime Minister proclaimed his PM Cares Fund's support.

³⁸⁶ 'Rise In Child Labour After 20 Years Amid Covid, United nations international children's emergency fund' (NDTV, 2021) <www.ndtv.com/india-news/rise-in-child-labour-after-20-years-amid-covid-19-report-2461154> accessed 6 September 2021.



#STATEOrphans

Over the last year - because COVID-19 changed dramatically the architecture of our lives - there were reports of children being pushed as child labor at schools for rice, wheat, cotton, or vegetable farms for the sake of closure, absence of a midday meal program, and protective measures.

Maharashtra is the worst-affected state in this period, with 7,084 children orphaned, abandoned, or lost their parents, mainly because of coronavirus. The NCPCR stated that Uttar Pradesh (3,172), Rajasthan (2,482), Haryana (2,438), Madhya Pradesh (2,243), Andhra Pradesh (2,089), Kerala (2,002), Bihar (1,634), and Odisha are other states that reported significant figures (1,073).

The report added, out of 7,084 children in Maharashtra, 6,865 lost 1 parent, 217 lost and 2 abandoned children and Madhya Pradesh ranks above the diagram where 226 lost their lives.

A great many children were between the ages of 8-13 throughout the country. NCPCR revealed that 11,815 children were either dropped, lost, or orphaned in this age range. Further affected 2,902 youngsters between 0 and 3 years, 5,107 in groups from 4 to 7 years, 4,908 in groups from 14 to 15 years. The report says that minors 16 to under 18 years old are 5,339.

Different state administrations publicized their aid actions for orphaned children during the outbreak. The Maharashtra administration said fixed Rs 5 lakh deposits would be made on behalf of children who lost one or both parents to COVID-19. They also receive a monthly Rs 1,125 allowance. Punjab declared that it would offer Rs 1.500 for all those children orphaned in the COVID-19 pandemic monthly as a social security pension and free education up to graduation.

The government of Rajasthan assured the orphans to be relieved by nodal officials. And Karnataka has declared that it will distribute the Rs 3,500 to guardians/guardians of these children per month, under a special Bal Seva initiative. Youngsters below the age of 10 who do not have guardians will receive a free laptop or tablet and will be enrolled and accepted for residential modeling schools and children who have finished class 10. Rs 1 lakh is paid for marriage, university education, and/or self-employment for women who have completed 21 years.



According to a survey performed in 24 of Tamil Nadu's districts by the Campaign Against Child Labor (CACL), entitled 'Lost Gains –COVID-19, child employment has increased by close to 280% between disadvantaged populations in the state and pre-COVID-19

The State's duty to deliver justice to all pandemic-affected children has been diminished by attracting solely attention to COVID Orphans. All the advances in key areas over the decades — child labor protections, the right to education, food security – are about to be lost today. The children were dropped by their state of parents patriae (state as the parent of the citizen). They also became '*#StateOrphans*' in social media in addition to becoming '*#COVIDOrphans*'.³⁸⁷

System to Care for Children Who Lost Parents due to COVID-19

The social networks contained illegal messages about orphaned children, with contact numbers for persons wishing to "adopt" them.

Last year during the lockdown, 92,000 SOS calls to protect against abuse and violence were reported by Childline Helpline (1098) during 11 days. Hundreds of other calls to protect children's health, child labor, missing children, and homeless children were also reported.

In some states, the number of child marriages prevented during the past year has risen. News reported about children, sometimes children left alone or left lying next to their parents' bodies in homes with no food, and young people suffering from distress and suicide when COVID-19 had lost their parents.³⁸⁸

3,621 lost both parents to the pandemic between April 1, 2020, and June 5, 2021, 26,176 lost one parent, 274 were abandoned according to the national commission for the protection of child rights.

³⁸⁷ Shantha Sinha & Enakshi Ganguly, 'Why the Sudden Attention on '#COVIDOrphans' Isn't What India's Children Need' (*The wire*, 11 June 2021) <www.thewire.in/rights/covid-orphans-india-government-attention> accessed 6 September 2021.

³⁸⁸ Zubeda Hamid, 'Thousands of children have lost parents to COVID-19. We urgently need a system to care for them' (*The Hindu*, 11 June 2021), <www.thehindu.com/society/thousands-of-children-have-lost-parents-to-covid-19-we-urgently-need-a-system-to-care-for-them/article34787691.ece> accessed 6 September 2021.



A series of grim numbers were presented to the Supreme Court on 7 June by the National Commission for the Protection of Children's Rights (NCPCR). In India, 30,071 children were registered in an epidemic between April 1, 2020, and June 5, 2021, of whose pandemic 3,621 lost the two parents, 26,176 lost the same family and 274 abandoned the child. These figures were reported officially on the late-flowing reports from kids who had no one left to care for as the second wave of the pandemic decimated entire families based on data uploaded by States and the Union Territories to the Bal Swaraj portal.

Nationwide Database

The Delhi-based NGO Center for Child Rights is a nationwide database of orphaned or protected children and an evaluation of their needs. "Any parents who died at home, not only hospitals, must be taken into account in the database. The risk of child labor, marriage, or other abuse and exploitation for hundreds of children could arise if they were not kept without caregivers," says Bharti Ali co-founder of HAQ.

For children orphaned by pandemics, Ali argues for a systemic kinship/promoting care system with government sponsorship. She says, ideally, adoption should be the last choice. "The first option should always be to ensure that the child has a large family or community, parental care, and safeguards. Children who are already traumatized by their parents' loss must be in a familiar, knowledgeable environment.

And although there is no large family, we often see following natural disasters such as the tsunami or cyclones that local community members may be willing to care for the child." When it is established after inquiries that nobody cares for a child, the child is legally declared free to adopt. The Central Adoption Resource Authority shall regulate the adoption (CARA).

In the event of a pandemic, CARA could assist children eligible for adoption by finding foster families, says Ali. 'Adoption is about permanence, not just for the sake of the parents, but for the sake of the child. But kids who don't have one need immediate care. Why not foster them until an adoption happens," she asks.



A public notice issued mid-May detailed the legal procedure for children who lost their parents to the COVID-19 in the Ministry of Women and Children Development. The Child Welfare Committee concerned must identify the immediate needs of the child and either restore the child to caregivers or place him/her on a case-by-case basis in institutional or non-institutional care. It said efforts would be made to ensure children's safety as much as possible in their family and community environment.

In the context of child protection, proceedings against illegal adoptions, and financial aid for children, several orders have been issued by the Supreme Court.

Financial Schemes Involved

On 29th May, the Centre, with an average of 10 lakhs each child reaches 18, announced a special 'PM Cares for children' schème for COVID-19 orphans. The government is also providing school education for these children, and PM CARES paid the premium to cover aid 5 lakh until they turned 18 years of age. However, details of this arrangement are not yet public and on June 7 the Center requested more time from the Supreme Court to develop the 'modality.' Several states have also announced financial plans and education policies for orphaned children.

The notification states that pupils are entitled to accept the Fund for uniforms, textbooks, and notebooks at recognized state-owned institutions like the Kendriya Vidyalayas, Navodaya School, and the Sainik School, etc. The help from the PM Cares Fund significantly leaves out significant day-to-day expenses or the child's requirements!

However, Ali has raised some issues that need to be addressed. She says The government must ensure that adequate budgets are in place for orphaned children and that the families taking them get the aid they need. In general, she says institutional care budgets are bigger than non-institutional care budgets and this must be changed. "In a family environment, non-institutional care is much better for children. If the government pays for a child's expenses as monthly payments, much more families familiar with the children can receive them.

However, she added there are still certain concerns that need priority addressing. "Who will be the child's guardian till the majority of them," Ali asks. Moreover, most kids do not own bank accounts,



Aadhaar cards, or other documents, and there needs to be a process in place to guarantee children receive the financial and other support they are eligible for.

Another essential requirement is to safeguard methods to supervise children in any kind of care, whether institutional or non-institutional. There are currently district child welfare committees and district, block, and village child welfare committees, however, although some are effective and committed, there are other groups. "There is no budget at the level of the community, unfortunately," Ali says. They have been created with external support wherever they exist. It must change as soon as possible. Committee support and resources are needed to monitor childcare."

Psychosocial advice is a key aid to children who have lost either one or both parents. The NCPCR launched a free 1800-121-2830 tele-counseling service. Ali says it takes a lot more awareness of all systems for children. "Print and television advertising should be given, and children should be told to inform the schools."

With families often dispersed across cities and states and travel restrictions still in effect in many parts of the country, government child protection services must intervene quickly to protect vulnerable children.

"Child protection should not be viewed as a charity," Ali asserts. "Every child has the right to be safe".

Every month, Rs 2000 are granted to an orphaned child living with an extended family (first relatives of family members, such as parents' grandparents and siblings), an adoptive child, or a shelter, through a support scheme, under the Integrated Children's Protection Scheme. The child is cared for by first relatives or adoptive families, regular follow-ups of the CWC or government authorities are carried out, Archan Sahay, director of Aarambh, an NGO in Bhopal which is also a representative of Childline in the town, says. Childline in town is also responsible. Otherwise, the child can be taken away and cared for by the government.³⁸⁹

³⁸⁹ Shreya Khaitan, 'What Calls For Adopting 'Covid Orphans' Are Missing' (*India Spend*, 2 June 2021) <www.indiaspend.com/covid-19/what-calls-for-adopting-covid-orphans-are-missing-752632> accessed 6 September 2021.



Government to provide pension to families who lost earning member Owing to COVID

The center informed those families who lost their earning members due to the Covid-19 about welfare measures, including a pension.

Apart from the measures announced under PM CARES for children-Empowering of Covid's affected children, a statement from the Prime Minister's Office (PMO) announced further measures to support family members who lost earning members as a result of COVID.

"They will provide pension and increased and liberalized insurance compensation to the families of those who have died as a result of Covid."

Prime Minister Narendra Modi said his government is in solidarity with their families and efforts are being made to mitigate financial difficulties.

The Government has expanded the pension scheme of Employees State Insurance Corporation (ESIC) for employment-related death cases to cover even those killed by Covid to help families live a life of dignity and maintain a good standard of living.

"Such dependent family members shall have the right to the benefit of 90% of the worker's average daily salary according to existing standards. This benefit will be retrospectively available from 24 March 2020 until 24 March 2022 for all cases."

Insurance benefits are improved and liberalized by employees' fund organization - employee's EDLI (Employee Deposit Linked Insurance) scheme.³⁹⁰

³⁹⁰ Business standard, 'Govt to provide pension to families who lost earning member due to Covid' (*Business Standard*, 30 May 2021) <www.business-standard.com/article/current-affairs/govt-to-provide-pension-to-families-who-lost-earning-member-due-to-covid-121052901248_1.html> accessed 6 September 2021.



This will help the families of employees who have lost their lives as a result of COVID in particular, apart from all other beneficiaries. From Rs six lakh to Rs 7 lakh, the maximum benefit for insurance is increased.

In addition, the Ministry of Labor and Employers has issued detailed guidelines for those schemes, stating, *"To benefit families of contractual or informal employees, the continuous working conditions of only a single institution have been liberalized, with benefits made available even to families of those employees who may have changed jobs in the last 12 months before their death."*

Children with separated parents may be particularly affected by the COVID-19 crisis.

Overall, about one out of 6 children in the OECD live in one-parent homes and, for various reasons, containment measures affect these children more seriously than others. In this familial situation, a major proportion of children are cared for by a single parent – usually, a mother – that is responsible for carrying out care during the containment period, while still working with no or limited access to formal or informal childcare. A large number of children are likely to be left with weak supervision and the stress and tension between parent and children are increased.

It is especially vulnerable if the parent gets infected and becomes sick with the virus if there isn't only one parent in the household.³⁹¹

Second, the risk of poverty is much greater than that of other children in single parents' families: in OECD, almost one-third of single parents' families are poor, compared with less than 10% in two-parent families (OECD, 2020). The income of single parents depends partially upon the child support of the absent parent, and in times of economic crisis, the non-payment of child alimony is likely to increase (Mincy, Miller, and De la Cruz Toledo, 2016).

³⁹¹ 'Combatting COVID-19's effect on children' (*Oecd.org*, 11 August 2020) <www.oecd.org/coronavirus/policy-responses/combating-covid-19-s-effect-on-children-2e1f3b2f> accessed 6 September 2021.



Finally, a growing minority of children with separate parents have common custody, with children between two homes alternating (OECD, 2019). The confining of children may interfere with access arrangements, and some children will not see a parent for longer than usual periods that may create anxiety and emotional insecurity for children and cause conflict between parents. For example, one parent who is exposed to the virus in a single parent can see his or her children removed from their home and temporary custody is given to the other parent by a court decision (Twohey, 2020).

