

CHAPTER IV

ILO NORM AND CHILD LABOUR

In this chapter, the author will focus on discussing the how step or process ILO taught of some norm to India. How ILO do some effort for tough India how important to save children rights and do “ stop child labour “.

A. International Programme on the Elimination of Child Labour (IPEC) as ILO’s strategy.

The ILO IPEC (International Programme on the Elimination of Child Labour) is a programme which eliminate child labour, the programme sponsors 175 projects in India(Padmanabhan,2010). The International Programme on the Elimination of Child Labour is a global programme launched by the International Labour Organization in December, 1991. India was the first country to join it in 1992 when it signed a Memorandum of Understanding (MOU) with ILO. The MOU that expired on 31.12.1996 has thereafter been extended from time to time and has recently been extended till 31st December, 2006. (employment, 2015) The long-term objective of IPEC is to contribute to the effective abolition of child labour. Its immediate objectives are Enhancement of the capability of ILO constituents and NGOs to design, implement and evaluate programmes for child labour; To identify interventions at community and national levels which could serve as models for replication; and Creation of awareness and social mobilization for securing elimination of child labour. Some ILO strategies through IPEC are Advocating, raising awareness, and mobilizing society and Operationalizing the integrated decent work approach while the priority areas of focus are Leveraging impact from social protection programme and Pursuing education as the most meaningful alternative to child labour.

And finally India began to care about child labor as evidenced by the emergence of several local non-government organizations. Furthermore, several NGOs like Care India, Child Rights and You, Global March against Child Labour, etc. have taken up the task to get the children back to school and also volunteers along with villagers. The MV Foundation is non-governmental organization (NGO) whose mission is to tackle child labour through promoting elementary education, even approaching parents to send their children to school. In spite of various laws regarding child labour and much efforts done by the non-governmental organizations, nonetheless children continue to work on a massive scale in most parts of the country. This is a problem because most 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 (Osment, 2014) .

Martha Finnemore & Kathryn Sikkink said that the development of international norms goes through three stages, namely: First, is the emergence or emergence of a norm (emergence norm). Second, cascade norms, namely recognition from other countries on a norm that has emerged. Third, norm internalization is the stage where a norm can be accepted and adopted by almost the international community. (Hobson, 2003)

	<i>Stage 1</i> <i>Norm</i> <i>emergence</i>	<i>Stage 2</i> <i>Norm cascade</i>	<i>Stage 3</i> <i>Norm</i> <i>internalization</i>
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<i>Actors</i>	<i>Norm entrepreneur with organizational platform</i>	<i>States, international organizations, networks</i>	<i>Law, professions. Bureaucracy</i>
<i>Motives</i>	<i>Altruism, empathy, Legitimacy,</i>	<i>ideational, reputation, esteem</i>	<i>Conformity</i>
<i>Dominant Mechanism</i>	<i>Persuasion</i>	<i>Socialization, institutionalization , demonstration</i>	<i>Institutionalization , Habit</i>

Table 1.1 Norm Life Cycle

(Hobson, 2003)

The birth process of norms is largely determined by the role of norm entrepreneurs and organizational platforms. Both roles are said to be the most important role in the development of a norm because in international circles there are other norms, especially established and legitimate norms.

Norm entrepreneurs are actors who seek the emergence of new norms by considering the logic of consequences in seeing old norms that are developing. Usually these norm entrepreneurs need an effort to create issues by using language to name, interpret, and dramatize these issues. So that attracts attention. In addition, they also need vehicles to promote or popularize the norms they want to appoint,

these vehicles are called organizations platforms. Examples of organizations platforms are International Red Cross etc.

An interesting example of this emergence norm was that before the emergence of the International Red Cross Organization, medical personnel were considered as part of the military, so it was legitimate to be attacked because it was considered to help injured soldiers, but in its development, the history of Henry Dunant (norm entrepreneurs) emerged. Strive for medical personnel to be treated as non-combatants who must be treated well. His efforts to fight for these norms are not easy because they have to deal with old norms and habits in looking at medical personnel. But because of efforts to dramatize the issue continuously with the pretext of humanity and the like, then the new norm made by Henry Dunant attracted the attention of the public.

