

**MSAI Policy Document**  
**RIGHTS OF CHILDREN**

Adopted at National General Assembly, 2023

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## Policy Statement

**Introduction:** The term “child labour” is often defined as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. [2] It includes: All “unconditional” worst forms of child labour, such as slavery or practices similar to slavery, the use of a child for prostitution or for illicit activities and work done by children under the minimum legal age for that type of work, as defined by national legislation in accordance with international standards. [1]

Global progress against child labour has stalled since 2016. For the first time since 2000, the world did not make progress in reducing child labour. The COVID-19 crisis threatens to further erode global progress against child labour unless urgent mitigation measures are taken.[2] Child labour reinforces intergenerational cycles of poverty which curb economic development, social welfare and undermining the progress towards Sustainable Development Goals. [5] It is also a major barrier to education, affecting both attendance and performance in school. This prevents children from gaining the skills and education that would enable them to receive opportunities of a decent life ahead. Hence, it is more important now than ever before to take initiative to stop the prevalence of child labour.

**MSAI position:** Medical Students Association of India (MSAI), works towards strong fundamental goals of equality and justice and condemns the exploitation of children in every form. We encourage action at local, national and international levels. We believe that education is an extremely crucial component in the life of an individual and one of the most important tools in eliminating child labour.

**Call to Action:** MSAI addresses this issue as a national developmental goal with local measures. It is not a problem with a one sided solution. It is an encompassed effort of all sections of society to work to find solutions to these issues.

### Call to Action:

MSAI calls for

1. Governments to
  - Increase the fine and duration of imprisonment for offenders indulging in child labour.
  - Make amendments in legislation to define and increase the scope of what constitutes "hazardous industries"
  - Inspect on the working conditions for adolescent labour & children in family run businesses by appropriate labour/childcare authorities at periodic intervals
  - Increase the number and accessibility of schools in rural and urban areas.
  - Improve the quality of education, providing quality supplementary nutrition and health care by integrating current government nutrition programmes and enforcing them appropriately.
  - Map the current child labourers, vulnerable children and out-of-school children, and facilitate their movement to schools
2. Schools to
  - Provide education of the highest quality without discrimination or violence
  - Maintain a record of the number of students enrolled and update their progress.
  - Monitor dropouts and appoint a team of community workers, or collaborate with an NGO to identify the cause of such dropouts.

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- Conduct regular counselling sessions for the children to address any personal, familial, academic or financial problems.
  - Introduce capacity building sessions for the teachers to equip them with counselling skills and the skills required to provide tailored quality education
3. International Organisations to
- Work to strengthen the effective application of national legal frameworks and promote the regulation of working conditions for children old enough to work.
  - Provide funding to the national governments for supplementary services.
4. NGO to
- Work on rescue, repatriation and rehabilitation of children through child protection networks
  - Introduce 24x7 helplines to record and report child labour.
  - Conduct counselling and awareness programmes for community leaders, families and children.
  - Establish community learning centres for children and their families.
5. General Population to
- Stop employment of children under the age of 14 as house helps or at any work facilities.
  - Refrain from buying goods produced by business indulging in child labour.
  - Provide guidance to the families of children engaging in labour .
  - Identify offenders and report them to the police, the child helpline or NGOs
6. Media and Press to
- Increasing the visibility of government programs to the masses.
  - Use print and digital media to spread awareness on the importance of education.
  - Educate the masses on the consequences of indulging in child labour.
  - Share the government and NGO helpline numbers to the general population.
7. MSAI members to
- Actively conduct campaigns, activities and awareness sessions and collaborate with external partners and IFMSA to educate medical students and sensitize them towards the problem.
  - Volunteer and work closely with local NGOs and associations by participating in education drives, helplines or counselling families.
8. Community Health Workers and Peripheral Healthcare Workers to
- Create protocols in PHCs for detection and reporting of cases of suspected child abuse to concerned authorities
  - Provide counselling services for child labourers and their parents
  - Provide counselling and rehabilitation services for victims of child trafficking, children working in hazardous conditions, enslaved children etc.
  - Educate parents on the hazards of child labour and the importance of educating their children
  - Initiate specialised trainings and programs for the peripheral health workers to detect and inform higher authorities of any child rights violations that come to their notice.

