

CHAPTER I INTRODUCTION

A. Background

This thesis seeks to investigate the role of the International Labour Organizations (ILO) in combatting child labor in India. Child labor that occurs in India is a very bad child labor among other developing countries. Because the poverty level of the Indian State is very high labor child can occur, from child labor in low level to the Worst Forms of Child Labor. The role of the ILO here as a UN representative in the field of labor strives to reduce child labor in India by bringing international normative values about eradicating child labor and giving children's rights.

The International Labour Organization (ILO) is a United Nations agency that sets international labour standards and promote social protection and work opportunities for all. (ILO, Mission and impact of the ILO, 2018) The ILO has 187 member states where 186 are UN members and 1 member is the Cook Island. The ILO is an international organization that focuses on labor or worker issues. The rights that must be obtained by labor or workers are also the main focus of the ILO. The ILO brings together governments, employers and workers representatives of [187 member States](#), to set labour standards, develop policies and devise programmes promoting decent work for all women and men. Today, the **ILO's Decent Work agenda** helps advance the economic and working conditions that give all workers, employers and governments a stake in lasting peace, prosperity and progress. (ILO, Mission and impact of the ILO, 2018) The ILO is a specialized agency of the United Nations that spreads around the world, especially in developing countries which have child labor cases such as in India, Indonesia, and Sri Lanka.

ILO Minimum Age Convention No. 138 of 1973 the minimum price used for the work of children under age, it is still possible to do work in the world who work in the category of hazardous work (or included in the form of child labor). (ILO, Minimum Age Convention, 1973 (No. 138), 2017) The ILO noted that there were 168 million children involved in child labor. This number is a decrease from 2000 which recorded the number of child laborers in the world reaching 264 million (ILO, Child Labour, 2018). In number, Asia and the Pacific have rates of child labor, which is almost 78 million, Sub-Saharan Africa is still the highest in cases of child labor, which is 59 million or 21.4% (IPEC, Marking progress against child labor, 2013). Then, by gender at various ages of five to seventeen, boys were mostly involved as child laborers compared to girls (99.8 million compared to 68.2 million). (takingITglobal, 2015) .

The right to a prosperous life is stated in the Universal Declaration of Human Rights or the Declaration of Human Rights established by the United Nations (UN) as a form of Resolution of the General Assembly on December 10, 1948. In article No. 25 stated that: 1) All people have the right to a decent life which is also adequate for their health and welfare for themselves and their families, including food, clothing, housing and the acquisition of health and social services, as well as the right to security in times of unemployment, illness, incapacity due to disability, widow condition, old age or various forms of lack of livelihood outside their power. 2) Motherhood and childhood activities are entitled to special treatment and assistance. All children, whether born in or out of wedlock, must receive the same protection (Hogan, 1970).

As reported by Save the Children between the ages of 14-17 years engaged in hazardous work and account for 62.8% of India's child labor workforce in which boys are more than girls (38.7 million vs. 8.8 million) are forced into doing more

hazardous work. Child labor used to be the most ubiquitous in rural India in which 80% of working children are found working. Recently, however, child labor has relocated from rural areas to urbanized areas where the big cities are located. More cities provide more opportunity for work compared to smaller, rural areas. As reported by United Nations International Children's Emergency Fund (UNICEF), there has been a 54% increase in child labor between the ages of 5-14. In addition, according to the Campaign Against Child Labor study, India has approximately 1,26,66,377 total child laborers. Uttar Pradesh, a state in northern India, has 19,27,997 child laborers. Dehli, the capital of India, has over 1 million child laborers. Other leading states with similar figures including Bihar, Rajasthan, Maharashtra, Madhya Pradesh and Uttar Pradesh. (TNN, 2010).

In this research, the Indian State received assistance from the International Organization called the International Labor Organization (ILO) which was devoted to promoting social justice and human rights and an internationally recognized workforce. The ILO has a special program called the International Program on the Elimination of Child Labor (IPEC) or the International Program on Reducing Child Labor, where they are an important aspect of the ILO Decent Work Agenda that seeks to address child labor and campaign for a global revival. to help stop the practice of child labor. IPEC believes that children who work will not only prevent children from achieving the education and abilities they need in achieving a better future, but also increase poverty and influence the national economy through the loss of competitive, productive, and potential income. With that, IPEC acts by attracting children out of child labor, providing education for them, and helping their families with training and employment opportunities that contribute directly to decent work for adults. As such, the ILO with a special program called IPEC has the aim to deal with child labor trying to apply it to countries

in the world, including India, to handle all forms of child labor in India.

B. Research Question

How is International Labor Organization (ILO) combatting child labor in India?

