

Forum: Human Rights Council
Issue: Measures to address the issue of child labourers in Asia
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Introduction

“We owe our children—the most vulnerable citizens in any society—a life free from violence and fear.” – Nelson Mandela

The first child labour laws were brought up in the 1940s. Although there has been a steady decline in child labour over the past decades, it still remains a prevalent issue in many developing countries.

According to the International Labour Organization (ILO) over 11%, or 168 million children worldwide between the ages of 5 and 17 years are in currently in child labour, with an estimated of 17 million in seven



Figure 1^ A child labourer in Afghanistan

South Asian countries alone. Not only does the continuation of child labour threaten national economies, it also violates children’s rights included in the United Nations Convention on the Rights of the Child (CRC), for instance, the denial of education and frequent exposure to violence. Child labourers are often trafficked, forced into bonded labour (or other types of modern-day slavery), prostitution, pornography or recruited as child soldiers in armed conflict. Many choose to do so voluntarily to provide for their families.

Employment of child labourers happens mainly in Africa and Asia, including agriculture, extracting of raw materials, manufacturing, and domestic services, where they work long hours in unsafe and unsanitary conditions for little to no pay. Children are also used for illegal purposes, such as selling drugs and prostitution. The Child Labour Index of 2012 evaluated the frequency and severity of reported child labour incidents in 197 countries, and concluded that 4 out of the top 10 worst performers were located in Asia. Poverty is recognized as the main driving force behind child labour, along with the lack of decent job opportunities for adults, social norms, political instability, and migration.

Apart from the legality of employing minors, child labour affects children in multiple ways. Being deprived of education, a child’s illiteracy can limit their opportunities to increase productivity and

competitiveness in the future job market. This in turn affects their offspring, who would also be forced to work in harsh conditions to support their family. Child labour creates a cycle of poverty where the two issues are passed down to future generations.

Definition of Key Terms

Child Labour

A violation of fundamental human rights, potentially leading to lifelong physical and/or psychological damage. Recognized by the ILO as “work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development”. Extreme forms of child labour involve children being “enslaved, separated from their families, and exposed to serious hazards and illnesses and/or left to fend for themselves on the streets”. The indicating factors and degrees of child labour vary between countries.

UNICEF’s standard indicator for child labour used in MICS includes the following:

- Age 5 to 11 years: At least 1 hour of economic work or 28 hours of unpaid household services per week.
- Age 12 to 14 years: At least 14 hours of economic work or 28 hours of unpaid household services per week.
- Age 15 to 17 years: At least 43 hours of economic or unpaid household services per week.

Bonded Labour

Sometimes known as debt bondage or debt slavery, bonded labour is the most common form of slavery, where a person in debt must work to pay off the debt. It occurs most commonly in India, Pakistan, Bangladesh and Nepal (the majority of the world’s slaves live and work in India in a form of bonded labour), when an individual gives themselves into slavery as a loan, or when an individual inherits a debt from a relative. Bonded labour is often disguised as an employment agreement where the worker starts with a debt to repay (usually in brutal conditions) only to find that repayment is near impossible.

Citing the organization EndSlaveryNow, “For instance, a labourer may begin with an initial debt of \$200. While working and unable to leave, this worker needs a shelter, food and water. The employer tacks on \$25 per day to the debt to cover those expenses. Consequently, the employee only grows his debt while continuing to labour for his debtor, and repayment is impossible”.

Trade Unions

Also known as labour unions, trade union refers to an organized association of workers (often in the same trade or profession) formed to protect and further their rights and interests.

Labourer

Defined by the Oxford Dictionary as ‘a person doing unskilled manual work for wages’, the term ‘labourer’ differs from the term ‘worker’ in the way a person earns wages—labouring requires body strength versus working which uses intellectual power.

Slavery

The state of being a slave. A condition of having to work very hard without proper remuneration or appreciation. Work done in harsh conditions for low pay. A civil relationship whereby one person has absolute power over another and controls their life, liberty and fortune. Although the slavery has been reduced throughout the history, it still remains in countries lacking proper education systems with a large income gap.

Hazardous working environments

Working environment such as factories or mines that carries the risk of injuring, damaging, and or killing someone due to poor health and working conditions. Allowing children to work in these places can cause lifelong damage to their physical and mental state, or in worse cases, death.

