

ROLE OF UNITED NATIONS FOR COMBATING CHILD LABOUR :**AN INTROSPECT****Dr. Rupesh Kumar****Ganesh Nagar, Rajpura 140401 Distt. Patiala, Punjab****Abstract**

Every Country future depends on the present status of its children. By carrying work when they are too young for the labour, children mostly reduce their future income earning strength and present welfare, either by reducing their own future individual productive capabilities or by shrinking their future external choice sets. Child labour has existed in various forms, through most of the history. Children are involved in agricultural activities such as fisheries, farming, dairy, and forestry and in activities such as hawking foods, restaurants, polishing shoes, load and transfer of goods, domestic help etc. This practices are considered exploitative by United Nations across the whole World and prohibits child labour. The international organizations such as United Nations, International Labour Organization, United Nations Children's Fund etc. has made great efforts to eradicate child labour in the whole World. Ever since independence, the Government of India has taken several measures to eliminate the problem of child labour.

Key Words: Productive, Exploitative, Eradicate, Curbing, Liberal, Concern, Provision

1.1 Introduction

One of the disheartening aspect of child labour is that children are sent to labour instead of school. The family decide to send their child for employment as a urgently required measure due to extreme poverty.¹ One of the disheartening aspect of child labour is that children are sent to labour instead of school. Due to poor socio-economic conditions of the family, children are deprived of basic needs, including education. Child labour, thus adversely effects children's health and safety.² It is the

¹ P. Alston, *Centuries of Childhood* 25 (The Chaucer Press, London, 2nd edn., 2000).

² Manjula Batra, *The Law and the Indian Child* 11 (Anmol Publications, New Delhi, 2nd edn., 2010).

global issue which is mostly common in the underdeveloped Countries. Due to urbanization and industrialization, the issue of child labour is increasing day by day. When children work, it does not mean as a standard, they support their families economically, because sometimes neither all of them get paid for their work or many of them work as bonded labour or as slaves.³ According to the, United Nations, the largest numbers of child labourers are working in hazardous work and the total number of child workers is increasing even though it is forbidden by law. These children are vulnerable to diseases and they struggle with long-term psychological and physical pain. Many Countries have adopted legislations to prohibit child labour; nonetheless child labour is widespread across the World. It is not easy task for low income nations to achieve banning child work. The Supreme Court of India, considered that education is the key strategy in addressing child labour, and it can help children to stay away from work. However, not every family can afford to send their children to school.⁴

1.2 Role of United Nations for Combating Child Labour in India

In the recent Conference of United Nations on human rights held in Vienna the plight of the child labour was highlighted by bringing forth the reality that more than 80 millions children employed by the employers in the Indian sub-continent have been leading a horrible life and they could be found to be in servitude and to languish in bondage of their employers on account of being made to work for fourteen to sixteen hours a day in inhuman and unhygienic conditions as ‘voiceless human beings.’ It was pointed out that about 55 million children were working as bonded labour mainly engaged in agriculture, mining, brick-kiln, activity of fishing, glass moulding, automobile workshop, washing and domestic service etc.⁵ Article 27 of the Convention of United Nations, 1989, makes it obligatory for the State to recognize the right of every child to have a standard of living which may ensure requisite physical, mental, spiritual, moral and social development of each child. Child labour which is not permitted by International law falls into three categories :-

³P. Nagia, *Child Labour: Cause Effect Syndrome* 20 (Janak Publications, New Delhi, 2nd edn., 1987).

⁴Weiner Myron, *The Child and the State in India* 33 (Oxford University Press, Oxford, 4th edn., 1991).

⁵ A. Bhattacharya, *The Abuse of Child Labour* 59 (Thomas Publications, Ahmedabad, 4th edn., 2014).

1. The unconditional worst forms of child labour, which are internationally defined as, “ slavery, debt bondage and other forms of forced child labour, trafficking, forced recruitment of children for use in armed conflict, pornography, prostitution.”
2. The labour which is carried out by a child,“ who is below the minimum age of six to fourteen years and which is likely to prejudice the child’s education and harms its full development.”
3. The labour that jeopardizes the mental, physical or moral well-being of a child, either because of its nature or the conditions in which it is carried out, known as ‘hazardous work.’⁶

1.2.1 The United Nations Declaration of the Rights of the Child, 1959

This Declaration was proclaimed by the General Assembly of the United Nations on November 20, 1959. Taking note of the Geneva Declaration, 1924, United Nations Charter 1945, the Universal Declaration of Human Rights, 1948 and the fact that children by reason of their mental and physical immaturity need special care and safeguards, including appropriate legal protection, the Declaration sets forth the rights and freedoms of the child and, "calls upon parents, upon men and women as individuals, and upon voluntary organizations, local authorities and national Governments to identify these rights and strive for their observance by legislative and other measures" in accordance with the principles in the Declaration.⁷ The principles 2, 7 and 9, are described below and are especially applicable to the child labour:-

- (a) Principle 2 : Child must be protected against all forms of cruelty, neglect, and exploitation. He must not be the subject of trafficking, in any form.
- (b) Principle 7: Child must enjoy special protection, and must be given opportunities and facilities, by nation in its enactments and by other means, to enable him to develop mentally, physically, morally and socially in a healthy manner and in conditions of freedom and dignity. In the enactment of laws for this purpose, the best interests of the child must be the paramount consideration.