## Position Paper

### Background information:

According to the International Labour Organisation, “child labour” is defined as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. It refers to work that:

- is mentally, physically, socially or morally dangerous and harmful to children; and/or
- interferes with a child’s ability to attend and participate in school fully by obliging them to leave school prematurely; or requiring them to attempt to combine school attendance with excessively long and heavy work.[3]

160 million children are engaged in child labour, accounting for almost 1 in 10 of all children worldwide. [2] As per Census 2011, in India, 10.1 million or 3.9% of the total child population are working, either as ‘main workers’ or as ‘marginal workers’.

Children are restricted from going to school, have little or no time to play and lack proper nutrition or care. Aid agencies assume that in reality, more than 65 million children between 6 and 14 years do not go to school. [7]

The Convention on the Rights of the Child (CRC) recognizes every child’s right, “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 that is likely to harm the child’s health or, “physical, mental, spiritual, moral or social development.”[3] Other international instruments further define a child’s right to be protected from the “worst forms of child labour,” including recruitment in armed conflict, sexual exploitation and drug trafficking.[6]

Child labour impedes children from gaining the skills and education they need to have opportunities of decent work as an adult. Inequality, lack of educational opportunities, slow demographic transition, traditions and cultural expectations all contribute to the persistence of child labour in India. [3]

Education is a human right with immense power to transform. On its foundation rest the cornerstones of freedom, democracy and sustainable human development. There is long interrelation between education and child labour. Child labour is a curse to the society and it can be only eradicated by means of education. [4]

Eradicating child labour is a moral imperative. It is also essential for ensuring that children can make the best use of their potential now and for future inclusive growth.

### Discussion:

#### Poverty and Family Instability

According to the World Bank’s ‘Poverty and Shared Prosperity 2022’ report, global extreme poverty (defined as the number of people living on less than \$2.15 or Rs 177 a day) increased to an estimated 9.3 per cent in 2020, up from 8.4 per cent in 2019. In other words, the number of global poor increased by 7.1 crore people, of which between 33 and 80 per cent were in India. [7]

Poverty is a state in which people lack basic needs such as food, clothing, health facilities etc. People live in severe housing conditions and poor sanitary and hygienic conditions. Most of them live in slums lacking housing, health care and sufficient nutrition. [9]

Extreme poverty, lack of opportunity for gainful employment, intermittency of income and low standards of living are the main reasons for the wide prevalence of child labour. [7] Child labour is both a cause and consequence of poverty. Poverty forces children to actively engage in the labor market to earn a living. Sometimes they may supplement family income, while most of the time it is a matter of survival. [3]

There are 62 million children in child labour in the Asia-Pacific Region, accounting for 7% of the population of children, according to the 2017 Global Estimates on Child Labour. Twenty-eight million of them are in hazardous work, predominately in agriculture (57.5%) but also in mining, brick-making and domestic work. [18]

While child labour is mainly a rural problem, it also exists in cities. According to the World Bank, child workers are typically a sign of urban poverty in many countries. Urban children are usually involved in domestic work or sales work. [9] The main reasons for the emergence of child labour in bigger cities are unhealthy family life and economic deprivation. [10]

Population explosion and high fertility rates in India often lead to poverty. Hence it is more common for children from larger families to engage in child labour than those from small families. Economic hardships and family dysfunction can therefore be named as the main causes of child labour. [10]

Culture is another driving factor. In some cultures it is assumed that children need to learn skills that can be good for their future, hence making them work at a very young age. [8] Financially impoverished parents send their children to work instead of sending them to school. They are deprived of education and acquiring skills; and in effect, the children grow as unskilled adult workers. This entangles them to the bottom of the economic heap in the next generation as well, and are again forced to send their children to work to supplement the family income. Thus the chain of poverty persists and a child-labour trap is formed in a dynamic perspective. [11]

Hence, we must start public employment programmes, which provide jobs for adults, provide them with skills through vocational training and build infrastructure; namely roads, schools and health centres to ensure adults are capacitated to work and children can access quality education. Additionally, unemployment protection, which provides adults with at least partial income replacement, reduces the need to rely on the income of working children when facing job loss. [12]

Education is considered one of the main alternatives to abolish child labour. We must begin by conducting counselling for community leaders, families and children. In order to break the cycles of poverty we must capacitate the families by conducting vocational training to empower them to earn a basic living. With the help of print and digital media, we must spread awareness about the importance of education and availability of government provisions in their surroundings. Governments can also work with relevant NGOs and try to reach the grassroots level of the problem.

