

# ENDING THE COMMERCIAL EXPLOITATION OF CHILDREN

Testimony before the Congressional Human Rights Caucus

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Allow me to begin my remarks by expressing my profound appreciation for this hearing, for the bi-partisan spirit in which the Congressional Human Rights Caucus carries on its important work, and in particular, for your focus on ending the commercial exploitation of children around the world. There can be no higher calling for human rights advocates than assuring that the smallest and most vulnerable members of our human family are enabled to experience childhood, get an education, and advance toward responsible adulthood without being preyed upon by those willing to profit from their vulnerability.

If all the children of the world had the voice and the platform you have given to the first panel here this morning, the problem of child labor would be quickly ended. They have eloquently spoken for the millions of children whose voice is stilled by slavery, muffled by the roar of commerce, or locked away in the chambers of sexual abuse. We can only hope their voices will be amplified until all the world knows that it is time to treat our children well, to give them back their childhood.

Much has been written about the scope and nature of the problem of child labor. However, the ILO, with the best facility of any international agency to measure the problem, cannot determine whether the number of child laborers in the world is closer to 100 million or 300 million -- and that fact alone illustrates how inadequately the governments of the world have focused on this problem. Because child labor is illegal in most countries, it remains uncounted by governments lacking a will to enforce laws. Because child labor affects mostly the extremely marginalized populations, whether they are new immigrants in the United States, or scheduled castes and tribes in India, it is a problem without politically powerful advocates in its midst. Because children do not vote, do not belong to unions, do not have their own economic power, their voice is too often unheard or ignored. That is why it is so important that, here, this morning, you have given a platform to children to talk about child labor.

On the second panel with me are some of the most knowledgeable people anywhere in the world regarding labor exploitation, especially child labor. It is an honor to share this table with my good friends Kailash Satyarthi and Muchtar Pakpahan, along with Bertil Lindblad from UNICEF, which has been prominent in the front ranks of agencies battling for children. They can speak from much greater personal experience than I about the exploitation of children in South and Southeast Asia. From the experience of a decade of

work by the International Labor Rights Fund on this issue, however, I can assure you, there are no better advocates anywhere in the world than those you have before you with me on this panel.

I would like in my testimony to address some general questions about child labor. Surprisingly enough, the issue of child labor is rather contentious in some parts of the world. There are some who believe that opposition to child labor is simply a misplaced notion held by people in rich, western countries that is inappropriately being applied to poor developing countries with different cultural expectations and notions of childhood. Some hold that child labor is an inevitable product of poverty and that it will go away only when countries are able to emerge from that poverty. Some even consider opposition to child labor to be a form of disguised protectionism, as though the competitive advantage of some poor countries was dependent on the employment of children.

It is important to address these concerns, because the elimination of child labor exploitation depends on countries working together in trust and partnership to address all the factors that contribute to, cause, prolong, or justify the abuse of children for commercial gain.

First, let me define precisely what I mean by child labor: not the after-school part-time side job of young people interested in earning a little extra cash, but the full-time substitution of work for education, whether paid or unpaid, under conditions that are damaging to a child's development, morals, health, education or childhood itself. It is that demeaning condition in which tens of millions of children around the world are trapped, and about which we must focus.

Is the effort to end child labor only a product of affluent Western countries? Not if you look at the long history of efforts throughout Asia to bring it to an end. Japan and Korea, at the time the ILO was founded in 1919 had as serious a level of child labor as was found at the time in China or India. However, because of concentrated efforts of social reformers, educators, and development policy makers, child labor was phased out from these countries quite early in the post-World War II years, long before either country was affluent. In Sri Lanka, from the time of independence on, child labor was seen as a problem and detriment to development and, consequently, high priority was given to universal and compulsory education, as well as to full enforcement of minimum age laws. The result was that, despite the ongoing poverty of Sri Lanka, child labor is a minor problem there. In India, legislation banning or limiting child labor dates back to 1881. But the combination of poverty, caste prejudice, enormously inadequate basic education systems, and corruption of the legal system mean that child labor today is, by Indian government statistics, growing faster than the population itself. At the same time, however, hundreds of non-governmental organizations are at work in India and other south Asian countries, combating its worst effects and working for its elimination.

But, questioners persist, isn't this a problem that goes away with affluence? Shouldn't we just be patient, help countries like India advance economically through free market trade growth, and see child labor end as an inevitable by-product? Unfortunately, there is little

evidence that the pattern of unbalanced growth India and other new entrants into the free-market scramble are experiencing will lead to an end of child labor. In fact, there is considerable evidence to the contrary. India in the past several years has expanded precisely those exports to the United States that are most dependent on child labor. Further, while free market economics is building up a budding middle class in India, the basic education and economic opportunities for the masses of India's poor are, in that same process, being ignored or downgraded. There is little incentive for the shapers of India's modern sector to waste resources on the poorest and most isolated peoples, who will be neither the new consumers nor the workers of the modern high-tech enclaves of affluence. Those who wait for an inevitable enrichment of society to end the abuse of poor children wait in vain, as we know only too well in the United States. It was not affluence that ended child labor here; it was a long crusade, a strengthened labor movement of the 1930s and the far-sighted policies of a Roosevelt administration committed to universal education, social justice and equity. And with every new wave of immigrants who take up the bottom rung of our economic ladder, the fight has to be waged all over again.

