

Protecting Innocence: International Efforts to Combat Child Labour

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Abstract:

Child labour is a serious global issue that jeopardises the rights and welfare of millions of kids around the world. International conventions on child employment have become essential tools in the struggle against this widespread problem. With a focus on the major conventions established by the International Labour Organisation (ILO), this article provides an overview of the importance and impact of international agreements. This article discusses the role that these agreements have in establishing norms, increasing awareness, and encouraging coordinated action to eliminate child labour through a study of their provisions and implementation. Additionally, the article discusses the potential future developments and sustainable solutions to strengthen the fight against child labour through international conventions. By highlighting the importance of these multilateral agreements, this article underscores the need for continued collaboration, comprehensive strategies, and the mobilization of resources to eradicate child labour and ensure a brighter future for all children.

Keywords: Child labour, ILO, Industrial Revolution, Minimum Age, Worst forms of child labour.

Introduction:

Children are nature's most beautiful creation. Children being the most vulnerable people in our society are ought to be taken care of, protected, and given the chance to achieve their goals. Unfortunately, child employment is a horrific reality for a large number of kids all around the world. Child labour is damaging to a child's physical, social, mental, psychological and spiritual development because it is work performed at too early an age. Instead of enjoying childhood activities, many kids are stuck in dangerous and abusive working environments. In the least developed nations, slightly over one out of every four children (aged 5 to 17) work in employment that are deemed harmful to their development and health⁴. Children who work as labourers are robbed of their innocence and denied their right to play, education, and an atmosphere that is encouraging. It keeps them bound in a cycle of inequality and poverty, limiting their future opportunities and preventing them from reaching their full potential.

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⁴ United Nations. (n.d.). *World Day Against Child Labour*. United Nations. <https://www.un.org/en/observances/world-day-against-child-labour>

Historical background:

A landmark event in human history, the Industrial Revolution had a significant impact on societies all over the world. The working class and the generations that came out of industrial societies were particularly affected by the Industrial Revolution⁵. Men who lived during the era of industrialization indicate that child labour increased in the late eighteenth and early nineteenth centuries, when it was widespread in newly mechanised factories and workshops as well as a part of older industries⁶. The cities and the towns were highly crowded due to industrialisation as many migrated in search of work in the newly established industries. The owners of the factories preferred children over adults as their employees for their industries because of various reasons. Firstly, children were paid considerably less when compared to adults for performing the same job. Secondly, children were often more compliant than adults in terms of finishing tasks and taking punishments.

Finally, due to their characteristic small size and ability to fit into smaller areas, children were employed throughout the Industrial Revolution. In the end of the 18th century's new mechanised industries, this was particularly significant. For instance, textile mills consisted of equipment that spun thread very quickly. These devices are occasionally stuck or clogged. Children played a crucial role in the manufacture of goods because of the ideal fit their little hands and fingers were for clearing these machines of clogs. As a result, manufacturers hired kids since doing so aided in the creation of goods. Activists and reformers became more deeply concerned as the use of child labour became increasingly evident. This led to the formulation of laws and regulations against child labour.

Reasons behind the formulation of international conventions on child labour:**1) Protecting the children's rights:**

Like every other individual, children also have the right to health, education and protection against exploitation. The formulation of international conventions on child labour thus provide a global framework on how these rights are to be protected and also makes sure that children are not subjected to any hazardous or dangerous works.

2) Ensuring access to education:

Child labour often tends to keep children out of school which creates a continuing cycle of illiteracy and poverty. In order to break this continuing cycle an international convention is required which highlights the importance of education and also to ensure that the children will have access to quality education.

