

# **THE IMPACT OF DISCRIMINATION ON WORKING CHILDREN AND ON THE PHENOMENON OF CHILD LABOUR<sup>1</sup>**

**Produced by the NGO Group for the CRC Sub-Group on Child Labour, June 2002.<sup>2</sup>**

## **Introduction**

This paper aims to highlight the main areas of discrimination and how they affect child labour and working children.<sup>3</sup> It is not a comprehensive document covering every possible angle, but aims to stimulate discussion for best possible implementation of ILO Convention 182. It also aims to provide food for thought on integrating children into next year's global report on discrimination, and to encourage research into child labour and discrimination.

The discrimination that working girls and boys endure mirrors discrimination in society as a whole. But there is also discrimination directly related to children. We know that discrimination helps cause child labour, and we know that children suffer discrimination as a consequence of the work they do. They also are discriminated against while at work itself – for example, insulted because they are foreign/poor/female, just like their parents. Different forms of discrimination suffered by children may overlap, and one form of discrimination may help cause another, creating a variety of situations with different impacts. This document will try to look at the various different forms of child labour, addressing the impact of each as both a cause and a consequence of child labour.

## **Poverty**

We know that poverty is one of the major causes of child labour, and that child labour perpetuates poverty. Poverty is one of the most obvious grounds for discrimination, affecting people's access to equal treatment including services such as health and education, and leading to a vicious circle of discrimination, poverty and social exclusion. The children of poor and/or uneducated parents are more likely to be sent to work. Discrimination suffered by parents leads to lower wages, unequal pay for equal work and lack of access to employment opportunities and rights, causing family poverty, in turn making children more vulnerable to exploitation. There is also discrimination against workers with family responsibilities – such as inadequate maternity/paternity protection or lack of job security for pregnant women and mothers.

Work done by children which keeps them in poverty and out of education will result in discrimination. Lack of education or skills training denies necessary human capabilities for productive life, excluding children from the benefits of economic growth and from fulfilling their human potential. Education is often the key to accessing other rights, so a denial of education has serious implications for enjoyment of all other rights.

## **Gender**

The education system reflects the inequality found outside the classroom. Girls the world over are less likely than their brothers to be attending primary school. In some cases, where a decision has to be made about which children to send to school, parents decide to invest in their sons' education rather than their daughters'. This may reflect the fact that upon marriage, daughters in some cultures may no longer contribute to family income and are therefore not seen as worth investing in. However, by contrast there may also be pressure on boys but not girls to leave school and contribute to family income.

Certain types of work are gender biased. As a result, boys and girls may face different forms of harm and exploitation. Boys tend to work more in environments away from parental control, or in jobs that are associated with men's work, such as work outdoors or physical labour. Examples include fishing, wholesale and retail trade, transport, construction, and restaurants and hotels. Girls on the other hand tend to work in the domestic sphere, in what are perceived to be protected environments

in or near the home, or in jobs that are associated with women's roles, such as work demanding patience or attention to detail. These include domestic service, home-based manufacturing, family-based agriculture and garment work. Discrimination in the workplace may mean that girls have fewer options available to them. For example, girls in slums in Dhaka, now excluded from garment work, may be forced to choose between the few options available – brick-breaking, child domestic work or sexual exploitation. Boys may have more varied opportunities and therefore the option to choose less hazardous work. Girls are also less likely to get equal pay for equal work.

Such less visible work can be more hazardous to children since its invisible nature makes it easier for abuse to go unchecked, and more difficult for the state machinery such as police or labour inspectors to gain access to private premises. Different work is also often given to girls and boys on the basis of their future roles in life, for example, 'the placement of girls in Africa is linked to perceptions that domestic service is a good preparation for marriage, and that girls families' might raise their dowries by putting them to work'.<sup>4</sup> Furthermore, girl children are at a much higher risk of sexual exploitation, commercial and otherwise, in society and also in the workplace.

There are several gender discrimination-related consequences of child labour. One of the most obvious are the problems faced by girls who have been sexually exploited. On return to their families and communities, if their situation is common knowledge they may face ostracisation and even physical harm. In cases where girls have worked in industries deemed to have put them at risk of harassment, or to have taken them out of the appropriate sphere, they may face the same difficulties – for example this has affected girls fishing and preparing prawns in Bangladesh.<sup>5</sup>

Such gender discrimination also affects reintegration programmes: are there differences in how people regard girls and boys as being 'victims', or how they are stigmatised? Is there a difference between how ex-child soldiers or formerly sexually exploited children are treated according to whether they are girls or boys? How does this affect that way that supportive activities are designed? How does one reintegrate a girl into a society where she was not integrated to start with, and where gender discrimination was one of the causes of the initial exploitation? Is it desirable to reintegrate girls if there is a risk of further physical harm at the hands of their families and communities?