The process of dramatization above is referred to as the "framing" process. Creating a framing of an issue is the most important strategy so that the issue is popular in the wider community. Framing procession is the main requirement for the norm to enter the next stage.




As discussed in the previous chapter, international organizations carry norms which can then construct thinking for a wider scope. Like the ILO in India it was not immediately accepted by the government regarding children's rights as stated in the ILO conventions 138 and 182. Internationally, children's rights have become a matter of concern, but not with India, which at that time still had not ratified the convention. It is known that eradicating child labor requires a long time and many parties, both IGOs and NGOs, to jointly educate countries that have not implemented "stop child labor".

B. Process of ILO to taught India about norm “stop child labour” from 2013 – 2017

In the process the most visible response from India to the ILO was in the period 2013 to 2017. The timeframe will be explained below.

1. Moderate advancement in 2013

In 2013, India made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government continues to implement its National Child Labor Project, its project to assist bonded laborers through the provision of loans and alternative livelihoods, and several social protection schemes that address many of the root causes of child labor. In 2013, the Government passed the Criminal Law (Amendment) Act, which protects children from sexual offenses and children and adults from trafficking and forced labor and issued guidelines to each state on how to handle cases of child labor trafficking. The Government also launched the Crime and Criminal Tracking and Networking System, which connects all of India’s 15,000 police stations. However, children in India continue to engage in child labor in agriculture and in the worst forms of child labor in the manufacturing of a number of products in the informal economy. Basic legal protections for children remain weak. Legislation to prohibit work by children under the age of 14 and to proscribe hazardous work for children under 18 was introduced in Parliament in 2012 but has yet to be passed.

Convention	Ratification
 ILO C. 138, Minimum Age	
ILO C. 182, Worst Forms of Child Labor	
 UN CRC	✓
UN CRC Optional Protocol on Armed Conflict	✓
UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
 Palermo Protocol on Trafficking in Persons	✓

Standard	Yes/No	Age	Related Legislation
Minimum Age for Work (National)	No		
(Rajasthan)	Yes	18	Standard Operating Procedure (SOP) for Identification, Rescue, Protection and Rehabilitation (13)
Minimum Age for Hazardous Work	Yes	14	Child Labor Prohibition and Regulation Act (60)
List of Hazardous Occupations Prohibited for Children	Yes		Child Labor Prohibition and Regulation Act; The Factories Act (60, 61)
Standard	Yes/No	Age	Related Legislation
Prohibition of Forced Labor	Yes		Bonded Labor System (Abolition) Act; Juvenile Justice (Care and Protection of Children) Act (62, 63)
Prohibition of Child Trafficking	Yes		Criminal Law (Amendment) Act (64)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Protection of Children from Sexual Offence Act; Information Technology (Amendment) Act of 2008 (65, 66)
Prohibition of Using Children in Illicit Activities	Yes		Narcotic Drugs and Psychotropic Substance Act No. 61 (67)
Minimum Age for Compulsory Military Recruitment	N/A*		
Minimum Age for Voluntary Military Service	Combat: Yes Non-Combat: Yes	18 17	Military Regulations (57, 68, 69)
Compulsory Education Age	Yes	14	The Right of Children to Free and Compulsory Education Act (70)
Free Public Education	Yes		The Right of Children to Free and Compulsory Education Act (70)

* No conscription or no standing military.







Table 2.4 Child Labour in India 2013

(UNICEF, Child Labour and the Sandstone Industry in Kota and Bundi, 2015)

We can see the ILO's efforts in 2013, India, some basic rights of children that regulate child labor have not been ratified by India such as ILO.C 182 and ILO.C 138 here proves that even though the ILO has paid attention to children's rights such as getting good education but not yet Constructed with the norm of "stop child labor".