A growing number of children left without one or both parents as well as other caregivers such as grandparents are attributed to the increasing number of dead from COVID-19. In particular, child care, traffickers, and other forms of exploitation are vulnerable to child labor.

Evidence from past crises indicates that families are highly likely to experience severe health shocks when health systems are in resource and social protection mechanisms do not exist. 70 Many employees, and in particular those in the informal sector, can only continue to work and increase their risk of illness. The loss of a household breadwinner or pension beneficiary may exacerbate the catastrophic health costs for households. Then child labor is turned into a strategy for survival. In particular, girls can play a more important role in taking care of households that are ill.

It is not unusual for children to take over their work when adult household members get sick or die. Maternal death leads to the necessity of work in the home. A recent study in Mali has shown how the disease of female families leads to certain tasks for children. However, mothers often play a role as monitoring to ensure that children continue in school, while children's jobs and that of their mothers usually have close connections.

Paternal morbidity and death can also have an influence. When the dad provides, the children can take that role, a study has shown in Bangladesh and the UK. A study from Nepal has shown that paternal disability and death have been the strongest predictor of infant infections into the most severe forms of child labor.

The present situation is atypical, as children may not be easily accessible from outside income-generating activities because of economic contraction and lock-outs. However, some kids are being pushed into other tasks. Anecdotal evidence from various countries shows that children do not suffer as a result of COVID-19, and are employed instead of adults. They take care of sick families and shop



for food and other activities that break the quarantine. They increase family income when adults are unable to work, particularly because they are less visible and less likely to be caught by the police to skip or avoid curfews.

7.4. Children as Economic Helping Hands

Children working in their own homes, helping their mothers do make them responsible and independent but Child domestic labor comes into the picture when the child works for a third party as child maidens, cooks, gardeners, or in factories, and usually, the third party exploits the child. According to a report by ILO, usually, girls under 16 work as a domestic helper and gets exploited.³⁹² The root cause of children as helping hands is extreme poverty. Parents need extra money for their survival and thus send their children to work instead of sending them to schools. As most of the children are uneducated, they become unskilled workers with literally low wages. In villages, sending their children to schools becomes inaccessible and unaffordable. Even the teachers are not of good quality and the teacher-student ratio is very low.³⁹³ In rural areas, most children work to support their family's livelihood and indulge in agriculture. They have been used as helping hands for small tasks like collecting water, gardening, and animal care to big tasks such as illegally working in construction sites or factories which is hazardous for their physical and mental well-being. But due to the shortage of income and no means to survive, parents produce more children and take advantage of their vulnerability. Another reason which comes is culture and traditions which states that the son has to follow the footsteps of his father and learn the skills at an early age, whereas girls are treated as liability and thus instead of sending them to schools, girls are trained for domestic help so that they can adapt and adjust easily after marriage. Poor families are already in debt due to illiteracy and poverty and thus

³⁹² 'Helping Hands or Shackled Lives? Understanding child domestic labour and responses to it (2004)' <www.ilo.org/global/docs/FKD00098/flang--en/index.htm> accessed 6 September 2021.

³⁹³ Joydeb Sasmal and Jorge Guillen, 'Poverty, Educational Failure and The Child Labour Trap- The Indian Experience' 16(2) pp. 270-280 (2015) <www.journals.sagepub.com/doi/abs/10.1177/0972150914564419?journalCode=gbra> accessed 6 September 2021.



they think that producing more children would help them in gaining income. But they don't understand the fact that it will only bring more burden to the child as well as the family.³⁹⁴ Parents are least bothered in the overall development of the child and don't send their children to schools thinking it might be counter-productive and the opportunity cost of sending school would result in losing the income the child could earn working in fields and factories. It shows that child labor comes not only from poverty but also from unhealthy family life and economic deprivation.³⁹⁵

Rural Child Population in India - According to Census 2011

Age group	Male	Female
0-6 years	6.31	5.82
0-14 years	14.23	13.12

Source- office of registrar general of India

While 69% of the total population of India resides in rural areas, 74% of the children (0-6 years) live in rural areas.³⁹⁶

Viewpoint: We can infer from the above data, that majority of the Indian population resides in rural India and so their children. But we need to understand that these children are denied of their basic rights, such as right to education and right to health and sanitation. Apart from that these children lacks overall development. Rural parents raise more and more children so that their children could become their economic helping hands. But what about the children's future? It is dark and gloomy. They work to meet their own survival and move to urban cities which are already congested and competitive. So, instead of raising children, increasing population and engaging them in work, focus

³⁹⁴ 'Child Labour' (Causes, 2011) <www.ilo.org/moscow/areas-of-work/child-labour/WCMS_248984/lang--en/index.htm> accessed 6 September 2021.

³⁹⁵ Shunsuke Sakamoto, 'Parental attitudes toward children and child labor: evidence from rural India' (IHSN, 2006) <www.catalog.ihsn.org/index.php/citations/1763> accessed 6 September 2021.

³⁹⁶ 'Children in India 2018- A Statistical Appraisal' (MOSPI, 2018). <[www.mospi.nic.in/sites/default/files/publication_reports/Children in India 2018-A Statistical Appraisal_26oct18.pdf](http://www.mospi.nic.in/sites/default/files/publication_reports/Children%20in%20India%202018-A%20Statistical%20Appraisal_26oct18.pdf)> accessed 6 September 2021.



should be given in delivering basic health infrastructure and education to these children for their overall development.

7.5. Restricted Movement

In underdeveloped households, movement restrictions will decrease the availability of agricultural labourers, forcing farmers to use their children.³⁹⁷

Children living in street situations, traditionally a form of working as rubbish collectors, street vendors and engaged in begging, can no longer do so.³⁹⁸

The children of farmers and agricultural labourers in India are at greater risk.³⁹⁹ As governments have put restrictions on movement and gatherings have been imposed during harvesting and marketing time, in the absence of helping hands, children will be helpless to the fallback option to assist parents in the fields.⁴⁰⁰

Foreign direct investment is expected to fall in the post-COVID-19 downturn through a contraction in resources in high-income countries, the loss of credit and the reduction in travel.⁴⁰¹ Since foreign direct investment is generally associated with higher incomes and less child labour, a drop-off could follow dynamics similar to those of international trade.⁴⁰²

³⁹⁷ Iffat Idris, 'Impact of covid-19 on child labour in South Asia' (GSDRC, Jun 2020) <www.gsdr.org/publications/impact-of-covid-19-on-child-labour-in-south-asia> accessed 6 September 2021.

³⁹⁸ *Id.*

³⁹⁹ The Wire, 'COVID-19 Crisis Will Push Millions of Vulnerable Children Into Child Labour' (*The Wire*, 22 April 2020) <www.thewire.in/rights/covid-19-crisis-will-push-millions-of-vulnerable-children-into-child-labour> accessed 6 September 2021.

⁴⁰⁰ *Ibid.*

⁴⁰¹ 'COVID -19 and Child Labour 2020' (UNICEF) <www.unicef.org/media/70261/file/COVID-19-and-Child-labour-2020.pdf> accessed 6 September 2021.

⁴⁰² *Ibid.*



With the arise of pandemic, there is a large rise in child labor in all across the country with the increase of 152 million laboureers worldwide. India is facing a lot 10.1 million child labourers around the aging pattern of 5 -14 years. The deterioration of employment during the COVID - 19 causes a large level of unemployment. The effect is more on the informal sectors such as workers, self - employed, migrant workers etc. leading to a vulnerable condition of the labor market.⁴⁰³

Families experiencing child labor are more likely to have children for child labor. When the migrant workers return home either forcefully or willingly, the value of child is more with the increase in the child labor. The employment of child labor is more active when the migrant workers bring home new techniques, resources and connection stowards it. During this time, the vulnerability of child labor is more complicated with the lack of adult workers in the field or factories. Soon the local increase of child laborers is at peak making the children more dreadful with the situation and making them quarantine the process whenever the need arises during the pandemic.

The situation of pandemic bans the travel medium with the closure of borders which causes large suffering to the migrant workers who are unable to move to their places of work or continue with their jobs which largely affects their income range particularly the casual or regular wagers including most of the children.⁴⁰⁴ According to one of the reports, more than ten thousand children are touching the bottom line with the loss of 'traditional' income opportunities such as begging, daily wages etc. as well as losing the support of welfare organisations and NGOs.⁴⁰⁵

The seasonal changes occurring with the passage of situations has also a hard effect on the working of children. When the seller has smallholder production or those products which are perishable in nature, the seller has to sell them on time otherwise they will lose their values and use, at that very moment restriction of movement and gathering of labors becomes a large hardship on them. The pandemic reduces the availability of traditional labor and forces more of them to use their children. It is large pressure on the farmers where the condition creates more fuel to the child labor.

Loss of income due to lockdown and travel restrictions will also be keenly felt by low-income, in-country seasonal migrant workers as they are less likely to have savings and more likely to have

⁴⁰³ *supra* note 403.

⁴⁰⁴ *Id.*

⁴⁰⁵ *supra* note 401.



employment related debts (Sharma and Dangal 2019; Migration Health South Asia Network 2020). Seasonal migrant workers in Nepal are often lower-skilled and many are landless relying on rented parcels of land to grow food. They lack access to social protection and health and welfare safety nets, and have limited social capital to support families. Financial implications of COVID-19 increase the risk of household poverty and exposure to exploitation (International Organisation on Migration 2020a, 2020b). In turn, extreme household poverty increases the risk of child trafficking and child labour, with further exploitation for those children working in hazardous conditions including increased vulnerabilities to COVID-19..

Emerging reports says that the impact of COVID - 19 puts impact on the shutdown of schools with the pressure on development projects which lacks the labor and that lead to increase in the child labor. In poor countries like Nepal, poor and low-income families travel within the county to settle on new destinations where they can work for the income and wages. Children migration with the family are more likely lead to child labor as paid or unpaid labor with the economic necessity. Many governmental, non - governmental and international organisations in support for the wellbeing of the children in migrant families.⁴⁰⁶



⁴⁰⁶ *supra* note 401.



CHAPTER 08

AUTHORITIES TO RELY ON

8.1. Global Sustainable Development Goal: End Child Labour by 2025

In September 2015 Heads of State and Government consented to set the world on a way towards sustainable improvement through the adoption of the 2030 Agenda for Sustainable Development.⁴⁰⁷ This plan incorporates 17 Sustainable Development Goals, or SDGs, which set out quantitative targets across the social, financial, and ecological elements – all to be accomplished by 2030. The objectives give a structure to shared activity "for individuals, planet and thriving," to be executed by "all nations



and all partners, acting in collective organization."⁴⁰⁸

Fig: Given below are the official symbols for the

⁴⁰⁷ 'Sustainable Development Solutions Network. Chapter 1: Getting to Know the Sustainable Development Goals. Sustainable Development Solutions Network' pp. 5–11 (*JSTOR*, 2015) <www.jstor.org/stable/resrep15866.5> accessed 6 September 2021.

⁴⁰⁸ *Ibid.*



Sustainable development goals.⁴⁰⁹

Sustainable Development Goals as per the draft outcome document of the United Nations summit for the adoption of the post-2015 development agenda (Sixty-ninth session).⁴¹⁰

Goal 1: End poverty in all its forms everywhere
Goal 2: End hunger, achieve food security and improved nutrition and promote sustainable agriculture
Goal 3: Ensure healthy lives and promote well-being for all at all ages
Goal 4: Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all
Goal 5: Achieve gender equality and empower all women and girls
Goal 6: Ensure availability and sustainable management of water and sanitation for all
Goal 7: Ensure access to affordable, reliable, sustainable and modern energy for all
Goal 8: Promote sustained, inclusive and sustainable economic growth, full

⁴⁰⁹ ‘THE 17 GOALS | Sustainable Development’ (*United Nations*) <www.sdgs.un.org/goals> accessed 6 September 2021.

⁴¹⁰ ‘United Nations Official Document’ (*United Nations*) <www.un.org/ga/search/view_doc.asp?symbol=A/69/L.85&Lang=E> accessed 6 September 2021.



and productive employment and decent work for all
Goal 9: Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation
Goal 10: Reduce inequality within and among countries
Goal 11: Make cities and human settlements inclusive, safe, resilient and sustainable
Goal 12: Ensure sustainable consumption and production patterns
Goal 13: Take urgent action to combat climate change and its impacts
Goal 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development
Goal 15: Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss
Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels
Goal 17: Strengthen the means of implementation and revitalize the Global Partnership for Sustainable Development



The elimination of child labour is given in SDG target 8.7, it commits the countries to “take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms”. SDG (8.7) target refers to the “people” dimension, the social pillar and the rights-based nature of the 2030 Sustainable Development Agenda.⁴¹¹ Work related to child labour also supports SDG target 16.2: “end abuse, exploitations, trafficking and all forms of violence against and torture of children”.⁴¹²

Initiatives from diverse groups from all around the world are truly something to look upon; the International Labour Organization, Alliance (a member of ILO), UNICEF, the European Union and much more.