⁶Child Labour, These Hands are Meant to Play, *The Times of India*, September 8, 2016.

⁷M. S. Tripathy, *Child Labour in India* 44 (Discovery Publication House, New Delhi, 3rd edn., 1994).

- (c) Principle 9 : Child must not be admitted to employment before an appropriate minimum age, he must in no case be caused or permitted to employed in any employment which could destroy his education or health, or interfere with his mental, physical or moral development.⁸

1.2.2 International Covenant on Civil and Political Rights, 1966

The Covenant, adopted by the General Assembly of the United Nations on 16 December 1966 and entered into force on 23rd March 1976. Article 8, speaks specifically of the protection of children as, no one shall be held in slavery or servitude and the slave trade in all its forms shall be banned. Compulsory or forced labour is totally prohibited. The State parties to the Covenant recognise that, special measures of protection and assistance must be taken on behalf of all children without any discrimination between adults and children. Children should be protected from social and economic exploitation. Their employment in work which is harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law.⁹ Countries should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.¹⁰

1.2.3 International Covenant on Economic, Social and Cultural Rights, 1966

- (a) The Covenant was a multilateral treaty adopted by the United Nations General Assembly on 16 December 1966, and came into force from 3 January 1976. It commits its State parties to work towards the granting of economic, social and cultural rights to the individuals. It has been made mandatory for the State parties to ensure that rights reproduced in Covenant will be exercised without any discrimination. Article 7 recognizes right of everyone to the enjoyment of just and favourable conditions of work. Article 10 provides for protection and assistance to be accorded to family and State parties to take care of dependent children and their education. The Covenant specifically points out to special measures of protection from economic and social exploitation to be taken on behalf of children. The education has been given top priority and considered important for full development of children's

⁸S. Jain, *Child and the Law* 103 (Ashish Publication House, New Delhi, 2nd edn., 1996).

⁹The International Covenant on Civil and Political Rights, 1966, Article 8.

¹⁰*Id.* at Article 9.

personality, that strengthens respect for human rights and fundamental freedoms.

1.2.4 International Year of the Child, 1979

In order to promote awareness and to encourage States to act towards the protection and assurance of children's rights, the United Nations General Assembly declared 1979 as the "International Year of the Child."

The United Nations decided on 21st December 1979 to declare, "the International Year" with the following objectives:-

- (a) To provide a frame work for enhancing the awareness of the special needs of the children to the decision makers and the public.
- (b) The programmes for children welfare should be integral part of development plans of the Countries, with a motive to achieve benefit for children at the national and international level.¹¹

1.2.5 United Nations Convention on the Rights of Child, 1989

The United Nations Convention on the Rights of a child is a human rights treaty which sets out the, "civil, political, social and economic, health and cultural rights of children." The UN General Assembly adopted the Convention and opened it for signature on 20 November 1989. It came into force on 2 September 1990, after this it was ratified by the required number of Countries. Currently, 189 Countries of the World are party to it.¹²

India ratified this Convention on 11 December 1992, agreeing in the principles of all articles, except with the certain reservations on issues relating to child labour. It is the first legally binding international treaty and the most ratified treaty in the World of which 194 Countries are party to it. The main objective of this Convention is to protect children from discrimination, neglect and exploitation. Article 1, defines child as a person below eighteen years of age.¹³

¹¹ M. Koteswara Rao, *Human Rights* 167 (Allahabad Law Agency, Allahabad, 3rd edn., 2006).

¹² Government of India, Report : *Committee on Child Labour* (Ministry of Home Affairs, New Delhi, December, 2015).

¹³ B. R. Patil, *Working Children in Urban India* 117 (D.B. Publishers Pvt. Ltd., Bangalore, 4th edn., 2002).

The minimum age of a child should be prescribed for employment and he shall in no case be caused, or permitted to engage in employment before appropriate minimum age.¹⁴ The occupations which would prejudice his education, health and interfere with his physical, mental or moral development should be totally prohibited. The children have the right to free and compulsory primary education.¹⁵ The State parties should protect children from economic and social exploitation and performing any kind of work which can be hazardous and interfere with the child's health or physical, mental, moral or social development.¹⁶

The State parties must in particular take all appropriate national, bilateral and multilateral measures to prevent:-

- (a) Inducement or coercion of a child to engage in any unlawful sexual activity.
- (b) Use of children in prostitution.
- (c) Exploitative use of children in pornographic performances and materials must be banned and the Government must protect the child against all other forms of exploitation prejudicial to any aspects of the child welfare.¹⁷

1.5 CONCLUSION

Child labour remains a widespread phenomenon throughout the World. For large number of children, work is an ordeal, a source of suffering and exploitation and a fundamental abuse of human rights. A number of Conventions and Recommendations specifying the minimum age of entry to employment or work and defining the conditions under which children may be allowed to work, have been adopted by the United Nations over the years. The objectives, principles and guidelines set out in these international labour standards have been incorporated into national legislations and regulations throughout the World. The work of the United Nations has emphasized that child labour is a multi faced problem which requires not only prevention through international Conventions but enforcement, rehabilitation, social mobilization etc. if it is to be eliminated.

¹⁴The United Nations Convention on the Rights of Child, 1989.

¹⁵*Id.* at Article 28.

¹⁶*Id.* at Article 32.

¹⁷*Id.* at Article 36.