Furthermore, global economic trends, the same trends that are bringing affluence and modernity to some, may well be exacerbating child labor rather than ending it. Throughout Asia and Latin America, pressures to privatize social services, heavy foreign debts restructured at the cost of labor law revision, competition-driven downward pressure on wages and working conditions and the growth of so-called "flexible" workforces, comprised of out-contracted, contingent and part-time workers -- all these trends, basic elements of the new global economy, are weakening the economic power of workers and leading to a rapidly increasing percent of the population of many countries engaged in the "informal" sector. Adult unemployment and under-employment are growing rapidly, as is the need for families to put everyone to work at earlier and earlier ages. In India, as Kailash may tell you, child labor thrives only where adult members of a family can work less than 160 days a year.

Finally, there is strong evidence that child labor reproduces poverty rather than relieving it. Poor families turn to their children for support throughout the world, but especially when adults are unable to work. But often adults are unable to work because by the time they reach adulthood, their productive capacity has been exhausted. 80% of India's tuberculosis victims are former child laborers. And each generation of poor, illiterate unemployed or unemployable adults that relies on its children for support creates a new generation which will have to do the same. Until families can invest sufficiently in their children to create new possibilities, through literacy, training, skill development and good health, the cycle of poverty is endless. Child labor is an essential part of that hopeless cycle. Ending child labor is a necessary part of breaking the cycle.

All these considerations suggest a need to address the problem of child labor directly, as well as a need to address it comprehensively. Child labor will not end as an automatic product of economic growth, but it will not end without it. Education is necessary as an element of ending child labor; but the will to educate the least powerful members of society has to be generated politically. It will not happen automatically. We have only to

look at recent legislation in this country to bar the children of undocumented workers from public schools to recognize how readily the poor can be trapped and barred from the very conditions necessary to end their poverty. (Parenthetically, one has to ask if the California-type restrictions on education are not likely to cause an increase of child labor; what else are the children of undocumented workers going to do if they are barred from schooling?)

This leads me to my final point: creating the political will to end child labor is the most important ingredient of a successful strategy, and it is here that we have a particular role to play. While child labor has tended to be seen as a "national" or domestic problem, in today's global economy it is increasingly difficult for national governments to generate policies that counter global trends to protect vulnerable populations, unless there are strong international counter-pressures and incentives to do so. For example, it was only when Sen. Harkin and Rep. Don Pease introduced a bill to ban the import into the U.S. of products made by child labor that the Indian government began to look favorably on Rugmark, a plan to label hand-knotted carpets for export that are made without child labor. When the Harkin bill's passage began to look problematic in early 1994, the Indian government pulled away from the Rugmark scheme. Fortunately, the German Government and UNICEF were sufficiently committed to the program to bring it into fruition along with SACCS in late 1994, and today it has been responsible for a significant decline in the numbers of children making carpets in India.

Similarly, the threat of trade pressure, specifically a Child Labor Coalition-called boycott of Bangladesh garments, was a necessary part of getting the Bangladesh government, garment industry and the ILO to agree to a scheme in 1995 to phase child labor out of that industry. While it is too early to assess the results of this project, because of the current political crisis in Bangladesh, it is clear that international pressure is an important ingredient in generating the will to change.

Certainly, universal standards uniformly enforced and administered without bias or use of power politics would be a superior instrument to the kind of blunt pressure that unilateral trade sanctions by the U.S. represent. That is why many advocates call for measures to be introduced at the World Trade Organization to make it possible to restrict trade in goods made by child labor. We agree with this thrust, but recognize that many changes will have to be made in the WTO itself to make it a more transparent organization before many of our colleagues in developing countries will agree to support such an instrument of international pressure.

The World Bank and its family of financial institutions also play an enormous role in determining development policy throughout the world. Greater sensitivity to those policies of the IFIs that exacerbate child labor, and greater attention to development aid that targets the populations likely to generate child labor, could go a long ways toward adding international positive reinforcement to governments attempting to develop anti-child-labor policies. By the same token, screening World Bank loan agreements for unintended consequences that increase child labor is a necessary beginning point for such a policy shift. U.S. law now requires the U.S. executive directors of the banks to advocate

such policies. Congressional attention to the manner in which the U.S. Treasury Department fulfills this obligation could be an important stimulus for effective action.

In the meantime, there is another avenue of voluntary actions available to consumers, companies and governments. Many garment retailers have recently adopted codes of conduct relating to their producing contractors overseas, in the wake of media discoveries of child labor and other abuses in the production of their goods. Consumers are increasingly interested in buying products made under humane conditions. Governments also, including the U.S. government, can use their power as contractors and consumers to reward companies that do not employ children or contract with others who do with preferential treatment in handing out procurement contracts, or give preferences in aid and other financial programs to countries that are taking measures to end child labor.

In short, those who like Kailash Satyarthi and Muchtar Pakpahan struggle within the developing world to eliminate child labor can be immensely strengthened by enlightened actions at the international level, by pressures and enticements for policy changes, whether these come from official policies, laws regulating trade and investment, or from consumer preferences. We all can play a role in bringing childhood back to the millions of children who today are toiling away at difficult, dangerous and dirty jobs instead of creating a future for their families by education and healthy growth.

Thank you again for your deep concern about this issue, and for your commitment as legislators to work toward its solution.