“I have never gone to school because my parents do not have resources”, “I am aware of the dangers down there in the mine, [...] but I do not have another choice”, says a fourteen-year-old, Ruth from Cameroon.⁴¹³

The year of 2021 declared as the ‘*International Year for the Elimination of Child Labour*’, meant diligently finding ways in order to ensure, support children whilst trying to maintain the abolishment in child labour globally. ILO and UNICEF in its global report have already mentioned their gradual downfall when it comes to eradication of child labour.

Frida Khan, Country Coordinator, ILO Jordan mentions, “2021 has been declared as the International Year for the Elimination of Child Labour. In Jordan, we will continue to work closely with our partners to find durable solutions that support children and members of their families, who are in or at risk of child labour, to ensure they are given the chance they deserve to better education, protection and future. In recent years, ILO and UNICEF have strengthened coordination at the field-level, particularly in the agriculture sector, where a considerable number of Jordanian and Syrian child

⁴¹¹ ‘Child Labour (Decent work for sustainable development (DW4SD) Resource Platform)’ (ILO) <www.ilo.org/global/topics/dw4sd/themes/child-labour/lang--en/index.htm> accessed 6 September 2021.

⁴¹² *Ibid.*

⁴¹³ ‘Pandemic may push zero child labour 2025 goal further away if we do not act’ (EEAS, 21 June 2021) <www.eeas.europa.eu/headquarters/headquarters-homepage/99847/pandemic-may-push-zero-child-labour-2025-goal-further-away-if-we-do-not-act_en> accessed 6 September 2021.



laborers are found.”⁴¹⁴

The end of 2022 predicts that there might be an almost estimate of 9 million children been driven into child labour as a result of the widespread COVID-19; it is evidently shown that there is an increase in children between the ages of 5 to 17 by almost a 6.5 million to 79 million since 2016.⁴¹⁵

The country of Netherlands’ government has decided to back up with the eradication of child labour by the end of 2025. With such an initiative they have begun to work and support ‘Work: No Child’s Business’, a scheme which is especially important since this, as a deciding factor, contributes to the Sustainable Development Goal 8.7 whose main objective is to combat child labour by the end of 2025. Their aim is to try and minimize, thereby eventually uproot every factor that leads child labour to take place. With this scheme, they plan to work in countries with a high rate of labor of children taking place, these countries being; Côte d’Ivoire, India, Jordan, Mali, Uganda and Vietnam.⁴¹⁶

El Salvador shows a perceptible progress in diminishing forced child labour. Sugarcane industries are prevalent in this country and it needs to be understood that such work contains work which is unsafe especially due to the tools and techniques used in this field. Therefore, with such matters of contentions kept in mind, the Government of El Salvador put an end to child labor under the sugarcane industries mainly with the help of the memorandum which was propositioned by the Sugarcane Producers Association in the year of 2002; a small yet a critical approach.⁴¹⁷

2021 Sustainable Development Report

SDG Index score for 2020 has decreased for the first time since SDGs were adopted in 2015, largely due to rising poverty and unemployment following the onset of the COVID-19 pandemic. There are

⁴¹⁴ ‘A call for renewed collective commitment to ending worse forms of child labour by 2025’ (*UNICEF Jordan*, 10 June 2021) <www.unicef.org/jordan/press-releases/call-renewed-collective-commitment-ending-worse-forms-child-labour-2025> accessed 6 September 2021.

⁴¹⁵ *Ibid.*

⁴¹⁶ ‘New program ‘Work: No Child’s Business’ launched to help eliminate child labor’ (*Government of Netherlands*, 23 May 2019) <www.government.nl/documents/media-articles/2019/05/23/new-program-work-no-child%E2%80%99s-business> accessed 6 September 2021.

⁴¹⁷ ‘Checkpoints for Companies Eliminating and Preventing Child Labour’ (*ILO*) <www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_456960.pdf> accessed 6 September 2021.



three components to sustainable development: economic, social and environmental.⁴¹⁸ The data for the report was collected between February and April 2021.

The table below summarises the progress made toward the 17 SDGs by area and income level in 2021.⁴¹⁹

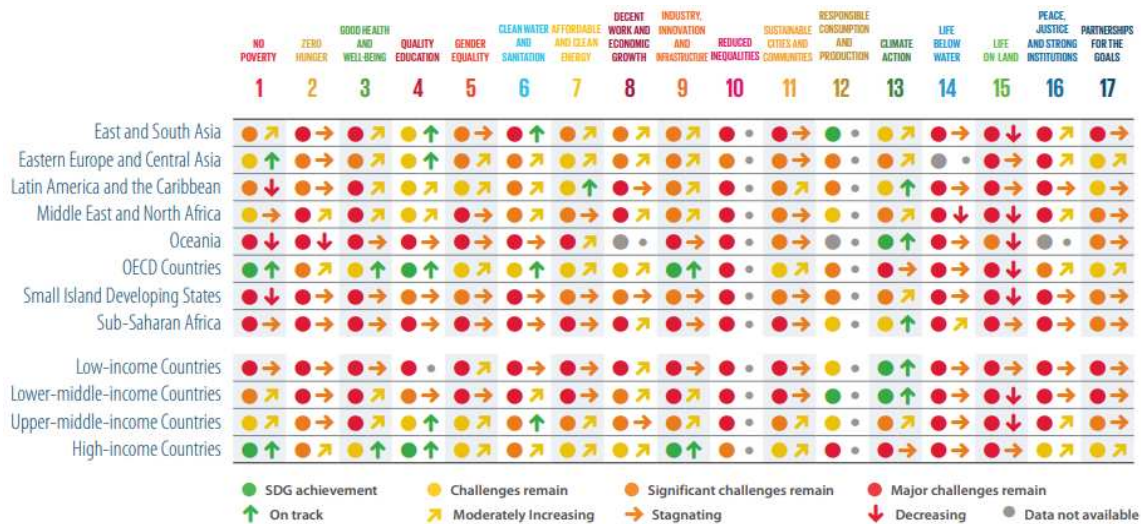


Fig: The arrows are indicators showing the status of the goal. The 4 types of arrows as shown below.⁴²⁰



⁴¹⁸ Jeffrey Sachs et al., ‘Sustainable Development Report 2021’ (Cambridge Core) <www.cambridge.org/core/books/sustainable-development-report-2021/2843BDD9D08CDD80E6875016110EFDAE> accessed 6 September 2021.

⁴¹⁹ *Ibid.*

⁴²⁰ *supra* note 418.



The table given below shows the percentage of children between the age of 5-14 years, involved in child labor when the survey was taken in 193 countries. This goal was covered under SDG 16: Peace, Justice and strong Institutions.

For the survey a child was considered to be involved in child labor when conditions: (a) when children (5-11 years) during a week, did at least one hour of economic activity or at least 28 hours of household chores, or when (b) children (12-14 years) during the week, did at least 14 hours of economic activity or at least 28 hours of household chores.⁴²¹

Assumption: 0% child labor for high-income countries for which no data was reported.⁴²²

Table: Children involved in child labor (% of population aged 5 to 14)

S.No.	Country	Value	Year
1	Afghanistan	16.6	2014
2	Albania	2.8	2010
3	Algeria	3.7	2013
4	Andorra	NA	NA
5	Angola	9.7	2016
6	Antigua and Barbuda	NA	NA

⁴²¹ *supra* note 416.

⁴²² *supra* note 418.



7	Argentina	NA	NA
8	Armenia	3.9	2015
9	Australia	0.0	2019
10	Austria	0.0	2019
11	Azerbaijan	NA	NA
12	The Bahamas	NA	NA
13	Bahrain	NA	NA
14	Bangladesh	5.9	2019
15	Barbados	1.2	2012
16	Belarus	1.0	2012
17	Belgium	0.0	2019
18	Belize	2.2	2013
19	Benin	17.0	2018
20	Bhutan	1.7	2010



21	Bolivia	12.3	2019
22	Bosnia and Herzegovina	NA	NA
23	Botswana	NA	NA
24	Brazil	3.4	2015
25	Brunei Darussalam	NA	NA
26	Bulgaria	NA	NA
27	Burkina Faso	35.1	2010
28	Burundi	20.5	2017
29	Cabo Verde	NA	NA
30	Cambodia	11.5	2012
31	Cameroon	33.4	2014
32	Canada	0.0	2019
33	Central African Republic	22.2	2010
34	Chad	31.9	2015



35	Chile	2.3	2012
36	China	NA	NA
37	Colombia	2.9	2017
38	Comoros	20.4	2012
39	Congo, Democratic Republic of the	9.2	2018
40	Congo, Republic of	10.8	2015
41	Costa Rica	3.4	2018
42	Côte D'ivoire	17.5	2016
43	Croatia	NA	NA
44	Cuba	NA	NA
45	Cyprus	NA	NA
46	Czech Republic	0.0	2019
47	Denmark	0.0	2019



48	Djibouti	NA	NA
49	Dominica	NA	NA
50	Dominican Republic	5.6	2014
51	Ecuador	4.9	2019
52	Egypt, Arab Republic of	3.6	2019
53	El Salvador	3.5	2019
54	Equatorial Guinea	NA	NA
55	Eritrea	NA	NA
56	Estonia	0.0	2019
57	Eswatini	6.1	2010
58	Ethiopia	40.5	2015
59	Fiji	NA	NA
60	Finland	0.0	2019
61	France	0.0	2019



62	Gabon	14.5	2012
63	The Gambia	13.6	2018
64	Georgia	1.5	2015
65	Germany	0.0	2019
66	Ghana	14.8	2018
67	Greece	0.0	2019
68	Grenada	NA	NA
69	Guatemala	8.1	2013
70	Guinea	19.5	2016
71	Guinea-Bissau	14.9	2019
72	Guyana	9.6	2014
73	Haiti	21.6	2012
74	Hondurus	8.0	2014
75	Hungary	0.0	2019



76	Iceland	0.0	2019
77	India	4.3	2012
78	Indonesia	NA	NA
79	Iran, Islamic Republic of	NA	NA
80	Iraq	3.1	2018
81	Ireland	0.0	2019
82	Israel	0.0	2019
83	Italy	0.0	2019
84	Jamaica	2.7	2016
85	Japan	0.0	2019
86	Jordan	1.2	2016
87	Kazakhstan	NA	NA
88	Kenya	NA	NA
89	Kiribati	7.1	2019



90	Korea, Democratic Republic of	4.0	2017
91	Korea, Republic of	0.0	2019
92	Kuwait	NA	NA
93	Kyrgyz Republic	20.1	2018
94	Lao People's Democratic Republic	26.3	2017
95	Latvia	0.0	2019
96	Lebanon	NA	NA
97	Lesotho	8.2	2018
98	Liberia	12.8	2010
99	Libya	NA	NA
100	Liechtenstein	NA	NA
101	Lithuania	0.0	2019
102	Luxembourg	0.0	2019



103	Madagascar	29.8	2018
104	Malawi	16.6	2014
105	Malaysia	NA	NA
106	Maldives	NA	NA
107	Mali	10.4	2017
108	Malta	NA	NA
109	Marshall Islands	NA	NA
110	Mauritania	12.6	2015
111	Mauritius	NA	NA
112	Mexico	3.6	2017
113	Micronesia, Federated States of	NA	NA
114	Moldova	NA	NA
115	Monaco	NA	NA



116	Mongolia	7.9	2018
117	Montenegro	7.7	2018
118	Morocco	NA	NA
119	Mozambique	NA	NA
120	Myanmar	8.1	2015
121	Namibia	NA	NA
122	Nauru	NA	NA
123	Nepal	10.0	2014
124	Netherlands	0.0	2019
125	New Zealand	0.0	2019
126	Nicaragua	25.9	2012
127	Niger	28.8	2012
128	Nigeria	28.7	2017
129	North Macedonia	2.4	2019



130	Norway	0.0	2019
131	Oman	NA	NA
132	Pakistan	9.0	2018
133	Palua	NA	NA
134	Panama	2.2	2016
135	Papua New Guinea	NA	NA
136	Paraguay	15.5	2016
137	Peru	13.3	2015
138	Philippines	4.3	2011
139	Poland	0.0	2019
140	Portugal	0.0	2019
141	Qatar	NA	NA
142	Romania	NA	NA
143	Russian Federation	NA	NA