Key Players

Key players: organizations

Child Workers in Asia (CWA)

Established in 1985, CWA was established to support NGOs working to abolish child labour/workers. In the last 15 years, it has grown from a group of 5 organizations to over 50 organizations in 14 countries. CWA works to facilitate the sharing of expertise and experiences between NGOs as well as promoting collaboration to solve the issue of the exploitation of child labour and children’s rights as a whole. CWA recognizes priority groups of children being: child domestic workers, bonded child labourers, trafficked children, and children in the worst forms of child labour.

International Programme on the Elimination of Child Labour (IPEC)

A department of the ILO, IPEC aims to progressively eliminate child labour worldwide. A well-known programme of the IPEC is ‘SCREAM (Supporting Children’s Rights through Education, the Arts and the Media’ which aims to “inform young people about the world which they live in and the injustices that exist with the focus on child labour’.

End Child Prostitution and Trafficking (ECPAT)

ECPAT was founded in 1990, and acts as a ‘global network of civil society organizations that works to end the exploitation of children’. This NGO focuses on ending online sexual exploitation of children, the trafficking of children for sexual purposes and the sexual exploitation of children in the travel and tourism industry.

International Labour Rights Forum (ILRF)

‘ILRF works with allies and networks around the world – labour unions, consumer activists, religious and community-based organizations, human rights organizations, and student groups – to demand dignity and justice for workers’ through means such as ‘transnational campaigns in consultation with workers’ and ‘long term partnerships in key countries’ to empower and advocate for change. The organization focuses on different sectors of child labour, such as cotton picking in Uzbekistan where the ILRF has led ‘policy advocacy strategy of the coalition, ‘invested in and promoted the leadership voice of Uzbek expats’, and leveraged US trade laws and ILO mechanisms’ to ‘build diplomatic pressure’ and assist the Uzbek government move away from the use of forced labour.

Child Labour Coalition (CLC):

The Child Labour Coalition is an organization formed in November 1989. Similar to UNICEF and ILO, it believes that no child, regardless of race, sex, religion, economic status, place of residence or occupation, should be forced to work. Previous actions taken include: hosting conferences, forums, initiating research, conducting campaigns and events, conducting public awareness materials, and testifying before state and federal legislatures and agencies on child labour.

Key players: countries

India

Though many countries have made significant efforts to illegalize employment of child labour, India constitutes $\frac{1}{3}$ of Asia’s child labourers and $\frac{1}{4}$ of all child labourers globally, containing the world’s largest number of children factory workers.

China

“Chinese law defines an employee under the age of 16 as a child labourer”, the South China Morning Post observes. Factories often hire agents to scout for cheap child workers, many under the age of 16 who will earn as low as \$US 140 a month whereas adults in the same sector earn three times more. Sometimes, parents will fake the age of their child so employers will choose to hire them. “A 15-year-old worker from Yunnan, explains that he works at least 28 days a month from 7.30am and later than 10pm. His boss beats him if he “misbehaves”, he said, adding that he and his co-workers don’t get paid until the end of the year, and will not be paid at all if they leave before then.”

Afghanistan

Under Afghanistan’s Labour Law, the minimum age for employment is 18. Children between the ages of 15 to 17 are allowed to do unarmful tasks that requires less than 35 hours a week, and represents a form of occupational training. Children 14 and younger are not allowed to work. Even so, “Over $\frac{1}{4}$ of Afghan children between the ages of 5 to 14 are employed, many in jobs that can result in “illness, injury, or even death due to hazardous working conditions and poor enforcement of safety and health standards”, the US Department of Labour states. Child labourers in Afghanistan work long hours with little to no pay.

They are most found in the carpet industry, metal industry, mines, agricultural industry, vendors, shoe shiners, and sometimes as bonded labour. This results in an incomplete education for many children—the Afghanistan Multiple Indicator Cluster Survey estimates that only half of Afghan child labourers attend school. The Afghanistan Research and Evaluation Unit explains how “landlessness, illiteracy, high unemployment, continuing armed conflict in much of the country, and a corresponding lack of able-bodied male adult workers in many families are among the most important factors contributing to chronic poverty and, by extension, child labour.”