### **Caste**

In much of South Asia, the socially imposed segregation of society into a caste hierarchy is an overarching feature of all social and economic relations. The vast majority of bonded labourers, including child bonded labourers, belong to 'scheduled castes' or 'scheduled tribes', and are placed at the very bottom of the social order. They represent the most discriminated against groups. A study of child domestic workers in Chennai, India in 1999 revealed that 70% of the children interviewed were from 'scheduled castes'.<sup>6</sup>

Similar segregation of society and its impact on economic activity is also present in other parts of the world, for example in West Africa where it may be traditional for certain ethnic groups to 'serve' others in a variety of ways.

### **Race and Ethnicity**

Those who experience discrimination on the basis of race and ethnicity include: indigenous peoples, tribal groups, refugees and asylum seekers, the internally displaced and migrants. For example, "children belonging to marginalised ethnic groups...are often targeted for trafficking."<sup>7</sup> In Peru, where formal education is taught in Spanish, not in local indigenous languages, indigenous children were discouraged from attending and staying in school where lessons were inaccessible to them. Efforts have now been made to teach in local languages in areas where this is appropriate. This example illustrates how discrimination in education itself and in access to education can result in increased child labour.

## **Disability/Health**

The impact of HIV/AIDS both as a cause and a consequence of child labour is enormous in some countries. The result of illness, morbidity and death of family income earners means that many more families are forced to rely on work done by children. A child suffering from HIV/AIDS maybe discriminated against, affecting the type of work they can do or their access to education. The belief that children do not have HIV/AIDS or can cure those with HIV/AIDS has increased the demand for children in commercial sexual exploitation.

There is very little information available about the impact of disability on child labour – research is sorely needed in this area. However, there is evidence of children being intentionally disabled for exploitation such as begging.<sup>8</sup> Furthermore, it is recognized that disability can be a cause of poverty. So disabled children or children of disabled parents are likely to be more vulnerable to poverty-associated risks of discrimination that cause child labour. Anecdotal evidence suggests that like women, disabled children (and disabled adults) are less likely to get equal pay for equal work.

Children in hazardous work face risks to their health on a daily basis. If children are disabled through work, they have very, very little chance of gaining any form of compensation, though their chances of a normal adult working life may have been ruined through loss of a limb or permanent damage to their lungs. This in turn increases the risk of poverty and the discrimination associated with it outlined above. The same is true for those who contract HIV/AIDS or STIs or are raped at work – again, sexually exploited children as well as those in armed conflict and domestic work are particularly at risk here. They may be discriminated against and stigmatized on the basis of the exploitation they underwent *and* for the illness/health problems they now carry, causing extreme difficulty for the rehabilitation and reintegration of affected children.

Child domestic workers are often denied medical treatment when required since they are child domestics, and do not share the same status as the other children in the household. Children who suffer an accident at work may also feel that this is their own fault for being clumsy, or bad at their job, and the adults and medical personnel who they encounter may have the same attitude.

Work that is particularly traumatic may also cause mental problems for children, ranging from depression and low self-esteem to severe psychological disorders. Child soldiers may be left with especially deep psychological scars. Such conditions are likely to go untreated, the child may gain a reputation as difficult and as a result that it may be hard for them to reintegrate or work.<sup>9</sup>

## **Religion, ideology and culture**

Globally, there is a considerable variation in child raising systems, and this is reflected in attitudes towards children's work. While in many Western cultures, childhood is perceived as a time for schooling and play, in other communities children are prepared for adulthood through work activities. Sometimes there is also a belief that children should not remain idle, and where schooling is unavailable, work for children is therefore perceived as a better alternative. Cultural values also vary within cultures. For example, while it may be seen to be totally unacceptable for an 11 year old girl from a middle class background to work, many middle class families employ children from poorer backgrounds to work within their homes.

Religion and ideology may also create situations that result in children being involved in harmful work. For example, many children may be recruited, forcibly or otherwise, into armed conflict under a religious pretext. For example in Northern Ireland, paramilitaries have recently reported increasingly young members joining for ideological reasons.

Religious traditions may also play a role in the exploitation of children, such as the *Trokosi* system in Ghana and *devidasis* in India, where young girls are handed over to religious leaders or shrines.<sup>10</sup>

It has been reported that the leaders of some Koranic schools (*madrastas*) in some countries, for example in West Africa, have forced their pupils to beg.<sup>11</sup>

The working conditions of many children prevent them from practising their religion – those who are never allowed time off cannot frequent places of worship.