144	Rwanda	3.5	2017
145	Samoa	NA	NA
146	San Marino	NA	NA
147	Sao Tome and Principe	12.8	2014
148	Saudi Arabia	NA	NA
149	Senegal	17.1	2016
150	Serbia	9.1	2019
151	Seychelles	NA	NA
152	Sierra Leone	21.0	2017
153	Singapore	NA	NA
154	Slovak Republic	0.0	2019
155	Slovenia	0.0	2019
156	Solomon Islands	13.8	2015
157	Somalia	NA	NA



158	South Africa	1.9	2015
159	South Sudan	NA	NA
160	Spain	0.0	2019
161	Sri Lanka	0.8	2016
162	St. Kitts and Nevis	NA	NA
163	St. Lucia	1.9	2012
164	St. Vincent and The Grenadines	NA	NA
165	Sudan	15.3	2014
166	Suriname	3.4	2018
167	Sweden	0.0	2019
168	Switzerland	0.0	2019
169	Syrian Arab Republic	NA	NA
170	Tajikistan	NA	NA



171	Tanzania	22.8	2014
172	Thailand	NA	NA
173	Timor-Leste	7.2	2016
174	Togo	32.9	2017
175	Tonga	25.9	2019
176	Trinidad and Tobago	0.7	2011
177	Tunisia	1.8	2012
178	Turkey	NA	NA
179	Turkmenistan	0.3	2016
180	Tuvalu	NA	NA
181	Uganda	13.2	2017
182	Ukraine	2.2	2012
183	United Arabs Emirates	NA	NA
184	United Kingdom	0.0	2019



185	United States	0.0	2019
186	Uruguay	3.7	2010
187	Uzbekistan	NA	NA
188	Vanuatu	15.0	2013
189	Venezuela	NA	NA
190	Vietnam	12.1	2014
191	Yemen	NA	NA
192	Zambia	20.2	2012
193	Zimbabwe	25.6	2019

Modus Operandi of the European Union

The ever-resolute European Union has come up with unyielding approaches in order to achieve the Sustainable Development Goal 8.7 complete removal of child labor. The current president of the European Union, President Ursula von der Leyen advocated the ‘zero-tolerance policy’ which as the name suggests has decided to act up against the never-ending child labour. This would mean that there would be several steps acted with regards to the particular target population. Concentration on the target population would mean that situations on the reliance on child labor will gradually decrease. Goods exported by the countries are the ones on which child labor is mainly used for, therefore EU



being a global syndicate pushes itself as a duty to stop the prevalence of child labor.⁴²³

Besides this EU also plans to take hold and control various agricultural chains, since child labor is mainly present in the agricultural sector; this would mean offering of various monetary added jobs to both the youth and women.⁴²⁴

The European Union in its directive of June 22, 1994, has adopted various requirements which already pave a way the reduction in child labour; it mentioned the unemployment of children in any workplace (under the age of 18) although there are exceptions when it comes to cultural, sports-based activities.⁴²⁵

The EU Strategy on the Rights of the Child, EU's new Strategy on Combating Trafficking in human beings 2021-2025, Action Plan on Human Rights and Democracy 2020-2024 are various other initiatives taken by the European Union.⁴²⁶

8.2. United Nations Convention on Rights of the Child (UNCRC) Article 32

- *For every child, every right*

“All human beings are born free and equal in dignity and rights”⁴²⁷

⁴²³ ‘2021 is the International Year for the Elimination of Child Labour - It’s time to step up to our commitments and end child labour for good!’ (*European Commission*, 19 January 2021) <www.ec.europa.eu/international-partnerships/stories/2021-international-year-elimination-child-labour-its-time-step-our-commitments-and-end-child_en> accessed 6 September 2021.

⁴²⁴ ‘Ending Child Labour By 2025’ (*European Union External Action Service*, 14 May 2021) <www.eeas.europa.eu/headquarters/headquarters-homepage/98496/ending-child-labour-2025_ru> accessed 6 September 2021.

⁴²⁵ Council Directive 94/33/EC, Jun 22, 1994.

⁴²⁶ ‘Child Labour: Statement by the European Commission and the High Representative on the World Day against Child Labour’ (*Reliefweb*, 11 June 2021) <www.reliefweb.int/report/world/child-labour-statement-european-commission-and-high-representative-world-day-against> accessed 6 September 2021.

⁴²⁷ ‘Child rights and human rights explained’ (*UNICEF*) <www.unicef.org/child-rights-convention/children-human-rights-explained> accessed 6 September 2021.



The text of the article 32 reads as-

- 1) States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.
- 2) States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:
 - a. Provide for a minimum age or minimum ages for admission to employment;
 - b. Provide for appropriate regulation of the hours and conditions of employment;
 - c. Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.⁴²⁸

A legally binding international agreement establishing civil, political, economic, social and cultural rights of all children regardless of race, religion and ability has been developed in 1989⁴²⁹ and is a legal agreement. The UN Convention for the Rights of the Child. At the crux of this is the recognition of the fundamental rights of every child. It is the world's most extensively ratified human rights convention in history.⁴³⁰ These include the right to:

- Life, survival and growth
- Prevention from violence, harassment or disregard
- An education that allows kids to achieve their potential

⁴²⁸ 'Convention on the rights of the child' (OHCHR)

<www.ohchr.org/en/professionalinterest/pages/crc.aspx> accessed 6 September 2021.

⁴²⁹ 'History of child rights' (UNICEF)

<www.unicef.org/child-rights-convention/history-child-rights> accessed 8 September 2021.

⁴³⁰ 'What is the convention on the rights of the child' (UNICEF) <www.unicef.org/child-rights-convention/what-is-the-convention> accessed 8 September 2021.



- Being raised by your parents or relatives
- Express your views and be heard.⁴³¹

In Article 1, the United Nations Convention on the Rights of the Child (CRC) constitutes the most comprehensive convention on children's rights and defines children as "all persons below the age of 18, except where a majority is obtained earlier by the applicable legislation of the child."⁴³²

These four concepts contribute to an overall attitude to the rights of children:

They are founded on the idea that children as human beings are also equal.

1. Non-discrimination - Article 2 states that children must have equal chances
2. The right to live and to grow
3. The best interests of the child
4. The child's views

A global set of criteria is provided for in the Convention that all countries must conform to. It mirrors the child's new vision. Children are neither the property nor the hapless objects of charity of their parents. They are people and subject to their own rights. The Convention presents a children's perspective as an individual, as a family member and as a community, with rights and duties suitable to their age and development phase. This is a strong focus on the whole child's recognition of the rights of children.⁴³³

The convention also puts immense importance on the holistic well-being, dignity and inalienable rights of people and demarcates it as the foundation for freedom, justice and peace. Children especially are entitled to special care and assistance.⁴³⁴

⁴³¹ *supra* note 415.

⁴³² 'Child rights' (*International Justice Resource Center*)

<www.ijrcenter.org/thematic-research-guides/childrens-rights> accessed 8 September 2021.

⁴³³ 'Frequently asked questions on the convention on the child rights' (*UNICEF*) <www.unicef.org/child-rights-convention/frequently-asked-questions> accessed 8 September 2021.

⁴³⁴ *supra* note 414.



How is the Convention on the Rights of the Child special?

The Convention on the Rights of the Child:

- Is the largest human rights pact ever signed - applicable in nearly every country in the world, thereby establishing a common ethical and legal foundation to enable children's rights to be realised.
- It was the first official undertaking to ensure that children's rights are protected and improvement in the condition of children is monitored.
- It indicates that child rights are no longer a choice, a matter of favour, friendliness or a show of compassion. The rights of children create duties and obligations that we must all honour and comply with.
- Its non-state entities have also acknowledged it.
- It is a reference for a number of organisations, including NGOs and institutions inside the UN system, working with and for children.
- It emphasizes that the complete development of a child is equally vital and crucial for all rights and that all children are valuable.
- Reaffirms the concept of State accountability for human rights and the related principles of openness and public scrutiny.
- Promotes a worldwide solidarity structure aimed to fulfil the rights of children. Donor nations are requested to offer help in regions with special needs identified; recipient countries are also requested to contribute foreign development aid for that purpose.
- Emphasizes the role of society, communities and families in promoting and protecting the rights of children.⁴³⁵

⁴³⁵ *supra* note 418.



Over the past 30 years, children's lives have been transformed more than 50% reduction in deaths of children under 5 since 1990, almost halved the proportion of undernourished children since 1990, 2.6 billion more people have clear drinking water today than in 1990, but millions are still left behind and childhood is changing rapidly.- 262 million children and youth are out of school, 650 million girls and women were married before their 18th birthday, 1 in 4 children will live in areas extremely limited water resources by 2040.⁴³⁶

Areas of special concern with respect to the rights of children include: 1. The right to freedom from sexual exploitation 2. Child labor 3. Children in armed conflict 4. Education 5. Children within the context of criminal law.⁴³⁷

Sexual exploitation-

According to the second optional protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, States are obliged to guarantee that specific actions against minors are criminalised and that states are required to prosecute and extradite criminals within their jurisdiction.

Child labour-

The International Labor Organization (ILO) Conventions cover child labour concerns most extensively. The ILO 138 states that the minimum employment age is normally fifteen years, although in the beginning the developing countries might specify a minimum employment age of fourteen years. The minimum age is 18 for jobs under certain situations (e.g. for health concerns). See International Worst forms of Child Labor Convention, 1999 International Labor Organisation (ILO 182).

⁴³⁶ 'Convention on the rights of the child' (UNICEF)
<www.unicef.org/child-rights-convention> accessed 8 September 2021.

⁴³⁷ *supra* note 418.



Children in armed conflict

Recruitment of children into the armed forces is a violation of the Geneva Conventions' International Humanitarian Law, which aims to limit the consequences of military warfare and also to provide specific provisions on States' duties on protecting and caring for children in armed conflict situations.

While the CRC does not allow for armed forces to recruit children under the age of 15, Article 77 of Protocol 1, of the Geneva Conventions of 1949 allows for the prevention of child recruitment in international armed conflicts between the ages of 15 and 17⁴³⁸.

The First Failure to Agree on the Child's Rights in Armed Conflict increases to 18 the minimum age of those who take part in armed conflicts and includes a unique clause governing non-state actors' actions, stating that non-state forces should not recruit anyone under 18 years of age.

Juvenile justice

While the age of criminal culpability varies considerably between nations, international human rights law has shown that even in children who are in confrontation with the law, the best interests of the child are important. General Comment 10 to the CRC provides further details on particular concerns for minors in the State judicial system. Children who are guilty of criminal acts must, for example, be segregated from adults and their interests must be taken into account, as children should be taken into account while determining conditions of detention.

Individuals should never be punished without parole for crimes they committed as children for death penalty or for child's life under any circumstances. See Article 37 of the UN Convention on the Rights of the Child, International Convention on Civil and Political Rights, Article 6(5); Article 6(4) of the Convention of Geneva on the Protection of Civil Persons in Time of War, art. 68, United States Convention on the Rights of Man, Article 4(5).⁴³⁹

⁴³⁸ 'The Geneva Convention of 12 August 1949' ICRC.

⁴³⁹ Committee on the rights of the child, 'CRC general comment 10: children's rights in juvenile justice, right to education, 2007' (*Right to Education Initiative*) <www.right-to-education.org> accessed 8 September 2021.



Enforcement⁴⁴⁰

Translating child rights principles into practice requires action and leadership by governments.

The Universal Periodic Review, Special Procedures, and Treaties may monitor States' compliance with their responsibilities in relation to children's rights. The Committee is particularly interested in reviewing State reports on the CRC's implementation and its two optional protocols and is competent to hear individual complaints from the time the Third Optional Protocol to the CRC goes into force in April 2014. The Special Rapporteur on the Sale of Children, Prostitution of Child and Child Pornography and the Special Representative of the Secretary General for children and armed conflict can also carry out the implementation through visits to countries and reports.

In order to guarantee Member States' compliance with its standards, the International Labor Organization (ILO) maintains a surveillance system. A complaint mechanism is also in place where the parties can register complaints against States for non-compliance with ratified ILO standards. Evaluate individual complaints of breach of the national human rights treaties and of provisions on the protection of children's rights by the regional human rights commissions and courts, including the European Human Rights Court, the Inter-American Human Rights Court and the Inter-American Human Rights Commission and the African Court of Human Rights.