### Education and upgradation of schools

One of the reasons illiteracy is far more prevalent among poor people is that they tend to drop out of school because of the high cost of schooling. [9] Educating children is key to their development as it hones their skills and abilities. Besides, education can provide skilled workers as well.

Lack of schooling is a major cause as well as consequence of child labour. [11] The First World Summit for children in 1990 showed that education could play a key role in reducing child labour and in its eventual abolition.

In many places in India, school facilities are either inadequate or of substandard quality or are unaffordable. Moreover the importance of education is not perceived by the parents who then force their children to work. Even when education is "free of cost", it is perceived as a lost opportunity of income. [10]

64 million children of primary school age remain out of school, with the majority of them coming from marginalised groups. The sixth round of the Multiple Indicator Cluster Survey Programme (MICS6) contains a Foundational Learning Skills module that assesses learning outcomes in reading and numeracy skills. Findings from this study show that many countries do not equip their children with foundational reading and numeracy skills. [20] Hence, it is essential to improve the quality of education. We must instil in the parents the need for education and help them realise its potential in breaking the intergenerational cycles of poverty.

Schools and governments must put forth measures which would improve children's accessibility to education. This includes providing nutritious, hygienic and good quality, free midday meals, books, uniforms, transport and special allowances. Such measures can motivate parents to send their children to school regularly.

Other measures include providing school facilities, opening of new schools, bringing schools within easy reach of the children, starting a girls' section in boys' schools to encourage co-education, condensed courses for adult women etc. Additionally, we must improve existing schools by appointment of more qualified and motivated staff including a large number of women teachers to empower and encourage young girls and their mothers. We must ensure the provision of better building and educational equipment and along with it a wide choice of subjects.

Ideally, the main function of the school is to prevent children from joining the labour force. The education department must ensure that all children in the 5-8 years age group are enrolled and retained in schools. They must pay attention to children in the 9-14 age groups involved in child labour, migrating children, street children, domestic child workers and school dropouts and never enrolled children and provide for residential and non-residential bridge courses, seasonal hostels, mobile schools or work-site schools.[8]

### Gender discrimination

Gender is a crucial determinant in the fate of children in India. While child labour is a violation of human rights of all children, very often it is seen that girls are more affected than boys. They often start working at an earlier age than boys, especially in the rural areas, which is referred to as the hotspot spot of child labour in India.

Gender inequality and traditional gender roles deny the girls their right to an education or often make them suffer the triple burden of house work, schoolwork and work outside home, whether paid or unpaid. [13]

Girls are often confined to domestic service where they are abused and frequently overworked. In India there is a strong culture of young girls accompanying their mothers to places where they undertake domestic work. By the age of 8 or 9 they are themselves hired as domestic workers. [13]

Moreover, female members, especially girls are often the first to be victimised by poverty in the family. They are often denied the opportunity to seek education and access to basic resources. People prefer to educate their male child at the cost of the female. Hence, girls are never admitted to schools. As a result, both the children who were never admitted and the ones who dropped out get trapped into becoming child labours. [13]

Girls and boys have different experiences which call for different solutions. Hence it is important to integrate gender concerns into child labour research, advocacy, programmes and policies. Gender sensitive programmes and policies should be introduced which reduce and prevent child labour. These restore the right to education, protection from violence, abuse and exploitation and provide a healthy childhood to them.

