

EXPLOITATION OF CHILDREN

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AS LAWYERS, we frequently take pride in our work for the public interest. The International Bar Association, through its individual and association members, contributes to the advancement of the administration of justice on an international level, through programmes and initiatives calculated to enhance respect for human rights and improvements in developing countries. Your conference invites senior representatives of the legal profession to become concerned with issues that are even more fundamental than the justice systems - issues that affect the basic needs and ultimate survival of our world.

We have chosen today to focus on one of the most difficult and controversial issues in the developing world - child labour. The exploitation of children is one of the most serious issues of our day. It is reliably reported that twenty five per cent of children in Asia between the ages of ten and fourteen are working, many of them in illegal operations and under unsafe conditions. Young children are a prime source of labour in unregistered and unsupervised factories.

In preparing for this conference and looking at the question of child labour on a worldwide basis, I was surprised to learn that millions of very young children are currently working - albeit illegally - in wealthier countries of the world such as the United States and Great Britain.

American politicians have announced with pride in recent months their intention to promote legislation to ban the importation of products made in factories employing young children. The European Parliament voted during its February Plenary Session in Strasbourg to link world trade rules to laws to combat child labour, forced work for political prisoners and

suppression of trade union rights. The intention of leading members of the European Parliament is to introduce social clauses into international trade agreements, such as the General Agreement on Tariffs and Trade, which would penalise developing countries that did not have and enforce laws preventing the employment of young children. To those parliamentarians, the issue is black and white - a breach of basic human rights that requires an immediate legislative remedy.

I am concerned that some of the solutions being proposed to this very difficult problem are overly simplistic and may cause incredible hardship to the people they are attempting to protect.

Child labour is the product of two causes which are not affected by business restraints. The principal cause, as you know well, is widespread poverty, illiteracy, unemployment and the understandable willingness of impoverished families to do what they can to stay alive in this sometimes cruel world. Secondly, of course, we cannot ignore the greed that motivates some businesses to take advantage of any opportunity to secure cheap labour at any social cost.

Many countries, like India, have laws prohibiting the employment of children under the age of fourteen, but those laws are often not enforced. Strict enforcement of those laws would, at least in the short run, provoke even more hunger and poverty among the poor.

Are there any answers? There obviously can be no long-term solution to this problem without attacking the poverty, illiteracy and despration that is at its root. That problem can only be solved when countries, particularly the developed ones, are prepared to accept their responsibility to allocate funds, and not just talk, to help developing countries secure better living standards by becoming economically self-sufficient. Obviously, some steps can be

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taken in the developing world.

It is said in the West - the culture is different. But surely, no culture encourages factory work for young children, condones the payment of subsistence wages or approves of unhealthy working conditions. Currently, politicians in many developing countries tell us it is morally indefensible to enforce strict child labour in the face of high unemployment and the likelihood of increasing poverty and starvation. Then perhaps we need realistic laws that are socially acceptable, that will be backed by courageous enforcement and will be enforced without favour or fear. Laws regulating working hours and health and security in the working place should be updated, should be reasonable and should suit the conditions in the local country. Surely all governments can demand minimum safety and health standards and protect children from exposure to badly-lit, poorly-ventilated makeshift workplaces. Perhaps, indeed, the law should ensure that all young children, whether working or not have access to basic education.

The reaction of business to these problems is interesting. Multinational companies are anxious to protect their goodwill and that of their brand names and therefore will attempt to avoid the embarrassment of being criticised for participating in the exploitation of children anywhere in the world. Business is obviously interested in the lowest cost, but has an overall concern about image, credibility and long-term profit.

Most importantly, business people in head offices in the West are often desperate to ensure that their foreign subsidiaries are not in breach of local laws. Therefore, laws in developing countries establishing minimum working ages and maximum hours of work, may be taken much more seriously by the foreign-controlled company than by the domestic operator. The notion of bonded child workers is especially frightening because of the public relations disaster that image projects.

A number of international organizations have been attacking the problem. The work that UNICEF has done in collecting money in

wealthier countries and providing support to the poor worldwide has produced extraordinary results. The largest peace time collaboration in history has provided child immunisation throughout the developing world. The programme, sponsored by UNICEF, saves more than three million lives a year. Overall, it reports that seventy to eighty per cent of all children now have their basic needs in health and sanitation met. UNICEF is justly proud of the role that it has played in the progress that has been made. In 1992, UNICEF spent \$170 million on humanitarian aid in more than fifty countries.

Organizations such as the Opportunity Trust in England are working to create employment opportunities for the poor in developing countries. Some of our more enlightened businesses are providing on-site medical care, meals and education for children in their employ.

It is obvious, however, that there is much more to be done.

Why is this of concern to lawyers?

During my term as President of the International Bar Association and before that, when I was the leader of the Canadian Bar Association, I have witnessed with dismay the distrust and disdain of so many members of the public to our profession and its members. Too often, not only the public press, but apparently well-informed leaders of our countries, believe that lawyers use their professional skills to provoke controversy, to delay business people and to charge exorbitant fees.

The issues before us at this conference provide us with an opportunity to respond constructively and to bring to social problems the kind of insight and leadership that we devote to the administration of justice and our profession.

Many lawyers, because of their profession, their status in the community or their positions in government, have the capacity to lead. By our training, we are teachers, persuaders and advocates. Let us resolve to do our part in a

movement for real change. We must do our part to ensure that all aspects of the causes and circumstances of child exploitation are understood, not only by governments, but by the media, by non-governmental organizations, by human rights organizations and by the concerned members of the general public. The

developed countries in the world must do their part in providing funds for the solutions. Surely the solutions include more than imposing barriers to international trade on developing countries. Surely we lawyers can afford to be generous.