3) Promoting healthy development:

Child labour can have adverse effects on both physical and mental well-being of the children. For instance, long working hours, hazardous working conditions and dangerous substances can affect the physical wellness of a child. Likewise, their emotional and cognitive growth can be restricted by a lack of playtime

⁵ *Child labor in the Industrial Revolution*. HISTORY CRUNCH - History Articles, Biographies, Infographics, Resources and More. (n.d.). [https://www.historycrunch.com/child-labor-in-the-industrial-revolution.html#/#/](https://www.historycrunch.com/child-labor-in-the-industrial-revolution.html#/)

⁶ *Childhood and child labour in the British ...* - wiley online library. (n.d.). <https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1468-0289.2012.00651.x>

and interaction with others. Thus a convention on child labour ensures in promoting a healthy development.

4) Combating exploitation and trafficking:

Quite frequently, human trafficking and exploitation go hand in hand with child labour. Numerous young people are abducted, coerced, or deceived into performing employment. An international treaty can serve as a framework for nations to cooperate together to stop harmful practices, find victims, and bring those responsible to justice.

5) Raising global awareness:

An international convention against child labour can increase awareness of the problem and foster an understanding of its detrimental effects. The convention can encourage a sense of personal accountability and collective effort to end child labour worldwide by drawing governments, organisations, and people together.

6) Facilitating international cooperation:

Child labour is a worldwide problem that calls for collaboration and cooperation on a global scale. A global convention can offer a forum for nations to exchange information, promote best practises, and coordinate initiatives to effectively eliminate child labour.

7) Establishing standards and regulations:

A convention may help in determining the basic requirements and regulations for child labour, including the legal minimum age of employment, the working environment, and the sorts of work that are suitable for children. The convention can help nations create laws and policies to safeguard children from exploitation by laying forth clear rules.

International Labour Organisation:

The ILO was established in 1919 in the wake of the “Treaty of Versailles”, which put an end to the First World War, to represent the idea that social justice must be the foundation of any long-lasting, global peace. It is the only tripartite international organisation that was created as a consequence of a significant public opinion movement aimed at enhancing worker conditions. This movement was fueled by the interventions of researchers and political scientists who had followed the industrial revolution’s consolidation and its occasionally disastrous effects on social structures and the everyday lives of people, including children, all through the 19th and early years of the 20th century⁷.

“The International Labour Organisation (ILO) has been working to ensure that no kid in the world is forced to labour for pay for a minimum of three decades. Even though child labour was seen as a concern at the time of the ILO’s founding in 1919, it didn’t receive constant and growing attention from the organisation until the 1970s. The ILO Convention No. 138, enacted in 1973, established a minimum age for being employed by any person.

However, it was initially only approved by a small number of countries in the “Third World,” and it proved to be an ineffective tool. “The International Programme on the Elimination of Child Labour”,

⁷ *History of the ilo*. History of the. (n.d.). <https://www.ilo.org/global/about-the-ilo/history/lang--en/index.htm>

which was governed by legislation beyond the realm of issues, was established in the early 1990s at the suggestion of Norbert Blum, the German Federal Minister of Labour at the time. The initiative, which is currently considered as the ILO's centerpiece, aimed to launch specific action plans. The ILO Convention No. 182 was the last piece of legislation to be enacted, and it directed efforts towards the abolition of child labour in its "worst forms" in 1999. According to Convention No. 138, the new convention was viewed as the first step towards the complete abolition of child employment⁸.

Major Conventions by the ILO:

One of "The International Labour Organisation's" (ILO) main concerns has been child labour for a long time. Numerous laws and agreements have been ratified since it was founded. The ILO's most legally binding tools are conventions. They must be incorporated into national laws and implemented in labour markets if approved by the member nations. There will always be ratifiers and non-ratifiers for each particular ILO agreement at any given moment. Similar to conventions, the ILO also establishes labour standards in the manner of recommendations, which cannot, however, be ratified⁹.

ILO minimum age convention:

The International Labour Organisation (ILO) started establishing rules for child employment in 1919 by outlawing some types of work, particularly factory work. The ILO's Convention 138, which was passed fifty years later, expanded these limited sector-specific bans into a nearly complete ban on the employment of school-going children in all forms of work. The Convention was not the ILO's first attempt to outlaw abusive forms of child labour. "The ILO Minimum Age Convention (No. 138)", which was intended to end various forms of child labour by category and age and allow for progressive implementation depending on member states' levels of development, has only attracted 72 ratifications in the initial years¹⁰. At present 175 countries have ratified this convention with Liberia being the most recent country to ratify this convention¹¹.