Taking special interest in the upliftment of the girls, the government must provide additional services, facilities and provisions to girls up to the age of 16 at educational institutes. They must also provide free and quality higher education to women. It is extremely crucial to train the older generations to make them identify the importance of education. Hence, education of adult women through night schools, adult training centres and special vocational training in female centric areas to make them acceptable to the rural areas must be undertaken. A greater focus on female education would eventually lead to overall progress by a decline in fertility rates which is the cause of poverty leading to child labour and also in participation of the children.[9]

#### Bonded Labour

Bonded labour is mainly by a long-term relationship between employer and employee.[14] It is usually due to an informal loan taken by an employee. Bonded labour poses a serious challenge in South Asia, affecting innumerable poor and vulnerable workers. Although there are laws against bonded labour in India they are not well implemented.

Typically, a worker takes a hefty loan from an employer, labour contractor or landlord. These loans are often given at unimaginable interest, often impossible for the employee to ever pay back. The debtor is now obliged to work for the lender until the loan is repaid. This exchange lacks any formal documentation, paperwork. The informal terms are always heavily biased in favour of the creditor/employer. Uneducation, poverty and vulnerability forces the worker to continue to borrow additional sums to meet family needs, making the overall debt grow further, eventually leading the person to work harder, often like a slave, denied even basic freedom. In the worst cases, bonded labourers may be kept captive through violence or threats of violence. The looming debt pushes the family members of the debtor, that is, women and children to work to repay the debt. More than often the labour of children is enslaved to repay the loans taken by parents, hence making them an eventual bonded labour.

Bonded labour perpetuates poverty. As adults are fully employed for long hours, children are engaged in animal grazing and domestic chores so are denied education and skill development. This results in low human capital at household level, perpetuating inter-generational poverty. [15]

Bonded labour stems from a variety of causes, mainly based on centuries long caste-based discrimination, vast poverty and inequality, an inadequate and inefficient education system, unjust social relations, and improper implementation of governmental legislations to alter the current scenario. Bonded labour in India can be viewed as a product of social, historical, economic, and cultural factors. [10]

According to the International Labour Organisation, as of 2021, 27.6 million people were in forced labour globally, out of which 12% are children. More than half of these children are in commercial sexual exploitation. The Asia and the Pacific region has the highest number of people in forced labour, 15.1 million. [20]

The Abolition of Forced Labour, 1957 (No. 105), is one of the eight fundamental conventions of the ILO, which prohibits several forms of forced labour. India has ratified the ILO Abolition of Forced Labour Convention, 1957 (No. 105). SGD Target 8.7 calls on all the members of the alliance to take immediate and effective actions to eliminate forced labour, end modern slavery and trafficking in human being, and secure the prohibition and elimination of all forms of child labour as an essential step to achieving decent work for all, full and productive employment and inclusive and sustained economic growth. [21]

The Global Slavery Index is an international report of modern slavery that assesses the extent of modern slavery country by country, and the measures governments are taking to respond to this issue to objectively measure progress toward ending modern slavery. According to this, India has been placed at a rank of 53 out of 167 nations. This implies poor enforcement of anti-slavery laws which could be a result of lack of adequate resources, inefficient education systems, unjust social relations, weak implementation of the law and so on. [21]

Those who are in bondage often consider the demands made on them by their employers as “normal”, even when they encroach on personal freedoms. Hence, like everything else, we must start by educating the community on bonded labour issues. Government must strictly enforce the policies to abolish bonded labourers, especially children.

#### Government:

The Indian government has established various policies towards elimination of child labour. In spite of various laws regarding child labour and tireless efforts by the non-governmental and international organizations, children continue to work on a massive scale in most parts of the country. According to the last census by the Government of India, the incidence of child labour has decreased in India by 2.6 million between 2001 and 2011. However, the decline was more visible in rural areas, while the number of child workers has increased in urban areas, indicating the growing demand for child workers in menial jobs.[3]



The enactment of the Child Labour Amendment (Prohibition and Regulation) Act, 2016 and The Right to Education Act 2009 have paved the way for ratification of ILO's two core conventions-

1. Convention No 138 stipulates that the minimum age at which children can start work should not be below the age of compulsory schooling and in any case not less than 15 years; with a possible exception for developing countries.
2. Convention No. 182 prohibits hazardous work which is likely to jeopardize children's physical, mental or moral health. It aims at immediate elimination of the worst forms of child labour for children below 18 years. [18]