2. Moderate advancement in 2014

In 2014, India made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government implemented its National Child Labor Project to assist child laborers through the provision of loans and alternative livelihoods, and several social protection programs to address the root causes of child labor. The Ministry of Home Affairs also launched an online human trafficking portal to coordinate efforts of state and national government agencies. However, children in India are engaged in child labor, including in agriculture and manufacturing. Basic legal protections for children remain weak. Legislation to prohibit work by all children under the age of 14 and to proscribe hazardous work for children under age 18 was approved by the Prime Minister's Cabinet in 2012, but it has yet to be passed by Parliament.

	Convention	Ratification
	ILO C. 138, Minimum Age	
	ILO C. 182, Worst Forms of Child Labor	
	UN CRC	✓
	UN CRC Optional Protocol on Armed Conflict	✓
	UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓

Standard	Yes/No	Age	Related Legislation
Minimum Age for Work	No		
Minimum Age for Hazardous Work	Yes	14	Section 3 of the Child Labor Prohibition and Regulation Act (67)
Prohibition of Hazardous Occupations or Activities for Children	Yes		Parts A and B of the Schedule in the Child Labor Prohibition and Regulation Act; Section 67 of the Factories Act (67, 68)
Prohibition of Forced Labor	Yes		Section 4 of the Bonded Labor System (Abolition) Act; Section 26 of the Juvenile Justice (Care and Protection of Children) Act (69, 70)
Prohibition of Child Trafficking	Yes		Sections 366A, 372, 370 and 373 of the Indian Penal Code; Section 5 of the Immoral Traffic (Prevention) Act; Section 7 of Criminal Law (Amendment) Act (71-73)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Sections 366A, 366B, 370A, 372 and 373 of the Indian Penal Code; Sections 5 and 6 of the Immoral Traffic (Prevention) Act; Section 14 of the Protection of Children from Sexual Offense Act; Section 67B of the Information Technology (Amendment) Act of 2008 (72-75)
Prohibition of Using Children in Illicit Activities	Yes		Section 32B(c) of the Narcotic Drugs and Psychotropic Substance Act; Section 24 of the Juvenile Justice (Care and Protection of Children) Act (69, 76)
Minimum Age for Compulsory Military Recruitment	N/A*		
Minimum Age for Voluntary Military Service	Combat: Yes	18	Military Regulations (61, 77, 78)
	Non-Combat: Yes	17	
Compulsory Education Age	Yes	14	Section 3 of the Right of Children to Free and Compulsory Education Act (79)
Free Public Education	Yes		Section 3 of the Right of Children to Free and Compulsory Education Act (79)

No conscription (80)

Table 3.4 Child Labour in India 2014







(UNESCO, Institute for Statistics., 2015)

In 2014 India has begun to be educated with the norms carried out by the ILO even though it has not ratified ILO.C 182 and ILO.C 138 but India has considered the minimum age limit for children about minimum age for hazardous work, namely children with a minimum age of 14 years. This is a

good step for India to begin to accept the norms taught by the ILO.

3. Significant advancement in 2017

In 2017, India made a significant advancement in efforts to eliminate the worst forms of child labor. The government ratified both ILO Convention 182 and Convention 138 and amended the Child Labor Act to prohibit children under age 18 from working in hazardous occupations and processes. The government also launched the Platform for Effective Enforcement for No Child Labor to more effectively enforce child labor laws and implement the National Child Labor Program. In addition, the government released a new National Plan of Action for Children that implements the National Policy for Children, which includes a focus on child laborers, trafficked children, and other vulnerable children. However, children in India engage in the worst forms of child labor, including in forced labor producing garments and quarrying stones. Children also perform dangerous tasks producing bricks. The Child Labor Act's hazardous work prohibitions do not include all occupations in which children work in unsafe and unhealthy environments for long periods of time. Penalties for employing children are insufficient to deter violations, and the recruitment of children by non-state armed groups is not criminally prohibited.