"The ILO Minimum Age Convention (No. 138)" specifies a minimum age below which no child "shall be admitted to employment or work in any occupation". Thus, the relationship between work and school was portrayed as inherently antagonistic to children's development, the distinction between harmful and helpful forms of employment was ignored, and for the first time, work itself was viewed as something that needed to be eliminated¹².

According to Article 2 of the convention, the member nations that have ratified the Minimum Age Convention are required to set a minimum age requirement for entry into employment. The set minimum age shall not be below the age at which mandatory schooling is completed, which is normally 15 years of

⁸ Liebel, M. (2007). Opinion, dialogue, review. *Childhood*, 14(2), 279–284. <https://doi.org/10.1177/0907568207078361>

⁹ Boockmann, B. (2004). The Effect of ILO Minimum Age Conventions on Child Labour and School Attendance. *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.570543>

¹⁰ Dennis, M. J. (1999). The ILO Convention on the Worst Forms of Child Labor. *The American Journal of International Law*, 93(4), 943. <https://doi.org/10.2307/2555360>

¹¹ *Ratifications of ILO conventions: Ratifications by Convention*. (n.d.). www.ilo.org. Retrieved December 22, 2021, from https://www.ilo.org/dyn/normlex/en/f?p=1000:11300:0::NO:11300:P11300_INSTRUMENT_ID:312283

¹² Bourdillon, M. F., White, B., & Myers, W. E. (2009). Re-assessing minimum-age standards for children's work. *International Journal of Sociology and Social Policy*, 29(3/4), 106-117.

age. There is an exception, too, for nations with inadequately developed economies and educational systems. In such circumstances, a member country may initially designate a minimum age of 14 years after consulting with pertinent employers' and workers' organisations.

Thus, the Convention places more emphasis on the significance of compulsory education than on the requirement for children to find employment. It makes no reference to primary education specifically but rather to mandatory learning in general. Therefore, it is deemed unlawful to hire children under the age of fifteen¹³.

According to article 3, any form of occupation or work that could harm children's health, safety, or morals should have an 18-year-old minimum age requirement for admission in such places. In the event that there are any relevant employers' and workers' organisations, those organisations will be consulted before national laws or regulations, or the competent authorities, decide on the precise categories of employment or work to which this section applies. There is an exception, though, about the minimum age requirement. In accordance with applicable employers' and workers' organisations, if such organisations exist, national laws or rules or the competent authority may, under specific circumstances, permit employment or work beginning at the age of 16 years. These requirements include giving the young people involved complete protection for their health, safety, and morals as well as proper specialised teaching or vocational training in the pertinent field of endeavour.

Article 7 of ILO Convention No. 138 specifies requirements for the employment or work of children between the ages of 13 and 15, as long as the work is not likely to be harmful to their health or development. Additionally, the job shouldn't have an adverse impact on the employees' ability to profit from education, attend school regularly, or take part in authorised vocational orientation or training programmes. National laws or regulations may allow people who are not less than 15 years old but have not completed their compulsory education to work in jobs that satisfy the criteria listed above. Additionally, this work shouldn't threaten their health or development or hinder their academic progress. Every member country's competent authority has responsibility for deciding particular instances in which the employment may be approved. They additionally possess the authority to limit the number of hours that such employment or job may be performed and to create the appropriate circumstances to ensure the safety and well-being of young workers.

Other conventions relating to minimum wage:

Between 1919 and 2007, a number of Conventions and Recommendations on the nighttime employment of children and young people, as well as five Conventions and one Recommendation on the medical examination of young people, were adopted in addition to instruments on the minimum age.