After strengthening the legislative framework through amendment in Child Labour Act, Government has framed the Child Labour (Prohibition & Regulation) Amendment Rules, 2017 which inter alia specifies the duties and responsibilities of State Governments and District Authorities to ensure effective enforcement of the provisions of the Act. [6] The amendment has introduced the concept of adolescent labour for the first time. The Act increased the penalty and imprisonment which shall not be less than 6 months and may extend upto 2 years and fine between Rs.20, 000 to Rs. 50,000. [18]

The new amendments put a complete ban on the employment of children, but at the same time it questionably permits them to work in family enterprises/businesses. Moreover child labour laws in India do not cover all types of work such as agriculture, wholesale trade, restaurants and domestic works. Usually these children are the most vulnerable child labourers. [9] Occupational hazards include chemicals, risk of injury or snake bites, and bad weather. Children work with little or no protective gear and minimum or no access to water for both drinking and handwashing causing numerous health injuries and diseases. [9] According to the amendment, the list of hazardous industries has been drastically decreased, from 83 to 3 namely 1) Mines. 2) Inflammable substances or explosives. 3) Hazardous process.[18] This permits children to be employed in industries like chemical mixing units, cotton farms, battery recycling units, and brick kilns etc.

Primary education is compulsory but not enforced, mainly in the rural part of the country. Education is free but of substandard quality. Meals are provided but often adulterated or non nutritious due to the chain of corrupted officials. School attendance is a persistent problem and school dropout rates are high simultaneously child labour is also growing vigorously in the cities. There is also a high drop-out rate at relatively higher ages where the child grows, their earning capacity rises and they leave school to earn for the family. [11]

Despite these efforts, child labour legislation to protect children has been unsuccessful. This is because the majority of the Indian population lives in poverty.

The government must provide social health protection, which ensures access to health care and financial protection in case of illness, which can prevent the children from going to work when a member of the household falls ill. Additionally, we must provide income security in old age, by providing pensions to older people that can contribute to the family income. To avoid older children having to work to replace the mothers' lost income during pregnancy, the government must provide maternity benefits that protect pregnant women and recent mothers and allow caring for new-born children hence, improving the health of mothers and children. [12]

Consensual lists of dangerous jobs must be prepared in order to identify where the worst forms of child labour are practiced. This will enable the government to tackle the problem urgently and facilitate the rescue and rehabilitation of the girls and boys that are found in those situations.

The government must also increase the number of schools in rural and urban areas, ensuring to build them closer to the dwelling places to make them more accessible to the children. Regular monitoring and evaluation of the number of students admitted to the schools, cross checked with the live birth rate in the areas. It is essentially important to check the dropout rates and analyze the cause in such cases.

### Companies

Companies must actively support the government and NGOs to reduce the problem of child labour and child education. Workplace risk assessments should be conducted regularly and the risk identified must be controlled. This can have an immediate and long-term impact on the safety and health of workers. Children and adolescents are especially vulnerable to hazards because they are still developing physically and mentally. They are less aware of risk than adults and therefore are more likely to be hurt. Exposing children to dangerous chemicals or physical stress at this tender age can seriously harm their health and future. Hence, the risk factors must be regularly assessed and prompt measures should be taken to control the risks identified.

Companies share the responsibility of bringing child labour to an end. Companies must collaborate with governments and donors to provide services mainly education, to eliminate child labour. They may increase wages of the employees to provide financial assistance and stability. They must also encourage microfinance and skills training. [18]

Additionally, there should be a permanent ban on underage recruitment. It is also important to support initiatives to enroll these children into school. They may also provide support for children's education, by funding for a child or building schools or its facilities near their factories or offices to provide accessibility to education. Sometimes, they may also pay an allowance for schooling to parents by paying a small sum of money given to all adult workers who have school-age children. [19]

A company at the top of the supply chain, must also make sure that all supply channels are free from child labour. [20] Adolescents who do not have a basic education must be equipped by combining training in the workplace with life and literacy/numeracy skills.

Majorly, the companies must raise awareness and promote children's rights by working with suppliers, workers and communities to ensure that they break the cycle of child labour, encourage education and end poverty by working with international organizations and local partners.

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