To promote and strengthen respect for the human rights of children and juveniles across the area, the Inter-American Commission has created a Rapporteurship on the Child's Rights. A specific focus on children's rights is maintained by the Human Rights Commissioner of the Council of Europe. In addition, the African Committee of Experts on Child Rights and Welfare should provide the African Charter on the Rights and Welfare of the Child with others and assess the implementation of State reports.

⁴⁴⁰ *supra* note 418.



Timeline of child rights⁴⁴¹

1924- Eglantyne Jebb, the founder of the Save the Children Fund, is adopting the Geneva declaration on the rights of the child. The Declaration elucidates that all people owe to children the right to: development involves; particular assistance in times of need; priority for support; free economy and protection against exploitation; and education that cultivates social conscience and obligation.

1946- The General Assembly of the United Nations creates the International Children's Emergency Fund (UNICEF), with a global focus on children.

1948- The General Assembly of the United Nations adopts a Universal Declaration of Human Rights, in which Article 25 enforces "particular care and help" for women and children and "social protection."

1959- The Declaration of the Rights of the Child is adopted by the General Assembly of the United Nations, which includes recognition of the rights of children to education, sport, encouraging environment and health.

1966- The UN Member States pledge that they would defend equal rights, including education and protection, for all children by virtue of the International Pact on Civil and Political Rights and Economic, Social and Cultural Rights.

1968- In the 20 years since the Universal Declaration of Human Rights was adopted, the international conference on human rights is organised to assess nations' development. An agenda is drawn up for future cooperation and national human rights obligations are reinforced.

1973- In accordance with Convention 138, 18 for a work-oriented period may be harmful to the health, safety or morality. The International Labor Organisation accepts Convention 138.

1974- Speaking about women's and children's vulnerability in emergencies and in circumstances of war, the General Assembly urges Member States to comply with the Statement on Women's and

⁴⁴¹ *supra* note 425.



Children's Emergency and Armed Conflict. The Declaration bans attacks or jail sentences on civilians and children and supports the holiness of women's and children's rights throughout armed struggles.

1978- For discussion by a working group of Member States, agencies and intergovernmental and non-governmental organisations, the Commission on Human Rights has drawn up a draught convention on the rights of the child.

1979- The United Nations Assembly declared 1979 the International Year of the Child in which UNICEF takes a major role in commemoration of the 20th Anniversary of 1959, the Declaration of the Rights of the Child.

1985- The Minimum Standard rules for the administration of youth justice set forth the concepts of a system of justice which promotes children's best interests, such as education and social services and child detention proportionate treatment.

1989- The United Nations General Assembly approved the Convention on the Rights of the Child, which has received great praise for recognising the role of children as social, economic, political, civic, and cultural players. The Convention has been a major success for human rights. The Convention ensures and sets minimum criteria in order to preserve children's rights in all areas. The paper is designated as a source of knowledge by UNICEF that supported the draught Convention.

1990- The New York World Children's Summit takes place. The Juvenile Delinquency Guidelines provide ways to reduce crime and safeguard young individuals at high social risk.

1991- The data obtained through the reporting procedure of the Convention on the Rights of Child will be discussed by experts from UNICEF, Save the Children, Defense for Children International and other organisations. The conference led to the formal creation of the International Child Rights Network (CRIN) in 1995.

1999- In its request for urgent ban and eradication of any kind of labour which could affect the health, safety or morality of children the ILO adopted the Worse Forms of Child Work convention (Worst



Forms of Child Labor Agreement). Since 1996 UNICEF has worked with the ILO to promote the ratification of international labour standards and child labour policy.

2000- Two Optional Protocols of the 1989 Convention on the rights of the child are adopted by the General Assembly of the United Nations, which require States parties to take key measures to avoid children being involved in hostilities during armed conflict and to end children's sale, sexual exploitation and abuse.

The UNCRC was supplemented by two optional protocols in 2000. Governments are called upon to guarantee that youngsters aged under 18 are not forcefully recruited. Secondly, States are called upon to ban prostitution of minors, child pornography and the selling of children to slavery. More than 120 countries have now approved them.⁴⁴²

2002- For the first time, child representatives address the General Assembly at the United Nations Special Session on Children. In order to achieve a better children's prospects over the next decade, the World Fit for Children Agenda has been agreed.

2006- UNICEF co-publishes the UN Office on Drugs and Crime Manual for the Measurement of Youth Justice Indicators. The manual allows governments to analyse and implement reforms to assess the situation of national systems of juvenile justice.

2010- The Secretary-General of the United Nations issues the status of the Child Rights Convention.

2011- The 1989 convention on the children's rights was adopted by a new optional protocol. The Committee on the Rights of the Child can make complaints and investigate abuses of children's rights under this optional protocol on the communication procedure. In 2011 a third optional procedure was added. This permits children with violations of their rights to report directly to the United Nations Committee on the Rights of the Child.⁴⁴³

⁴⁴² 'UN convention on the rights of the child, save the children' (*Save The Children*)

<www.savethechildren.org.uk/what-we-do/childrens-rights/united-nations-convention-of-the-rights-of-the-child> accessed 8 September 2021.

⁴⁴³ *Ibid.*



2015- The Convention is ratified by Somalia and South Sudan. The Convention is the international treaty most frequently ratified by 196 States. Only the United States has not ratified it yet.

All nations that are a member of the UNCRC are required to comply with international law. The Committee on the Rights of the Child supervises this. The UNCRC is also the first international convention on human rights to grant a direct role, in accordance with Article 45a, to NGOs, as is the case with Save the Children.⁴⁴⁴

Viewpoint: Indeed, in 1923, Save the Children's Founder, Eglantyne Jebb, made the world's very first statement on child rights.

Role of UNICEF

The Convention on the Rights of the Child is the first human rights treaty that grants a role in its implementation to a specialized United Nations agency – UNICEF. Under the Convention, UNICEF is entitled to be present when the Committee reviews implementation of the Convention in a given country. UNICEF can be invited to provide expert advice and to submit reports. The Committee can also require the State to turn to UNICEF for technical advice or assistance.⁴⁴⁵

UNICEF is the only organization specifically named in the Convention on the Rights of the Child as a source of expert assistance and advice. The Convention provides UNICEF with guidance as to the areas to be assessed and addressed, and is a tool to measure the progress achieved in those areas. In addition to maintaining a focus on child survival and development, UNICEF must consider the situation of all children, analyse the economic and social environment, develop partnerships to strengthen the response (including the participation of children themselves), support interventions on the basis of non-discrimination and act in the best interests of the child.⁴⁴⁶

⁴⁴⁴ *supra* note 427.

⁴⁴⁵ 'Implementing and monitoring the convention on the rights of the child' (*UNICEF*) <www.unicef.org/child-rights-convention/implementing-monitoring> accessed 8 September 2021.

⁴⁴⁶ *supra* note 419.



Through its reviews of country reports, the Committee urges all levels of government to use the Convention as a guide in policy-making and implementation, including: having a national plan for children, monitoring how much of the budget is spent on children, conducting regular impact assessments throughout every government department using reliable data about children's lives, and having an independent children's ombudsman.⁴⁴⁷

Selected Case Laws

Protecting Children's Lives and Physical Integrity

*A. and Others v. United Kingdom [GC]*⁴⁴⁸ - States are obligated under international human rights law to protect children and other vulnerable individuals from ill-treatment. Such protection requires States to adequately deter private actions violating their rights.

*C.A.S. and C.S. v. Romania*⁴⁴⁹ - Similarly, the European Court of Human Rights found that Romania violated the minor applicants' human rights by failing to investigate and prosecute violent sex crimes committed against the child.

Armed Conflict

*Victor Hugo Maciel v. Paraguay*⁴⁵⁰ - The Inter-American Commission determined that the Paraguayan State violated Victor Hugo Maciel's right to special protection as a child by recruiting him for military service as a fifteen-year-old, against the will of his father and the mother. His family pursued their claim after he died in service.

⁴⁴⁷ *supra* note 421.

⁴⁴⁸ 'Application no. 3455/05' (ECHR, 2009)

<www.refworld.org/cases,ECHR,499d4a1b2.html> accessed 8 September 2021.

⁴⁴⁹ 'Application no. 26692/05, 20 March 2012' (Vlex International, 2012)

<www.international.vlex.com/vid/c-s-and-c-564774894> accessed 8 September 2021.

⁴⁵⁰ 'Report No. 85/09, August 6, 2009' (IJR Center, 2009)

<www.ijrcenter.org/wp-content/uploads/2018/04/Paraguay-Factsheet.pdf> accessed 8 September 2021.



*Prosecutor v. Sesay, Kallon and Gbao*⁴⁵¹ - Recruitment of child soldiers has also been prosecuted as a war crime, including by the Special Court for Sierra Leone.

Child Labor

In response to a complaint alleging systemic and widespread violations in Myanmar (Burma), the International Labour Organization issued a Report of the Commission on Forced Labor in Myanmar, confirming that forced labor was utilized across Myanmar for public purposes, including military activities, and for private benefit. It further found that men, women and children, in particular members of minority ethnic and religious groups, were all victims of forced labor, and of physical and sexual abuse. *See* Report of the Commission of Inquiry appointed under Article 26 of the Constitution of the International Labour Organization to examine the observance by Myanmar of the Forced Labour Convention, 1930 (No. 29). Geneva, 2 July 1998.⁴⁵²

Criminal law and juvenile justice

The Inter-American Commission on Human Rights has ruled admissible a petition regarding the United States' practice of sentencing children to juvenile life without parole (JLWOP), finding that the factual allegations, if proven, could constitute a prima facie violation of the Convention. "Juvenile Offenders Sentenced to Life Imprisonment Without Parole,"⁴⁵³

Juvenile Re-education Institute v. Paraguay, Judgment of September 2, 2012, (Ser. C) No. 112. In defining 'cruel' or 'degrading' treatment, the fact that a minor is being dealt with must be considered. It also observed that the legality of detaining a minor depends on the use of detention as an exceptional measure and one that is applied for the shortest possible period of time. The Court also found that the State is responsible for establishing a specific system for dealing with children in conflict with the law, which must include certain characteristics such as the possibility of dealing with children without resorting to judicial proceedings, and if judicial proceedings are necessary, assessing the psychological well-being of the child during the proceedings, controlling the way in which the child's statement is

⁴⁵¹ Case no. SCSL-04-15-T, 2 March 2009.

⁴⁵² *supra* note 412.

⁴⁵³ *supra* note 419.



taken, and regulate publicity of the trial; should use its discretion in the different stages of the trial and phases of the administration of juvenile justice to taken age into account.⁴⁵⁴

Birth out of Wedlock and Adoption

*Pla and Puncernau v. Andorra*⁴⁵⁵ - The European Court of Human Rights has also found that adopted children may not be discriminated against in inheritance law.

Parental Rights

*Buckle v. New Zealand*⁴⁵⁶ - Children may be removed from their parents' care entirely if the State determines, using adequate procedure, that removal is in the best interests of the children.

Education

*D.H. and Others v. the Czech Republic*⁴⁵⁷ - the European Court found indirect discrimination and a violation of the applicants' rights to education after determining that a psychological test used to assign children to special schools for children with disabilities within a two-tiered educational system had a disproportionate impact on the Roma minority.

8.3. ILO Worst Forms of Child Labour Convention 182

This convention concerns about the Prohibition and Immediate Action for elimination of the worst form of Child labour. It was adopted by the ILO in 1999 as ILO convention No. 182.

⁴⁵⁴ *supra* note 418.

⁴⁵⁵ 'Application no. 69498/01, Judgment of 13 July 2004' (*Vlex International*, 2004) <www.international.vlex.com/vid/case-of-pla-and-564930866> accessed 8 September 2021.

⁴⁵⁶ ICCPR, A/56/40 vol. II (25 October 2000).

⁴⁵⁷ 'Application no. 57325/00, Judgment of 13 November 2007' (*ESCR Net*) <www.escr-net.org/caselaw/2017/case-dh-and-others-v-czech-republic-app-no-5732500-grand-chamber-final-judgment-13> accessed 8 September 2021> accessed 8 September 2021.



The significance of ILO Convention No. 182

The adoption by the ILO of Convention No. 182 is a major landmark:

First, it declares there are certain forms of child labour that must be eliminated as a matter of urgency. While elimination of all forms of child labour is inevitably a long-term goal – because it is so deeply rooted in poverty, underdevelopment and social and cultural attitudes – the adoption of this Convention means there can be no justification for delaying action against its worst forms. This is a major break-through in the attitude of the world community towards the problem of child labour.

Second, this path-breaking Convention was adopted unanimously by representatives of the governments, employers and workers of all ILO member States represented at the International Labour Conference.