Convention	Ratification
 ILO C. 138, Minimum Age	✓
 ILO C. 182, Worst Forms of Child Labor	✓
 UN CRC	✓
 UN CRC Optional Protocol on Armed Conflict	✓
 UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
 Palermo Protocol on Trafficking in Persons	✓

Standard	Meets International Standards: Yes/No	Age	Legislation
Minimum Age for Work	Yes	14	Section 3(1) of the Child Labour (Prohibition and Regulation) Act (106)
Minimum Age for Hazardous Work	Yes	18	Section 3A of the Child Labour (Prohibition and Regulation) Act (106)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Schedule to the Child and Adolescent Labour (Prohibition and Regulation) Act (107)
Prohibition of Forced Labor	Yes		Section 4 of the Bonded Labour System (Abolition) Act; Sections 370 and 374 of the Penal Code; Section 79 of the Juvenile Justice (Care and Protection of Children) Act (108; 109; 110)
Prohibition of Child Trafficking	Yes		Sections 366A, 366B, 370, 372 and 373 of the Indian Penal Code; Section 5 of the Immoral Traffic (Prevention) Act (109; 111)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Sections 366A, 366B, 370A, 372 and 373 of the Indian Penal Code; Sections 4–7 of the Immoral Traffic (Prevention) Act; Sections 13–15 of the Protection of Children from Sexual Offense Act; Section 67B of the Information Technology Act (109; 111; 112; 113)
Prohibition of Using Children in Illicit Activities	Yes		Sections 76 and 78 of the Juvenile Justice (Care and Protection of Children) Act; Section 328(c) of the Narcotic Drugs and Psychotropic Substance Act (110; 114)
Prohibition of Military Recruitment			
State Compulsory	N/A*		
State Voluntary	Yes	16	
Non-State	No		
Compulsory Education Age	Yes	15	Section 3 of the Right of Children to Free and Compulsory Education Act (115)
Free Public Education	Yes		Section 3 of the Right of Children to Free and Compulsory Education Act (115)

* No conscription (116)

Table 4. 4 Child Labour in India 2017

(UNESCO, Institute for Statistics, 2017)

In 2017 it proved that India accepted the norm taught by the ILO, namely paying attention to the rights of children and not employing them as laborers. India has ratified ILO.C 182 and ILO.C 138 and the minimum age for minimum age for work is 14 years and the minimum age for hazardous work is 18 years.

C. India's policies of child labour

The author analyzes the main determinants of child labor as a factor of poverty and the mindset of the community. The level of the economy of Indian society is less evenly distributed as a reason for many child labor in various dangerous sectors in India. Then the narrow mindset of society causes child growth in doctrine by situations that are around the child. Not only the factor of poverty and the mindset of the community, especially the parents, but the condition of education in India also needs to be improved. The number of illiterate children and dropout rates reflects the inability of the education system. High school dropout rates because children are forced to work to support their families. lack of participation of parents who feel that work develops skills that can be used to earn income while education does not help in this regard. Indian Prime Minister Manmohan Singh has made progress in terms of education policy. The RTE has then been implemented. Education is a major factor in child labor in India. Lack of educational facilities and services and the adoption of free education rights laws on children in India have led to widespread cases of child labor in India. Therefore the Indian government made a free education policy for children aged 6-14 years and collaborated with NGOs and foreign agencies such as the ILO and UNICEF to eliminate child labor.

Therefore the policies that have been made by the Indian government are directed at two things, namely internal policies and external policies. The Internal Policy of the Indian Government in the Manmohan Singh era was in the form of ratifying the UN convention on the Rights of the Child (PBB - CRC) in 1992 and implementing it in the form of a Free and Compulsory Education Law for ages 6-14 years and working with NGOs to form a national protection commission

child. India is one of 135 countries that make free education a basic right for every child and came into force on April 1, 2010. Focus on policies issued by Prime Minister Manmohan Singh which announces the operationalization of Children's Rights and free education and compulsory education laws For children, they have never visited any educational institutions, they will receive basic education because this is part of the task of the regional and state governments to ensure that all children in the age group 6-14 years attend school.