The Worst Forms of Child Labour Convention picks up and expands upon Convention 138's prohibition on any type of employment or work that, by its nature or the circumstances in which it is carried out, is likely to jeopardise the health, safety, or morals of any person under the age of 18, while the Conventions on Minimum Age emphasise delaying the entry of children into the labour market in a phased

¹³ Mavunga, R. (2014). 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/Potchefstroomse Elektroniese Regsblad*, 16(5), 121. <https://doi.org/10.4314/pelj.v16i5.3>

manner. When taken as a whole, the instruments give further detail to the broad ban on exploitation found in the United Nations Convention on the Rights of the Child (1989)

According to article 38 (2) of the Occupational Safety and Health (Dock Work) Convention, No. 152, a lifting apparatus or other cargo-handling apparatus may only be operated by a person who has the necessary skills and experience or by a trainee who is under proper supervision and “who is at least 18 years of age.”

According to article 16(1) of the Safety and Health in Agriculture Convention, 2001 (No. 184), the minimum age for employment in agriculture that, by its nature or the circumstances in which it is carried out, is likely to harm young people’s safety and health shall not be less than 18 years. After consulting with the relevant representative organisations of employers and employees, the responsible authorities or national laws and regulations will decide what types of employment or activity are covered by this provision (article 16(2)). However, national laws or regulations or the competent authority may, after consulting with the representative organisations of employers and workers concerned, authorise the performance of the work mentioned in that paragraph as early as 16 years of age, provided that the young workers’ safety and health are fully protected (article 16(3)).

Young employees are given special protection under the Maximum Weight Convention, 1967 (No. 127), which deals with the routine physical movement of loads. According to article 7 (1), their assignment to manual transport of loads other than light loads “shall be limited.” ‘Young workers’ are those who are ‘under the age of 18’ according to Article I©.

According to article 11 (2) of the Benzene Convention of 1971 (No. 136), “Young persons under the age of eighteen (18) years shall not be employed in work processes involving exposure to benzene or products containing benzene: Provided that this prohibition need not apply to young persons undergoing education or training who are under adequate technical and medical supervision.” The Forced Labour Convention, 1930 (No. 29), although acknowledged that forced labour was occasionally regulated in the past, did so only for “adult males who are of an apparent age of not less than 18 years” (article 11 (1)).

The task of ensuring the enforcement of the legal provisions relating to working conditions and worker protection, including ‘the employment of children and young people...’, is listed among the duties of the Labour Inspection in the 1947 Labour Inspection Convention (No. 81) (article 3(1)(a)). The Labour Inspection (Agriculture) Convention, 1969 (No. 129) and this instrument are important weapons in the battle against child labour.

ILO worst forms of child labour convention 182:

ILO Convention No. 182 was the first to get universal ratification. It was also the ILO’s most quickly approved convention, with nearly all ratifications happening within the first three years of its adoption in 1999¹⁴. The Worst Forms of Child Labour Convention admits the presence of tolerable kinds of child labour while attempting to put an end to the worst forms of child labour¹⁵.

¹⁴ International Labour Organization. (2019). *ILO Conventions and Recommendations on child labour (IPEC)*. Ilo.org.

¹⁵ Mavunga, R. (2014). 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/Potchefstroomse Elektroniese Regsblad*, 16(5), 121. <https://doi.org/10.4314/pelj.v16i5.3>

ILO C182 is a one-of-a-kind instrument that handles similar issues comprehensively while focusing specifically on children as a specific category of victims¹⁶. Convention No. 182 mandates governments to adopt immediate, effective, and time-bound steps to get rid of the worst kinds of child labour.

Ratifying nations are required by Convention 182 to “take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labor, as a matter of urgency.”

Article 3 of the convention lists down the worst forms of child labour. It comprises of

- “(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”¹⁷

Sustainable Solutions to Eradicate Child Labour:

1) Accessible Education:

The elimination of child labour depends on ensuring that all people have access to high-quality education. The establishment and execution of inclusive education policies, which provide mandatory and free schooling for all children, should be the number one objective for governments and organisations. This involves removing barriers that prevent children from going to school, like poverty, bias, and gender inequity.