Third, as noted earlier, the rate of ratification since its adoption has beaten all previous records for ILO Conventions. Only two years after its adoption it has been ratified by over half of the ILO's member States – signifying that the vast majority of sovereign States is ready to take immediate and effective measures to prohibit and eliminate the worst forms of child labour as a priority.⁴⁵⁸

The General Conference of the International Labour Organization,

Having been convened at Geneva by the administration of the International Labour Office, and having met in its 87th Session on 1 June 1999, and considering the necessity to adopt new instruments for the prohibition and elimination of the worst sorts of child labour, because the main priority for national and international action, including international cooperation and assistance, to enrich the Convention and therefore the Recommendation concerning Minimum Age for Admission to Employment, 1973, which remain fundamental instruments on child labour, and consideration that the effective elimination of the worst sorts of child labour requires immediate and comprehensive

⁴⁵⁸ 'Eliminating the worst forms of child labour, A practical guide to ILO Convention No. 182' (*Inter-Parliamentary Union*, 2002)
<www.archive.ipu.org/pdf/publications/childlabour_en.pdf> accessed 8 September 2021.



action, taking under consideration the importance of free basic education and therefore the got to remove the youngsters concerned from all such work and to supply for his or her rehabilitation and social integration while addressing the requirements of their families, and recalling the resolution concerning the elimination of kid labour adopted by the International Labour Conference at its 83rd Session in 1996, and Recognizing that child labour is to an excellent extent caused by poverty which the long-term solution lies in sustained economic process resulting in social progress, especially poverty alleviation and universal education, and Recalling the Convention on the Rights of the kid adopted by the United Nations General Assembly on 20 November 1989, and Recalling the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, adopted by the International Labour Conference at its 86th Session in 1998, and Recalling that a number of the worst sorts of child labour are covered by other international instruments, especially the Forced Labour Convention, 1930, and therefore the United Nations Supplementary Convention on the Abolition of Slavery, the slave traffic, and Institutions and Practices almost like Slavery, 1956, and having decided upon the adoption of certain proposals with reference to child labour, which is that the fourth item on the agenda of the session, and having determined that these proposals shall take the shape of a world Convention; adopts this seventeenth day of June of the year one thousand nine hundred and ninety-nine the subsequent Convention, which can be cited because the Worst sorts of Child Labour Convention, 1999⁴⁵⁹

Speaking during the first part of the session, Mr. Jonas Guimarães Ferreira, Counselor from the Brazilian Embassy, holds that, “Brazil celebrates the advances made by the Mozambican State in the fight against child labor – such as the ratification, in 2018, of the Protocol to the ILO Forced Labor Convention, 1930 (No. 29), as well as the adoption of the National Action Plan for the Elimination of the Worst Forms of Child Labor by 2022, which is based on ILO Conventions no. 182, on Worst Forms of Child Labor, and no. 138, on Minimum Age of Work”⁴⁶⁰

⁴⁵⁹ ‘C182- Worst Forms of Child Labour Convection, 1999 (No.182)’ (*ILO*) <www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C182> accessed 8 September 2021.

⁴⁶⁰ ‘The ILO celebrates the launch of the international year for the elimination of child labor’ (*Moztrabalha*, 29 June 2021) <www.moztrabalha.co.mz/news/%E2%96%BAthe-ilo-celebrates-the-launch-of-the-international-year-for-the-elimination-of-child-labor> accessed 8 September 2021.



Considering that the effective elimination of the worst forms of child labour requires immediate and comprehensive action, taking into account the importance of free basic education and the need to remove the children concerned from all such work and to provide for their rehabilitation and social integration while addressing the needs of their families, and Recalling the resolution concerning the elimination of child labour adopted by the International Labour Conference at its 83rd Session in 1996, Recognizing that child labour is to a great extent caused by poverty and that the long-term solution lies in sustained economic growth leading to social progress, in particular poverty alleviation and universal education⁴⁶¹

A big worry in cocoa production is with regard to hazardous work. It's a global challenge. There are 73 million children globally in hazardous work. Add to this children doing work for which they are simply too young, about 79 million, and we have the shocking total number of children around the world in child labour: 152 million. Due to the COVID-19 pandemic, tens of millions of children could fall into extreme poverty this year. There is a serious risk that child labour will increase, including in cocoa growing areas. Of course, not all work that children do is child labour. Earning pocket money after school when above the minimum age to work or doing normal household chores are generally regarded as being something positive⁴⁶²

- All forms of slavery or practices similar to slavery such as sale and trafficking of children, debt bondage and forced or compulsory.
- The use, procuring or offering of a child for prostitution, for the production of pornography
- The use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs.
- Work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children .

⁴⁶¹ 'Children and armed force' (*Children and Armed Conflict*)
<childrenandarmedconflict.un.org/keydocuments/english/iloconvention1828.html> accessed 8 September 2021.

⁴⁶² 'World cocoa foundation child slavery child labour hazardous work' (*World Cocoa Foundation*)
<www.worldcocoafoundation.org/blog/child-slavery-child-labor-hazardous-work-whats-the-difference>
accessed 8 September 2021.



Considering that the effective elimination of the worst forms of child labour requires immediate and comprehensive action, taking into account the importance of free basic education and the need to remove the children concerned from all such work and to provide for their rehabilitation and social integration while addressing the needs of their families⁴⁶³

Article 1

Each Member which ratifies this Convention shall take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency.

Article 2

For the purposes of this Convention, the term child shall apply to all persons under the age of 18.

Article 3

For the purposes of this Convention, the term the worst forms of child labour comprises:

(a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;

(b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;

(c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;

(d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

⁴⁶³ ‘Aucegypte education of childlabour’

<www1.aucegypt.edu/src/childlabor/Worst_Forms_of_Child_Labor_Convention1999.htm> accessed 8 September 2021.



Article 4

1. The types of work referred to under Article 3(d) shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned, taking into consideration relevant international standards, in particular Paragraphs 3 and 4 of the Worst Forms of Child Labour Recommendation, 1999.

2. The competent authority, after consultation with the organizations of employers and workers concerned, shall identify where the types of work so determined exist.

3. The list of the types of work determined under paragraph 1 of this Article shall be periodically examined and revised as necessary, in consultation with the organizations of employers and workers concerned.

Article 5

Each Member shall, after consultation with employers' and workers' organizations, establish or designate appropriate mechanisms to monitor the implementation of the provisions giving effect to this Convention.

Article 6

1. Each Member shall design and implement programmes of action to eliminate as a priority the worst forms of child labour.

2. Such programmes of action shall be designed and implemented in consultation with relevant government institutions and employers' and workers' organizations, taking into consideration the views of other concerned groups as appropriate.

Article 7

1. Each Member shall take all necessary measures to ensure the effective implementation and enforcement of the provisions giving effect to this Convention including the provision and application of penal sanctions or, as appropriate, other sanctions.



2. Each Member shall, taking into account the importance of education in eliminating child labour, take effective and time-bound measures to:

(a) prevent the engagement of children in the worst forms of child labour;

(b) provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration;

(c) ensure access to free basic education, and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labour;

(d) identify and reach out to children at special risk; and

(e) take account of the special situation of girls.

3. Each Member shall designate the competent authority responsible for the implementation of the provisions giving effect to this Convention.

Article 8

Members shall take appropriate steps to assist one another in giving effect to the provisions of this Convention through enhanced international cooperation and/or assistance including support for social and economic development, poverty eradication programmes and universal education.

Article 9

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

8.4. ILO Minimum Age Convention 138



Article 1

Each Member party to the Convention agrees to implement a national policy aimed at ensuring the effective eradication of child labour and gradually raising the minimum age for admission to employment or work to a level that is commensurate with young people's full physical and mental development.

Article 2

1. Each Member ratifying this Convention shall specify a minimum period for admission into employment and/or work on the means of transportation registered on its territory in a declaration annexed to its ratifications and shall not be admitted to employment or work on any occupation, subject to Articles 4 to 8 of this Convention.

2. The Director-General of the International Labor Office may subsequently inform every member who has signed this Agreement of the requirement for a minimum age greater than the previously mentioned age.

3. The minimum age stipulated in accordance with paragraph 1 of this Article shall not be less than and in any case not less than 15 years after completing compulsory education. 3.

4. In spite of the provisions set out in Article 3 above, a Member whose economy and educational facility are underdeveloped may, when such a member exists, initially establish a minimum age of 14 years following consultation with employers' and workers' organisations involved.

5. In the application of the provisions in the foregoing paragraph, each Member who specified at least 14 years old shall include in his reports the statement —

(a) that his reason remains; or

(b) that he renounces his right to exercise his right to use provisions of the Convention, which is submitted in accordance with Article 22, of the Constitution of the International Labor Organisation.

Article 3

1. No less than 18 years must be the minimum age of admittance to any kind of job or task likely to compromise, by nature or the circumstances under which it is performed, the health, safety or morality of young people.



2. *After consultation with the associations of companies and employees concerned, national legislation or rules, or the competent authority, should determine the types of jobs or work to which paragraph 1 of this Article applies.*

3. *In the event of consultation with the employers and workers' associations concerned, national laws or regulations and competent authority may, where they exist, authorise employment or work, at the age of 16 years on condition that the health, safety and morality of the young people concerned are fully protected and the young person is fully protected.*

Article 4

1. *Where necessary, the Competent Authority may exclude from applying this Convention limited categories of employment or work in which particular and substantive application concerns occur, after consulting with the employers and workers' organisations involved.*

2. *Each Member ratifying this Treaty shall list any category which may have been excluded pursuant to paragraph 1 of this Article, giving reasons for this exclusion, in its first application report, as provided for in Article 22 of the Constitution of the International Labor Organization and shall indicate its laws and practises in subsequent reports.*

3. *Employment or employment under Article 3 of this Convention in accordance with this Article shall not be excluded.*

Article 5

1. *After consultation with the employers' and workers' organisations concerned, a Member whose economy and administrative facilities are not sufficiently developed, if any, may first restrict the application scope of this Agreement.*

2. *In a declaration annexed to ratification, each Member which takes advantage of provisions of paragraph 1 of this Article should indicate branches of economic activity or kinds of undertakings to which the Convention would apply the provisions.*

3. *Mining and quarrying, production, construction, power, gas and water supply; sanitation; transport and storage and communication services; and planting and other agricultural undertakings mainly produced for commercial purposes, excluding family and small-scale holdings for local consumption and n 3. The Convention provisions shall at least be applicable to the following*

4. *Any Member whose area of application pursuant to this Article was restricted by this Convention*



(a) the general position regarding the employment or work of young persons or children in activities excluded from the scope of application of this Agreement and any progress made toward the further application of the provisions of the Convention shall be stated in the reports provided for in Article 22 of the Constitution of the International Labor Organisation;

(b) by a declaration submitted to the Director General of the International Living Office may at any moment formally increase the scope of the application.

Article 6

This Convention does not apply to work carried out by children and young people in general, vocational or technical schools or other training institutions or to work performed in undertakings by persons of at least 14 years of age when the work is performed in accordance with conditions specified by the competent authority, after consultation with employers' organisations and workplaces

(a) an educational or training course primarily responsible for a school or educational institution;

(b) training programme mostly or wholly in an activity whose programme, or

(c) guidance or guidance programme, was approved by the competent authority for the selection of a profession or a line of training.

Article 7

1. National legislation or rules may allow employed persons between the ages of 13 and 15 to work for the purposes of light work;

(a) are not likely to hurt their health or development; and

(b) not to impair their school attendance, participation in vocational guidance or programmes of training authorised by the competent authorities or their ability to profit from education.



(2) National legislation or regulations may also enable people who are 15 years of age, but not yet in their compulsory schooling, to work or work to comply with the provisions of paragraphs (a) and (b) of paragraph 1 of this Article, to be employed or worked.

3. The competent authority shall decide on the activities under paragraphs 1 and 2 of this Article where the work or employment may be permitted and establish the number of hours and conditions under which the employee or job may be employed.

4. In any event, the Member that has used provisions of point 4 of Article 2 may replace age 12 and 14 for those aged 13 and 15 in paragraph 1 and age 14 for those aged 15 in paragraph 2 of this Article, without prejudice to provisions of paragraphs 1 and 2 of this Article.

Article 8

1. After consultation with employer and workers' organisations, where they exist, the competent authority may authorise exemptions from the prohibition of employment or work laid down in Article 2 of this Convention, by way of authorisations granted in individual cases, for such purposes as participation in performances by artists.

2. The permits thus given shall limit the number of hours in which employment or work is allowed, and shall define the terms and conditions of employment.

Article 9

1. The competent authority shall take all necessary steps to guarantee the effective enforcement of the provisions of this Convention, including the provision of appropriate sanctions.