While the external policies of the Indian Government under the era of Prime Minister Manmohan Singh are in the form of cooperating with several international institutions in handling cases of child labor in India. The role of International Institutions is very influential because the network of child labor is no longer an internal problem in India but is a Global Issue which is a shared responsibility. Indian foreign policy has a policy to cooperate with international organizations under the auspices of the United Nations namely UNICEF, children's rights and protect children from all forms of violence and violations of children's rights.

The process of formulating and implementing Indian policies involves a number of components and actors within Indian government institutions. This condition is common in a democratic country where there is a distribution of authority and authority in each government institution. The Indian government's domestic and foreign policies in eliminating the number of child laborers in India have collaborative support from the surrounding community with NGOs, UNICEF, ILO and other organizations that support and care for the protection of children's rights, especially in the case of child labor in India. completed at least minimizing the number of child labor cases in India. The form of India's collaboration with the ILO in tackling the case of child labor with the ILO

Program, known as the International Program on Elimination of Child Labor (IPEC) has developed monitoring arrangements that divert attention from the withdrawal of children from work to identification, rehabilitation , and tracking child labor. Whereas the form of collaboration between UNICEF and India in tackling UNICEF child labor cases through a combination of approaches including a focus on general mindset change, forming independent groups, improving the quality of public education, providing temporary schools for children who will return to learning levels according to their age . But education is seen as playing an important role in eliminating child labor. The UNICEF approach therefore focuses on motivating the community to bring girls and boys (who have never been to school or who have dropped out) to alternative learning centers. However, child labor cannot be eliminated by focusing on one aspect of education, for example or with law enforcement regarding child labor.

The Indian government must ensure that the needs of the poor are addressed before tackling child labor. If poverty is overcome the need for child labor will automatically decrease. No matter how hard India tries, child labor will always be there until the need for it is fulfilled. While child labor is a complex problem that is fundamentally rooted in poverty, there is an unwavering commitment by the Government and people of India to fight it. Success can be achieved only through large-scale social engineering combined with national policies on international economic growth and actions, therefore, must support and not hinder India's efforts to get rid of child labor. As for some of the government policies of India regarding child labor as follows:

Policy	Description
National Policy on Child Labor	Describes actions for combating hazardous labor for children, including implementing legislation and providing direct assistance to children. (145) During the reporting period, the policy was implemented through programs operated by MOLE and the Ministry of Women and Child Development (MWCD) with the rescue of 30,979 children from labor through the National Child Labor Project Scheme. (146; 147; 127)
State Action Plans on Child Labor	Details state governments' activities and programs to eliminate child labor from hazardous industries. Child labor action plans in place in 10 state governments: Andhra Pradesh, Bihar, Gujarat, Jharkhand, Karnataka, Maharashtra, Meghalaya, Orissa, and Tamil Nadu. (148; 149; 150; 151; 152; 153) In 2017, Telangana state approved a State Action Plan for Elimination of Child and Adolescent Labor. (154)
National Policy for Children	Seeks to guide laws, policies, plans, and programs affecting children. Sets out the policy that state governments should take all necessary measures to track, rescue, and rehabilitate child laborers, trafficked children, and other vulnerable children, and to ensure that out-of-school children can access education. (155) During the reporting period, the policy released a National Plan of Action for Children (NPAC) that focuses on four key areas: survival, health, and nutrition; education and development; protection; and participation. (146; 147; 127; 156)

‡ The Government had other policies which may have addressed child labor issues or had an impact on child labor. (157; 158)

Table 5.4 India's Policies of Child Labour

(ILO, 2018)