2) Poverty Alleviation and Livelihood Support:

Child labour is a major contributor to poverty, which should be eliminated. Effective strategies for reducing poverty that take into account the socio-economic issues that lead families to put their children out of school are necessary for long-term solutions. The goal is to assist parents find quality employment and produce income that is sustainable which involves offering them vocational training and support.

3) Social Protection Programmes:

Implementing social protection initiatives that focus on disadvantaged families can greatly help end child labour. To ensure that families get the support they need to meet their basic requirements and avoid using child work as a coping strategy, these programmes should include cash transfer programmes, health insurance, and access to essential services.

¹⁶ Rishikesh, D. (2016). The Worst Forms of Child Labour: A Guide to ILO Convention 182 and Recommendation 190. In *Child Labour in a Globalized World* (pp. 83-99). Routledge.

¹⁷ International Labour Organization. (1999). *Convention C182 - Worst Forms of Child Labour Convention, 1999 (No. 182)*. Ilo.org.

4)Supply Chain Transparency:

Organisations need to be accountable for their supply chains and use moral sourcing methods. Child labour in the industrial process can be found and addressed with the use of transparent supply chain systems and routine audits. In order to promote ethical business practices, cooperation between governments, corporations, and civil society organisations is essential.

5)Strengthening Legislation and Enforcement:

Governments must implement and enforce stringent laws and regulations against child labour, including fines for violators. This calls for strengthening the law's enforcement component. To ensure compliance, efficient enforcement measures like labour inspections and monitoring systems should be put in place. Additionally, fostering a culture of zero tolerance for child labour can be accomplished through raising awareness among legal authorities, judges, and the general public.

6)Community Empowerment and Awareness:

Community engagement is essential to ending child labour, as is community empowerment and awareness. Programmes that offer alternative options for children's development, educate the public about the harms caused by child labour, and provide communities with the opportunity to take action can successfully counteract the practise. Engaging community leaders, parents, educators, and youth organisations can support the development of a sense of shared ownership and accountability.

7)International Cooperation and Collaboration:

Collaboration and international cooperation are essential to addressing child labour. To share best practices, resources, and expertise, governments, international organisations, civil society, and enterprises should collaborate. Collaboration on a regional and international scale can improve the efficacy of initiatives and speed up the sharing of knowledge about new trends and problems.

8)Research and Data Collection:

Continuous research and data gathering are necessary for comprehending the complexity of child labour and developing treatments that are supported by the best available scientific evidence. Governments and organisations should fund research projects to find risk factors, patterns, and efficient tactics that might help in programme design and implementation¹⁸.

Way forward:

Future advances in international conventions on child employment have enormous potential to advance the battle against this worldwide issue. There are numerous significant areas that can impact the development of these norms as the globe changes. First, the legal framework must be strengthened by revising and broadening current conventions to handle growing concerns such as child exploitation on digital platforms and in the gig economy. Second, strengthening monitoring and enforcement measures is critical to ensuring efficient execution of convention provisions and holding individuals who break child labour laws accountable. Third, increased international collaboration and cooperation, particularly between origin and destination countries, can lead to stronger cross-border efforts to eliminate child labour.

¹⁸ https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C182

Fourth, leveraging data and technology may provide creative methods for recognising and avoiding child labour, as well as improved information exchange and analysis. Finally, involving and empowering children as active participants in policy and programme development may ensure that their opinions and perspectives are heard in decision-making processes. We can pave the road for a more comprehensive and meaningful approach to eliminating child labour globally by investigating these potential future developments.

Conclusion:

In conclusion, international conventions on child labour provide a framework for action and collaboration in the fight against child exploitation. By implementing and strengthening these conventions, fostering cooperation, adopting comprehensive approaches, mobilizing resources, and raising awareness, we can move closer to the ultimate goal of eradicating child labour and ensuring a better future for every child, free from exploitation and full of opportunities for growth and development.