2. The individuals in charge of compliance with the requirements giving effect to the Convention shall be defined by the national laws or by the competent authority.

3. The registers or other documents which the employer shall keep and make available shall be provided in national law or regulation or by the appropriate authorities; Such registries shall include the names and ages or dates of birth of the persons he or she has employed or work for, who have been officially attested, if possible, and who are under the age of 18.



Article 10

1. *This Convention shall revise, in accordance with the terms laid down in this Article, the 1919 Minimum Age (Industry) Convention, the 1920 Minimum Age (Sea) Convention, the 1921 Convention on Minimum Age (Agriculture), the 1921 Minimum Age (Trimmers and Stokers Convention, 1921, the 1921 Convention on Minimal Age (Non-Industry)*

2. *A minimum age convention (revised), 1936, a minimum age convention of 1937 (Revised), a minimum age convention of 1959 (Industry) or the minimum age convention (Underground Work convention, 1965), for subsequent ratification shall never be closed by the coming into force of this convention.*

3. *The Convention of the Minimum Age of 1919, the Convention of the Minimum Age (Agricultural) of 1920 and the Convention (Trimmers and Stokers) of the Mind Age (Agriculture) of 1921 is to be concluded with further ratification when, by ratification of this Convention or a declaration to the Director-General of the Internal Agency, all the parties have agreed to this closure.*

4. *If this Convention accepts its duties*

(a) a Member which, in accordance with Article 2 of this Convention, has been a Party to the Convention on the minimum age (industry) (revised), of 1937, of at least 15 years, must include ipso jure the forthwith denunciation of that Convention,

b) with regard to non-industrial work as defined in the 1932 Minimum Age Convention (Non-industrial Employment Convention), ipso jure shall constitute immediate denunciations of the convention by a Member Party to the Convention, ipso jure;

(c) in relation to non-Industrial Jobs as defined by the Convention for the Minimum Age (Non-industrial Jobs) (revised), of 1937, a member who is Party to the Convention and a minimum of 15 years is prescribed in accordance with Article 2 of the Convention;

(d) where a Member Party to the Minimum Age (sea) Convention (revised) 1936 has been specified and the minimum age of not less than 15 years pursuant to Article 2 of this Convention or where the Member specifies that Article 3 thereof applies to maritime employment, ipso jure shall involve immediate denunciation,



(e) with regard to employment in maritime fisheries, in accordance with Article 2, a Member that is a party to the Convention concerning minimum age for fishing (Fishermen, 1959), and a minimum age of 15 years, or specify that Article 3 of this Convention relates to employment in marine fishing, ipso jure shall entail immediate denunciation of that Convention;

(f) the age of at least one Member who is a Parties to the 1965 minimum age (underground work) Convention, or the age of at least one age specified in accordance with Article 2, shall be specified in the Convention or the Member shall specify that such a time shall, in accordance with Article 3 of that Convention, apply to underground work in mines.

If the Convention is in force and when.

(a) shall include a denunciation, in line with Article 12 thereof, of the minimum age (industrial) Convention of 1919,

(b) the 1921 Minimum Age (Agriculture) Convention in accordance with Article 9 thereof shall be denounced as regards agricultural activities,

(c) the Minimum Age Convention (Sea) 1920 shall be denounced, in accordance with Article 10 thereof and the Minimum Age Convention (Trunkers and Stokers) 1921, as referred to in Article 12 thereof, as regards marine employment,

Article 11

The Director-General of the International Labor Office shall be informed of the official ratifications of this Convention for registration.

Article 12

1. Only those Members of the International Labor Organisation whose ratifications have been lodged with the Director General shall be subject to this Convention.



2. It is effective twelve months following the date of the registration with the Director-General of ratifications by two Members.

3. The Convention shall subsequently enter into force for any Member twelve months following the registration date.

Article 13

1. A Member which ratifies this convention may condemn it by act communicated for registration to the Director-General of the International Labor Office following the expiry of ten years from the date of its first entry into force. Such a complaint shall not take effect until one year from its date of registration.

2. Any Member who has ratified this Convention, not exercising the right of denunciation referred to in this Article, within a year after the expiration of the period of ten years referred to in paragraph above, shall be bound for a further period of ten years and may then denounce this Convention on the expiry of each period of 10 years within the terms provided for by this Convention;

Article 14

1. The Director-General of the International Labor Office shall notify the registration of all ratifications and denunciations communicated by the Members of the International Labor Organization to all Members.

2. The Director General should call the Member States of the Organization's attention to the date of the entry into force of the Convention when they notify the members of the Organization of registration of the second ratification which they have received from it.

Article 15

In accordance with Article 102 of the Charter of the United Nations, the Director-General of the International Labor Office shall communicate the full details of the ratifications and acts of denunciation registered by him in accordance with the provisions of the previous Articles to the Secretary-General of the United Nations for registration.

Article 16



The Governing Body of the International Labor Office will submit a report to the Convention on the workings of this Convention to the General Conference and determine whether or not it is desirable that the matter of its overhaul in whole or in part will be placed on the agenda of the Conference.

Article 17

1. If the Conference adopts a new Convention, in whole or in part, that revises this Convention, unless otherwise stated in the new Convention:

(a) if and when the new revising Convention enters into force, ratification by a Member of the new revising Convention involves an instant denunciation of it, notwithstanding the requirements of Article 13 above;

(b) this Convention shall cease to be open for ratification by its members from the day the new revising Convention enters into force.

2. Any Member who has ratified the Convention but has not ratified the revising Convention shall continue to have this Convention in its true form and content.

Article 18

The text of the Convention shall be equally authoritative in English and French.⁴⁶⁴

Minimum Age Convention 138 Flexibility Clauses

C138 acknowledges that child labour is not the only work to be done in children under 18 years of age and that certain types of work that is adequately protected and appropriate for a child's age may help its development. Thus, by using multiple 'flexibility provisions' the Convention may be altered in a number of ways. A brief summary of the provisions is provided below.

⁴⁶⁴ 'C138- Minimum age convention, 1973 (No. 138)' (*International Labour Organisation*, 26 June 1973) <www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C138> accessed 8 September 2021.



Admission to Employment or Work

C138 sets a minimum working age for 15 years³, but poor nations have the option of imposing a minimum age of 14 as a transitional step by strengthening their education systems and economies. Of the 171 Member States ratifying the C138 to date, 51 set the minimum age for employment at 14, after consulting employer and workers' most representative organisations. In those countries, children from the age of 14 are allowed to work legally unless they conduct dangerous labour and have an obligatory education.

Light Work

C138 permits countries to allow minors under the required age to work lightweight. This means that children between the ages of 13 and 14 are considered for countries that have a minimum age of 15 and children between the ages of 12 and 13 may engage in light work, which is defined as work which does not interfere with the training or ability of children to enjoy it and is not damaging. In order to allow for light labour, States must specify what actions and the times and circumstances under which they are carried out are deemed to be light work. Light work can contribute to the growth and well-being of youngsters and supplement their education.

Nearly half the states that ratified C138 have chosen to legalise light labour in all regions in all phases of social and economic development.

Hazardous Work

C138 Allows countries to work in hazardous situations with an exception of the age of 16, subject to the full protection and adequate specific instruction or training of the health, safety and morale of the young people affected.

Exempting Categories of Work & Branches of Economic Activity

C138 will also empower countries, if exceptional and substantive challenges develop when applying the convention, to exclude certain kinds of labour from the application of the Convention. Dangerous work may not be ruled out.



Some industries, such as mining, construction and commercial agriculture may be excluded by developing countries, but family farms that produce for local consumption, for example if they do not have regular hired work.

Work as Part of Children's Education

C138 shall not be applicable as part of the education or training for work done by children at schools. This does not apply either to labour performed by children in undertakings at the age of 14, if the employment is part of a school or educational plan, or is a governmental apprenticeship. However, dangerous employment is not permitted in both circumstances.

What About Young Artists?

Moreover, if children under the minimum age have obtained individual leave from the appropriate national authority defining the maximum number of hours and working conditions for the kid, the children may be involved in artistic performances.

And Household Chores?

C138 does not ban children from carrying out household work as long as it is not harmful to their education—including not too long hours. Most of the household tasks are done by girls, with particular attention taken to ensuring that these tasks do not impair their development.⁴⁶⁵

Case Laws

In year 1996, Child labour in India was above 100 million in 1995, including official and unofficial. In the case of *Mehta v Tamil Nadu*, petition against the State of Tamil Nadu was lodged by the claimant Mehta, a public-spirited lawyer, who was breaking Article 24 constitutional prohibition from dangerous labour in factories and mines. In addition, a committee conducted investigations and suggestions and delivered a report to the court for the issue. Based on the constitutional ban on child

⁴⁶⁵ 'ILO conventions on child labour' (*International Labour Organisation*) <www.ilo.org/ipecc/facts/ILOconventionsonchildlabour/lang--en/index.htm> accessed 8 September 2021.



labour, which provides free universal education, the Court found that for each child working to break the law each offender should pay 20,000 rupees. In the absence of adults from the same family to substitute their child for the same hazardous work, 25,000 rupees should be provided for that family to be used as alternative income and for education of the child for the hazardous work of the child. The family should be financed by different states.⁴⁶⁶

The agreement on minimum age is a major step towards preventing child labour, however it is not always simple to comply with the application of this legislation. The Convention on Minimum Age, in the developing countries and developing States, has done well in admitting and adopting a different minimum age. The Convention did not state or set an example on dangerous activities which damage the safety, morality and health of developing countries. The minimum work age must not be less than 15 years for the completion of obligatory schooling. Children aged 13-15 years can conduct a light job, provided that their health and safety are not threatened or their vocational education or training is not obstructed.

The International Labour Organization (ILO) approved C138 in 1973. It states that states should gradually increase the minimum age to a level that is compatible with young people's complete physical and mental development. It sets 15 as the universal minimum age for employment. What matters is that states guarantee that children attend school until they reach this age; C138 stipulates that the age at which a child completes compulsory education must coincide with the minimum age for employment. Children will only be equipped for a fruitful and happy work life if they get at least a basic education. A 15-year-old is, after all, still a child (defined in international law as a person under 18).⁴⁶⁷ They are still growing intellectually and physically; they are more susceptible to job dangers than adults; therefore, they need protection. As a result, C138 establishes 18 as the minimum age for hazardous employment, which is defined as activity that is likely to endanger children's health, safety, or morality owing to its nature or the conditions in which it is performed.

⁴⁶⁶ M.C. Mehta v State of Tamilnadu & others, (1996) 6 SCC 756.

⁴⁶⁷ RA Mavunga, 'A critical assessment of the Minimum Age Convention 138 of 1973 and the Worst Forms of Child Labour Convention 182 of 1999' (*Potchefstroom Electronic Law Journal*, 8 July 2021) <www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1727-37812013000500004> accessed 8 September 2021.



Industry-specific norms that had been established after 1919 were amended by this convention. Previous minimum-wage agreements had only applied to certain occupational groups or sectors of the economy, such as agriculture, industry, and underground labour, but this Convention was meant to apply to all economic activities.

The Minimum Age Set by the Convention

Convention 138 was created to control child labour by establishing a minimum age for work that signatories must adhere to. The Convention went into effect on June 19, 1976. The working age was established at 15 years old (13 years for light work). The Convention established an age limit of 18 years for entry to hazardous work (16 years under certain conditions).

The Convention enables developing nations with underdeveloped economies and educational systems to set the minimum age for work at 14 years for a limited time. This choice has to be well-founded. The International Labour Organization (ILO) has also issued Recommendation R146 to assist members in implementing the Convention.

The Role of this Convention in Children's Rights

The goal of Convention 138 is to ensure that children have the opportunity to enjoy their childhoods. A kid who is not working has a greater chance of good physical and mental development, and therefore of becoming a healthy adult.

To guarantee the child's safety, the minimum age was established at 15 years old. The age at which a child's development (growth, etc.) and basic education are deemed complete is the basis for this threshold.⁴⁶⁸ C138 acknowledges that successful child labour abolition should be at the forefront of social and economic development. Fixing a minimum age is necessary to provide children with crucial legal protection. However, enacting a legislation is insufficient; other steps must be taken to guarantee that viable alternatives to child labour exist, and these should be rooted in public policy.

⁴⁶⁸ 'C138 - Minimum Age Convention, 1973 (No. 138)' (*International Labour Organisation*, 8 July 2021) <www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C138> accessed 8 September 2021.



Scope of the Convention

Convention 138 binds all members who have approved it legally. So far, 156 of the 183 ILO member states have ratified the Convention and are bound by it. However, several member states have not ratified it, despite the fact that child exploitation is a major issue in their countries. For example, India, which has the world's biggest reservoir of child labour, has yet to ratify the Convention, allowing child labour to continue.