C. Theoretical Framework

To analyze deeply the role of ILO to combatting child labour in India, need some concepts and theories to analyze the case.

1. Constructivist Perspective

Constructivism is an empirical approach to researching international relations, empirically in terms of focusing on intersubjective ideas that define international relations. Martha Finnemore stated another constructive variant, systematic analysis in her 1996 book, national interest in international society. The starting point is the definition of State identity and the interests of the State. But others pay attention to social interactions among countries, the focus is on the norms of international society and the ways in which they influence identity and interests. State behavior is defined by identity and interests. Identity and interests are defined by the norms of behavior norms embedded in the international community. They shape international policy by "teaching" the State what should be of interest. (soresen, 2013)

Constructivists argue that the identities of states are constructed through norms, which in turn define a state's particular interests. As norms reconstruct identities, so interests subsequently change, leading on to changes in state policy. Thus interests and identities are informed by norms

which guide actors (states) along certain socially prescribed channels of 'appropriate' behaviour. Constructivists emphasise 'norms' rather than 'ideology', in that the former specifically refers to behaviour that is deemed to be 'legitimate' or 'appropriate'. (Hobson, 2003)

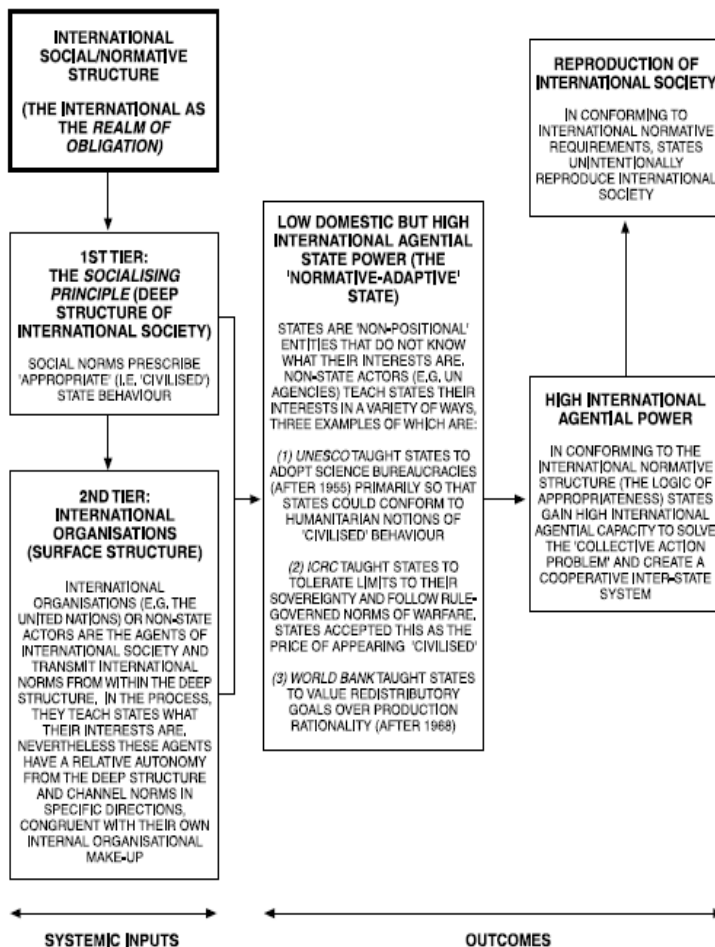


Figure 1.1 International society-centric constructivist theory of the state and IR (Finnmore)

In the chart above Finnmore shows how international organizations bring norms that apply in international social until a country adopts the norm. This international society-

centric does believe that what accepts the norms brought about by international organizations is society in this case, which means that India as a society taught by the ILO. Finnemore argues that although there are many norms that exist within the deep structure, she suggests that there are nevertheless three predominant ones: bureaucracy (i.e. bureaucracy is seen as the most appropriate way of exercising authority); markets (i.e. markets are seen as the most legitimate means of organising economic life); and human equality (entailing respect for human rights and broad notions of equality for all in political and economic life). (Hobson, 2003) In this case the ILO is included in the appropriate way of human equality because the focus is child labor, where children must get their rights instead of being labor. For Finnemore, international organisations have been 'active teachers' which guide states to initiate policies that are congruent with certain international norms of behavior. (Hobson, 2003) In this case the 'active teacher' is the ILO which teaches humanitarian norms to India, especially concerning child labor. Then after India is extracted and accepts or agrees about the prohibition of child labor, there is evidence of acceptance of the norm which is then proven in several policies made by India to reduce this child labor.