Figure 2^ an infographic on child labourers, National Geographic

General Overview

History

Before the child labour laws were enacted in the 1940s, children were an important source of labour. Children were often preferred as employees as they were easily controlled, less likely to strike, and accepted lower pay.

United States of America

Child labour was frequently seen throughout American history up until the 1930s, particularly rife during the American Industrial Revolution which took place from 1820 to 1970. These children worked mainly in mines, factories, home industries, and as peddlers and newsboys. In the 19th century, an increased advocacy from individuals and organizations including the National Child Labour Committee for the termination of child labour, along with the impact The Great Depression had on political stances resulted in legislation designed to prevent extreme child labour. Legislative measures and agreements were made soon after, for example codes under the National Industrial Recovery Act (1933), Public Contracts Act (1936) and the Fair Labour Standards Act (1938) which required a minimum working age of 14 outside of school hours, 16 during school hours and a minimum age of 18 for positions classified as ‘hazardous’.

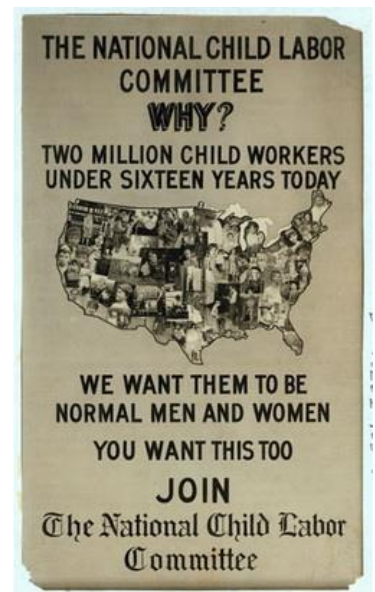


Figure 3 ^ published by the National Child Labour Committee, 1913

United Kingdom

Child labour was vital to Britain's economic success during the 19th century (Victorian Era)— in 1982, nearly 50% of the workforce was made up of workers under the age of 20. Stated by the official website of the National Archives of the United Kingdom, *"During the 19th century working-class children were often employed in factories and on farms. For many families, it was more important for a child to bring home a wage than to get an education. The combination of dangerous working conditions and long hours meant that children were worked as hard as any adult, but without laws to protect them. Children were cheaper to employ than adults, and easier to discipline."* An example would be chimney sweeps, though illegal after a law passed in 1788, many continued employing young children because of their size and agility. Apart from cities, 'agricultural gangs' accepted children from age 5 and above to work long hours in fields far from their homes.

Large changes came in the 1830s where the Factory Act was passed, which consisted of the mandatory post of a factory inspector, but also prohibited textile factories to employ children under the age of 9. Though it still allowed child labour, this act paved the way for further legislations protecting child labourers from 1844 to 1867, and finally the founding of The National Society for the Prevention of Cruelty to Children (NSPCC) in 1899, and earlier, the Education Act in 1870 which offered a free and compulsory education system.

Incidents of Child Labour

Over the past decade, there have been multiple cases of child labour across industries including clothing, packaging, and the extract of raw materials (e.g. mining, cocoa production, silk weaving). The most alarming case involving bonded child labourers as young as five years old working 12 hours a day in an Indian silk industry.

GAP

Although GAP has launched rigorous social audit systems in 2004 to eliminate child labour during manufacturing stages, the system was abused in 2007 by subcontractors in India. GAP's policy for all forms of child labour labourers being used by contractors is that the "contractor must remove the child from the workplace, provide it with access to schooling and a wage, and guarantee the opportunity of work on reaching a legal work age." The child labourers worked 16 hours a day with no pay, were threatened and abused by their overseers, and had oily cloths stuffed into their mouths when they cried as punishment. In response to this issue, GAP revoked their approval of 23 factories failing to comply with their standards, and created a \$US 200,000 grant to improve working conditions in the supplier community.

H&M and Zara

Organizations Anti-Slavery International and the Environmental Justice Foundation (EJF) accused H&M and Zara of using cotton suppliers in Bangladesh that employed child labourers. This led to campaigners protesting in the December of 2009 requesting the retailers to stop selling clothes involving child labour. Claims have also been made that H&M and Zara have purchased raw materials from Uzbekistan where children from the ages of 10 worked in the fields. Activists called for H&M and Zara to end the use of Uzbek cotton and to implement “track and trace” systems. H&M stated their disapproval of child labour sourced materials, but admitted that it didn’t have any “reliable methods” to ensure Uzbek cotton was not used in their products. Zara responded by saying their code of conduct banned child labour.