The ILO has put in place certain regulatory measures to guarantee that the Convention is followed. Expert committees oversee the Convention's implementation and review the progress reports that members are required to submit.

C138 requires countries to:

1. set a minimum age for entering the labour force, and
2. develop national measures aimed at eradicating child labour.

In addition, the International Labour Organization (ILO) established the International Programme on the Elimination of Child Labour (IPEC) in 1992 with the aim of gradually eradicating child labour.

The high rate of ratification by nations in various areas and stages of development reflects C138's response to vastly varied circumstances among ILO member States. The Convention has been approved by 171 nations as of April 2018, and with India's ratification in 2017, it currently covers 93 percent of the world's children.⁴⁶⁹ The fact that the Convention has been adopted by so many nations with such varied social and economic circumstances speaks not only to the universal principles that it upholds, but also to the flexibility built into the Convention, which enables governments to modify it to suit their requirements.

⁴⁶⁹ 'ILO conventions on child labour' (*International labour Organisation*, 9 July 2021) <www.ilo.org/ipec/facts/ILOconventionsonchildlabour/lang--en/index.htm> accessed 8 September 2021.



8.5. ILO's policy in response to the pandemic

Response to Child Labour problem

In this Coronavirus, the number has raised and To Alter the course will require a reestablished liability by countries to put kids' advantages at the point of convergence of financial and social game plan. Understanding kids' advantages to quality guidance, to clinical consideration, to social affirmation, to an adequate lifestyle and having their voices heard in the options that impact them, are pivotal aside to be freed from Child Labour. Concerning's advantages is moreover fundamental for monetary and social new development, as it licenses them to get to helpful and decent work in the future as adults. This can lift whole friendly requests out of dejection. Hearty legitimate assurance, effectively carried out, are furthermore fundamental. Under the Convention on the Rights of the Child and ILO Conventions No. 138 on Minimum Age and No. 182 on Worst Forms of Child Labor, States have a pledge to protect youngsters from Child Labour, including by setting up and carrying out a base age for work or business, among other legitimate, administrative, social and enlightening measures. Show No. 182 is the essential ILO Convention to achieve boundless approval, and the Child Rights Convention is the most by and large recognized fundamental freedoms plan ever.⁴⁷⁰

To upset the upward example in Child Labour, the ILO and UNICEF are calling for-Satisfactory social protection for all, including far and wide youngster benefits.Expanded spending on free and extraordinary quality coaching and getting all kids once more into school - including kids who were out of school before COVID-19. Headway of reasonable work for adults, so families don't have to go to youngsters helping with making family pay. A completion to unsafe sexual orientation standards and segregation that sway Child Labour. Protection in youngster protection systems, cultivating new development, natural public organizations, establishment and occupations. As a component of the International Year for the Elimination of Child Labor, the overall affiliation Alliance 8.7, of which UNICEF and ILO are assistants, is engaging part States, business, specialist's organizations, normal

⁴⁷⁰ 'International Labour Organisation' (ILO) <[www.ilo.org/ipec/news/WCMS_804244/lang--en/index.htm](http://www.ilo.org/ipec/news/WCMS_804244/lang-en/index.htm)> accessed 8 September 2021.



society, and neighborhood and worldwide relationship to invest more effort in the overall fight against youngster work by making considerable movement pledges. During seven days of movement from 10–17 June, ILO Director-General Guy Ryder and UNICEF Executive Director Henrietta Fore will join other undeniable level speakers and youth advocates at a critical level event during the International Labor Conference to look at the appearance of the new overall examinations and the aide ahead.⁴⁷¹

8.6. UNICEF's agenda in response to the pandemic

UNICEF and ILO have recommended different measures Which are to be performed by different partners working at various level like at grassroot level, center level high level, monetary foundations and so forth These actions are - Admittance to credit licenses powerless families to keep youngsters in school moreover, avoid Child Labour. Microfinance foundations have played out a huge occupation in loosening up induction to credit to powerless families, nonetheless, the current crisis is impacting the two associations and clients. Clients with existing microcredit commitment who get themselves without means to keep up repayments ought to have their commitments revamped or repayments suspended until they are in a good place again financially. Something different, these feeble people face choices to give up property or other enduring assets, relinquishing their future jobs and maybe sending their kids into youngster work. Among microfinance associations, advancements are needed to acclimate to a radically changing money related landscape. To avoid liquidation, these foundations should be associated with more broad measures to help the financial area. Make decent work for adults Occupation setbacks, especially among the people who might least have the option to deal with the expense of them; unsettling influence in return and along overall reserve chains; and immense capital floods all mischief work markets and the limit of countries to respond to the crisis. Effects on attempts, occupations and jobs will be significantly more genuine on the off chance that actions are not taken to guarantee workers, especially in countries where workers don't as of now have such

⁴⁷¹ 'International Labour Organisation' (ILO) <www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_800090/lang--en/index.htm> accessed 8 September 2021.



affirmations.⁴⁷²

As economies continue, work inspectorates need the resources and capacity to proactively screen regions at high risk of Child Labour. Neighborhood social class-based Child Labour checking structures can accept huge parts, having exhibited amazing in working with work inspectorates to perceive and follow up Child Labour cases. Brief school terminations are significantly affecting the guidance of youngsters and teens all through the planet. Being out of school should not mean falling into youngster work. As economies continue, work inspectorates need the resources and capacity to proactively screen regions at high risk of youngster work. Close by social class based Child Labour checking structures can accept huge parts, having exhibited convincing in working with work inspectorates to perceive and follow up Child Labour cases. Governments and neighborhood affiliations should continue to help sustaining and neighborhood drives to change hazardous typical practices that treat Child Labour as agreeable. While the pandemic perseveres through, this might require changing innovative and far off correspondence game plans.⁴⁷³

8.9. 2021: International Year of elimination of Child Labour

The UN General Assembly encouraged individuals worldwide to work for the reason for Child Labour and help in forestalling it. It chose to remember this year 2021 as the time of Elimination of Child Labor and requested that ILO take lead in this matter. The goal taken by the UN part features *"to take quick and compelling measures to destroy constrained work, end present day servitude and illegal exploitation and secure the disallowance and end of the most exceedingly terrible types of youngster work, including enrollment and utilization of kid warriors, and by 2025 end Child Labour in the entirety of its structures."* In this equivalent gathering, The UNGA likewise recognized different shows like ILO's Minimum Age Convention,

⁴⁷² 'COVID-19 AND CHILD LABOUR: A TIME OF CRISIS, A TIME TO ACT' (ILO & UNICEF) <www.ilo.org/ipecc/Informationresources/WCMS_747421/lang--en/index.htm> accessed 8 September 2021.

⁴⁷³ *Ibid.*



1973 and Convention on the Worst Forms of Child Labor, 1999 and guaranteed the execution of 2030 Agenda of Sustainable Goals which included Child Labour objectives too. Argentina took initiative to arrange a meeting on Child Labor and their delegate to UN Martin Garcia Moritán said, "We trust that this will be one more advance to try harder and our advancement to propel, step by step, towards a world wherein no kid is exposed to youngster work or abuse and an existence where good work for all will be a reality".⁴⁷⁴

The Theme during the current year that is 2021 International Year of Elimination of Child Labor is Act presently: End youngster work which will be noticed over time "of Action" that started on June 12.⁴⁷⁵ The seven day stretch of Action will initiate from 10 June and this will be openings for different partners to exhibit their presentation.⁴⁷⁶

ILO has called upon the partners to follow up on the issues of youngster work which can be credited to end the Child Labour and pick explicit activity to understand the objectives by December 2021.⁴⁷⁷ The primary occasion of the year was on 21st January, which was "Activity Pledges" to Act, Inspire, and Scale Up. In like manner, numerous occasions were declared. The EU is additionally dedicated to add to the reason and consequently is said to assume a vital part. They have reaffirmed their quality by taking part in Zero Tolerance strategy on Child Labor. The EU will uphold Countries in fortifying and extending the social security Scheme particularly in the period of Pandemic.⁴⁷⁸



⁴⁷⁴ 'International Labour Organisation' (ILO) <www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_713925/lang--en/index.htm> accessed 8 September 2021.

⁴⁷⁵ 'World day against Child Labour 2021' (India Today, 11 June 2021) <www.indiatoday.in/information/story/world-day-against-child-labour-2021-theme-significance-and-all-you-need-to-know-1813743-2021-06-11> accessed 8 September 2021.

⁴⁷⁶ 'World day against child labour 2021: Theme significance and why is it celebrated' (Free Press Journal, 11 June 2021) <www.freepressjournal.in/lifestyle/world-day-against-child-labour-2021-theme-significance-and-why-is-it-celebrated> accessed 8 September 2021.

⁴⁷⁷ Ibid.

⁴⁷⁸ 'European Commission' (Europe.eu) <www.ec.europa.eu/international-partnerships/stories/2021-international-year-elimination-child-labour-its-time-step-our-commitments-and-end-child_en> accessed 8 September 2021.



CHAPTER 09

KEY ISSUES & SUGGESTIONS

Key Issue 1. *'As according to the ILO and UNICEF alerts, it is quite evident that there is more than a predicted increase in the children under child labor. This would mean that the declaration on ending child labor by 2025 would be nothing more than words rather than actions.'*

Suggestion: It is quite more than conspicuous the data provided under ILO and UNICEF reports are in fact without reservation up front in nature. Therefore, this would also mean that due to the COVID 19 spread, the then declared 2025 abolishment of child labour would thereby hinder with these obstacles. This is in fact true to an extent; as a result of the pandemic it was found that there was an increase of almost 160 million children into the child labour. Therefore, bringing such a large number down to zero is not a child's play. It would need strict implementation and careful strategic management plans. Although abrogating child labour in its entirety within 2025 is hard of a task, it still won't be impossible. Hard and fast rules, speedy exercise on putting an end must be done in the earliest and implementation of ending child labour must be done with utmost sincerity, honor and respect.

Key Issue 2. *The multitude of increase went up to 160 million children due to the pandemic and it is still continuing at a racing continuum. The spectrum of children under child labor in the globe mainly depends on the sector where they work in, therefore composition matters.*

Suggestion: The issue above is true to an extent. It is seemingly in fact the reality that the rise in children spiked up after the pandemic settled in the world and this resulted in an increase of almost



160 million children caught up under child labor. But the question arises on how such a magnanimous number of children arose and from where. One thing we must understand is that the highest community of children from the child labor comes from the agriculture sector; 70% of the child labor comes under the sector and under this gender also plays an equal role. Gender comes into picture depending upon the factors; this would mean that children would be taken regardless of the gender, since in the end sectors are just in need of more workers, yet gender would be taken into consideration when absolutely necessary. 11.2% of the boys work when in comparison to 7.8% of the girls, surmounting a whopping 34 million boys in number. Children who involve themselves under child labor are more under the rural than in urban areas. This would mean that no matter how quickly the rate at which the number the children under child labor rises, it is more than transparent that this is due to a targeted helpless population. Therefore, steps to prevent child labor to rise must be directed mostly towards this particular set of people.

Key Issue 3. *Child labor is one such part in the world which prospered nonetheless of the day to day factors surrounding it. But ever since the inception of the COVID-19, there has been a rapid increase in the number of children working, therefore just proving the fact that COVID was one such factor that accelerated the community much more making people wonder how far is COVID considered as a 'bad' factor.*

Suggestion: The COVID phase was seen as both a boon and bane for the world and this was sure not a gift for the poverty stricken. The economic hardships and family dysfunctionality were not something new that they experienced before the pandemic, yet they somehow got to forebear existence worse after the COVID kicked off and established itself to the world. Economic shocks also led to school shutdowns which forced the kids to go and hunt for more jobs off the streets in order to make and sustain their family members for the children who were already forced to work making it to be one of the worst facets of child labor.

Key Issue 4. *Understanding Child labor would mean to understand the causatives in the most observant manner.*



Suggestion: Various studies have shown that the number of family members in each family is one of the strongest factors which mainly lead to child labour and forced child labour. Estimates show that children working for third-party employees are less in number when compared to the children working for family farms or family enterprises. Understanding the relationship between a family and their reliance on children's labour is especially needed to comprehend the reasons for the rise in child labour till date. Although the children are often driven to work due to conditions that they can't avoid, i.e. abject poverty, and even though the child's income covers almost 25% of the total family income, the situation of poverty remains almost till eternity of that particular family, reasons being many. One of the common reasons is the repayment of debts that the family incurs and another reason is the livelihood of the multiple family members in a single family.