In Finnemore analysis contains three case studies of national interest of state which are influenced by norms one of which is The adoption of science policy bureaucracies by states, after 1955 in this case exemplified by UNESCO who succeeded in disseminating the idea of "civilized". Here is the same as the ILO which disseminated the idea of one stop child labor in India.

2. International organization

International organization is organizations among countries that are bound by agreements to guarantee common goals. (Krisna, 1993) Meanwhile, according to Clive Archer

in his book "International Organizations", international organizations are defined as a formal and sustainable structure that is formed by an agreement between members (Government or Non-government) of two or more sovereign countries with the aim of pursuing the common interests of their members (Clive, 2001).

The functions of international organizations can be grouped into five big category according to Harold K. Jacobson, namely: informative function, normative, role-creating, supervisory roles, and operations. Informative functions include collecting, analyzing, exchanging and the spread of various data and facts that occur internationally. In this case international organizations use their staff to this goal in the international world.

The normative functions of international organizations include standards the organization's goals and declarations. In this case it is not bound by legalization of instruments but their provisions are influenced by circumstances domestic environment and international politics.

The role-creating function of international organizations is the same as normative function which includes the standard goals and declarations of the organization but here is limited by the frame legality that affects it.

The role-supervisory function of international organizations includes taking action to ensure enforcement of regulations by international actors. This function requires several steps in its operation, it starts from the compilation of facts obtained from violations that occurred then verified facts for witness charges.

The operational functions of international organizations include utilization and operation of all resources in the organization. For example in this case, namely funding, operations, sub organization and spread of military

operations. According to Harold K. Jacobson about the function of the international organization there are two functions that are closely related to the function of the ILO in combating child labor in India. The normative functions and the role-creating show that the ILO function in India in the combating child labor is to carry out normative functions to share the goals of the ILO in terms of human rights for labor and prohibit the employment of underage children.

The roles of international organizations according to Karen Mingst can play a key role in each level of analysis, there are three functions of international organizations according to the level of analysis. First, at the International System level, international organizations have the function to contribute together with countries in the world to deal with an international problem. International organizations also function to survey and collect all information in the world. The organization also has a function to help resolve disputes or conflicts in the world. Besides that international organizations also have the capacity to make an international provision. Second, the function of international organizations towards the state, namely international organizations are used by the state as instruments of foreign policy. International organizations also function to raise information of a country in the international world. In addition, international organizations also function to determine the behavior of a country in the sense of preventing countries from making policies and punishing countries from a policy. Third, the function of international organizations is the relationship between individuals, namely international organizations become places where individuals can socialize with international norms. In addition international organizations are also places where individuals can learn about the similarities and differences of a country in the world (Mingst, 1999).

Based on the function of the role of international organizations according to Karen Mingst, the ILO in India carries out the first role, namely the role of international organizations at the International System Level where the ILO has contributed to other Indian country included in international problems, namely child labor. The ILO also has a function to survey and collect all information in the world then determine what international problems occur in a country as well as in India. The ILO has function to survey the child labor problem. The organization also has a resolve to help disputes or conflicts in the world. Besides that, international organizations also have the capacity to make an international provision. The international provision that the ILO has made in India has several conventions about child labor.

D. Hypothesis

The hypothesis of this thesis is “The role of the International Labor Organization through the ILO taught india to adopt norm about children rights to stop child labour india”.

E. Research Methodology

The research method used by the authors in this proposal uses a literature study / literature study data collection techniques. This thesis data was compiled through qualitative methods by collecting various literature sources. The data obtained comes from library sources such as related books and scientific journals as well as mass media reports and news such as newspapers, magazines, online media, and articles.

F. Research Scope

In this study, the authors determined the scope of research in 2013 - 2017. The authors used this range because the ILO

began to focus on child labor issues in India in 2013 until 2017 seen in India's willingness to ratify several conventions made by the ILO.

G. Research Outlines

Chapter I, contains a brief background on the ILO as an international organization and the problem of child labor in India how children in India become laborers due to high poverty rates. Then proceed with a research question "how is the role of ILO to combating child labor in india ? " then filled with theoretical frameworks containing one concept and one theory, namely the concept of international organizations and constructivist theories. Followed by hypotheses, research objectives, range of research, and systematics of writing.

Chapter II, the author will focus on the discussion of the role of ILO as international organizations.

Chapter III, the author will focus on the how child labour born in india.

Chapter IV, the author will explain the dynamics of the ILO in taught India. Then explain what Indian policies have been formed because of the application of these norms.

Chapter V, contains conclusions regarding the role of the ILO. Where in conclusion the author wants to briefly explain how the role of the ILO in combating child labor in India.