Meatpacking

During the August of 2008, it was discovered that kosher meatpacking company Agriprocessors in Iowa had employed 57 minors, some as young as 14, violating virtually every aspect of Iowa’s child labour laws. The CEO of Agriprocessors went on a five-week trial where he was found not guilty of child labour violations on the 7th of June, 2010.

UN Involvement, Relevant Resolutions, Treaties and Events

A program that provides support in protecting children from harsh conditions of child labour, the United Nations International Children’s Emergency Fund (UNICEF) was created by the United Nations General Assembly on the 11 of December, 1946. UNICEF recognizes signs of child labour using the Convention on the Rights of the Child ‘as a guiding force behind its work’. This organization has worked in areas like Bangladesh and Nepal freeing child workers and enrolling them in community-based schools, ensuring their safety by constructing follow up agreements in collaboration with other NGOs including but not limited to the ILO



Figure 4^ Goal 8 out of 17 Sustainable Development Goals

Apart from the creation of UNICEF, in September 2015, the United Nations created 17 goals for the 2030 Agenda for Sustainable Development which was adopted by 193 world leaders. Quoting from the United Nations website itself, “Over the next fifteen years, with these new Goals that universally apply to all, countries will mobilize efforts to end all forms of poverty, fight inequalities and tackle climate change, while ensuring that no one is left behind”.

Target 8.7, specifically targets the issue at hand by urging member states 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”, as well as target 16.2 which aims to end “abuse, exploitation, trafficking and all forms of violence against and torture of children”. Other Sustainable Development Goals also tie in with the problem of child labour: Goal 1 on poverty, Goal 4 on education, and Goal 5 on ending violence against women and girls and gender equality, including harmful practices.

Timeline of Events

Date	Description of event
March, 1939	First law passed to restrict child labour in Prussia
June, 1976	ILO Convention concerning Minimum Age for Admission to Employment (C138) adopted
September, 2015	2030 Agenda for Sustainable Development adopted
June 12th, 2002	World Day against Child Labour first recognized by the ILO

Possible Solutions

In order to accelerate the reduction of child labour, **more legal reformations should be adjusted and made** to ensure the social protection of children, such as laws to persecute child labour employers. Education and healthcare services should be free, compulsory and easily available to the whole population as education should be viewed a better option than work. This could be improved by collaborating with organizations to fund for better equipment and building more schools, or improving the syllabus to foster more competitive, higher-skilled workers.

Another way to solve this issue would be to **change the cultural acceptance and attitude towards child labour**. Not only should awareness be raised on the importance of education towards families, but social disapproval to employers’ exploitation as well. The general public should be taught how to recognize and interpret the meaning of contracts and identify contracts of modern slavery through all relevant forms of media and included in curricula. More studies and surveys should be conducted and made transparent to highlight the severity of the issue in all countries, which would not only be useful in pressuring the government to create change, but also to identify which areas and forms of child labour should be prioritized.

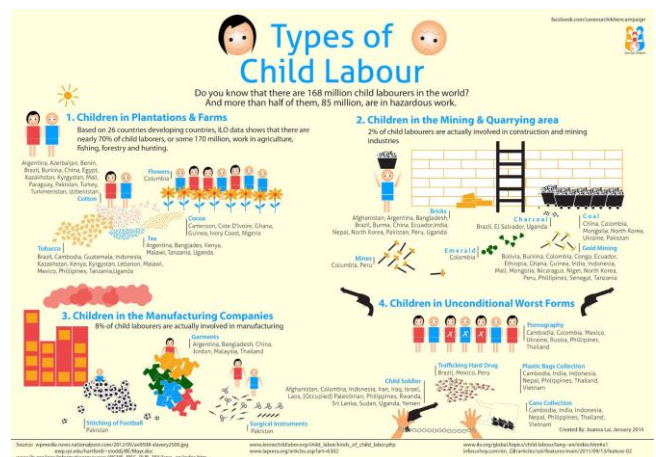


Figure 5^ an educational diagram on Twitter by the World Economic Forum

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