### **Legal status and nationality**

Children who have not been registered at birth are denied official identity, and therefore access to services such as education. Moreover, the cost and complexity of getting a birth certificate in childhood may discourage parents and children from enrolling in education. Migrant children who may have legal identity in their own country may be discriminated against once outside their own country – for example in many Gulf countries, children of migrants are not entitled to free education, whereas citizen children are. As a result, children in all of these categories are more likely to be working.

The illegal status of children trafficked across national borders and children of illegal migrants makes them more vulnerable to exploitation and abuse, especially since they cannot attend school.

Children of migrants, refugees, the internally displaced, asylum seekers and minority groups are not only more likely to be working, as we have noted above. They are more likely to suffer greater exploitation, such as worse pay and/or working conditions than their local counterparts, just as their parents do. Where such vulnerable children work and their national counterparts do not, they are likely to receive discrimination in that country due to their lack of rights and skills compared to nationals, and have fewer chances as adults.

If trafficked children are picked up by national authorities, they may be arrested, charged with illegal residency and criminal activities. Thus trafficked children are often criminalised while their recruiters, traffickers and middlemen and women are at liberty. Furthermore, many trafficked children will not be dealt with as minors in the criminal justice system. Other children whose work is deemed illegal may also be penalised and criminalized, increasing their vulnerability. This may also expose them to justice systems all too often ill-equipped to deal with minors and the particular issues faced by working children.

### **Age**

Age discrimination also affects child labourers – employers choose to employ children precisely because their young age makes them more vulnerable, more obedient and less aware of their rights. Some employers also use the argument that children's small size makes them more suitable for certain work than adults – whether it's their so-called 'nimble fingers' or their height. One employer in the cotton industry in Egypt told a researcher that he employed children since they were cheaper, more obedient and the appropriate height for inspecting cotton plants.<sup>12</sup>

Children's young age also means that they are often denied the right to participate in decisions affecting their lives. Often adults do not value children's insights into their problems and potential solutions. This includes child labourers, whose opinions may not be adequately sought or taken into consideration regarding how to improve and/or resolve their situation.

### **Child soldiers**

Child soldiers merit a particular mention with regard to discrimination as a result of their work. Children who have killed or maimed others are likely to face discrimination on return to their communities, and many do not wish to return precisely because of this. Apart from the horror their activities may have caused in others, they may be linked with a particular side of a conflict – some have even had their skin branded – rendering it difficult for others to see them as neutral children or young people.<sup>13</sup>

### **Discrimination amongst child labourers**

Discrimination is also present amongst child labourers themselves. Older children may discriminate against younger children, foreign or minority children or children from a different caste. For example, in a household with more than one child domestic worker, there may well be a pecking order according to age, sex and region.

### **The role of education and school**

The above sections on gender and race & ethnicity have touched on the links between education and discrimination. We have already stated that the discrimination in society is reflected in school. This may mean that teachers themselves and/or the education system as a whole discriminate against ex-child labourers, or those combining work and school, or just those who are poor/indigenous/migrants/disabled<sup>14</sup>. Research shows that teachers often treat such different types of children as inferior, or may make them feel uncomfortable. Many ex-child labourers are older than their classmates, and teachers may feel that this makes teaching more difficult, discriminating against them as a result. In some cases, teachers have been known to refuse to accept certain children into their school or classroom.

Children also discriminate amongst themselves at school. For example domestic workers may be teased about their status, and children who have missed out on schooling may be made to feel stupid. All of this discrimination may mean that a working child or ex-working child does not want to attend school if what they will receive there is ill-treatment rather than education.

For children combining work and school, school can help to reduce the hours a child works. Given that boys are more likely to be attending school than girls, these means that girls' exclusion from education also increases their working hours.

### **Conclusion**

We hope that this paper helps to illustrate the huge impact discrimination has on the phenomenon of child labour and on the daily lives of working children. We feel it demonstrates the need for two particular results:

- much more research focussed on the issue, both by civil society, UN agencies and other institutions, and the need to include the element of discrimination while engaging in all research on child labour.
- The inclusion of how children as well as adults are affected by such discrimination in the ILO's Global Report on Discrimination in Respect of Employment and Occupation 2003.

### **Further reading**

- *Children's Work and Schooling: Does Gender Matter? Evidence from Peru*, Nadeem Ilahi/World Bank, 2001 ([www.globalmarch.org/virtuallibrary/worldbank/childlabor3.htm](http://www.globalmarch.org/virtuallibrary/worldbank/childlabor3.htm)).
- *Every girl counts: development, justice and gender*, World Vision, 2001, ([www.wvi.org/imagine/pdf/GirlChild.pdf](http://www.wvi.org/imagine/pdf/GirlChild.pdf))
- *Fingers to the bone: United States failure to protect child farmworkers*, Human Rights Watch, New York, 2000, ([www.hrw.org](http://www.hrw.org)).
- *ILO Convention 169 on Indigenous and Tribal Peoples*, 1989, ([www.ilo.org](http://www.ilo.org)).
- *La infancia vulnerable de México en un mundo globalizado*, Universidad Autónoma Metropolitana, Mexico, and UNICEF Mexico, UNICEF.
- *La necesidad... nos hace cómplices? Tráfico de niños, niñas y adolescentes con fines de explotación laboral en Bolivia*, DNI-Bolivia, 2001.
- *Mainstreaming Gender into Infocus Programme on Child Labour: A Report to IPEC/ILO*, ILO.
- *Mainstreaming gender into IPEC activities*, ILO/IPEC, 1996.

- *Poverty, caste and child labour in India: the plight of dalit and adivasi children*, S. K. Thorat, in *Against child labour: Indian and International dimensions and strategies*, ed. Klaus Voll, Mosai Book and Third Millennium Transparency, Delhi, 1999 (ISBN 8185399476).
- *Poverty, human capital and gender, A comparative study of Yemen and Egypt*, Safaa E. El-Kogali & El Daw A. Suliman, World Bank, 2001, ([www.globalmarch.org/virtuallibrary/worldbank/poverty-human-capital-and-gender.pdf](http://www.globalmarch.org/virtuallibrary/worldbank/poverty-human-capital-and-gender.pdf))
- *Promoting Gender Equality in Action Against Child Labour: A practical guide*, ILO Bangkok, 2001, ([www.globalmarch.org/virtuallibrary/ipec/gender.pdf](http://www.globalmarch.org/virtuallibrary/ipec/gender.pdf))
- *The Forgotten Children: A report on the Roma children's rights situation in Albania*, Children's Human Rights Centre of Albania, Tirana, 2000, ([www.craa.tsx.org](http://www.craa.tsx.org))
- *The small hands of slavery*, Human Rights Watch, New York, 1996, ([www.hrw.org](http://www.hrw.org)).
- *Un estudio de caso: 50 niñas y mujeres adolescentes trabajadoras domesticas en Costa Rica*, Ivan Rodriguez Carmiol and Juan Carlos Zamora Urena, DNI Costa Rica, 2001, ([www.dnicostarica.org](http://www.dnicostarica.org)).

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<sup>1</sup> For the purposes of this document, child labour is defined as where a child is working below the minimum legal working age, and/or where the work is hazardous, in line with the definition used by the ILO Global Report on Child Labour. We understand that there are some difficulties with the terminology around 'child labour', particularly in French and Spanish, but to ensure that this document can be used effectively by ILO constituents, including as a resource for the 2003 Discrimination Report, we have chosen to keep to the ILO definition here.

<sup>2</sup> The Sub-Group on Child Labour was set up in 1993, bringing together members of the Geneva-based NGO Group on the UN Convention on the Rights of the Child who work on the issue of child labour to share information and work on joint projects relating to child labour. It is convened by Anti-Slavery International. For further information contact Pins Brown at [p.brown@antislavery.org](mailto:p.brown@antislavery.org), and see [www.crin.org/ngogroupforcrc](http://www.crin.org/ngogroupforcrc) This document does not necessarily represent the views of members of the Sub-Group.

<sup>3</sup> The definition of discrimination used is that in Article 2 of the Universal Declaration on Human Rights – 'Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinctions of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs...'. The definition of a child is anyone below the age of 18 according to the UN Convention on the Rights of the Child. Our definition of work covers all activities both inside and outside the home and both paid and unpaid.

<sup>4</sup> *Trafficking of children: the problem and responses worldwide*, ILO/IPEC, 2001.

<sup>5</sup> 'Not Small Fry: Children's Work in Bangladesh's Shrimp Industry', E Delap and R Lugg, Save the Children/ Uttaran, Bangladesh, 2000.

<sup>6</sup> *Out of sight, out of mind, out of reach*, Arunodhyaya/Anti-Slavery International, 1999.

<sup>7</sup> Op cit, *Trafficking of Children*, p 22.

<sup>8</sup> Child Workers in Asia and others.

<sup>9</sup> For example, *Final report of the child labour and health research*, Bwibo & Onyango, University of Nairobi, 1987.

<sup>10</sup> Anti-Slavery submissions to the UN Working Group on Contemporary Forms of Slavery, ? 1990s.

<sup>11</sup> *Children and forced begging in West Africa*, statement by Anti-Slavery International to the UN Working Group on Contemporary Forms of Slavery, 1994.

<sup>12</sup> *Underage and unprotected: child labour in Egypt's cotton fields*, Human Rights Watch, 2001.

<sup>13</sup> International Coalition to Stop the Use of Child Soldiers.

<sup>14</sup> See for example, *Second Class: Discrimination against Palestinian Arab children in Israel's schools*, Human Rights Watch, 2001.