

Child Domestic Workers: Understanding from Rights Perspective

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ABSTRACT

This paper is based on an ongoing research study on child domestic workers among the tribal girls in Manipur, a north eastern state in India. One of its objectives is to locate children in domestic work within the lens of children's rights and legal framework. The study adopted qualitative approach and a descriptive research design. From ecological systems framework, the study involved children in domestic work, the employers, and social partners including governmental organisations, non-governmental organisations, community based organisations and other key informants as participants in the study. The study indicated that tribal girls dominate in live-in domestic work in the state and are at risk of abuses, exploitation and violation of children's rights. It showed a huge gap between laws and ground reality and suggests that the multifaceted phenomenon of child domestic work need concerted efforts of all stake holders to protect children's rights.

KEY WORDS: Children, Child Rights, Domestic Work, Girl Child.

I. INTRODUCTION

This article examines children's' rights and legal framework in the context of child domestic workers. According to International Labour Organisation (ILO), a child domestic worker is a person under the age of eighteen years who perform domestic work under an employment relationship, who is engaged in domestic chores in a home outside their own families for a wage in cash, kind or for other favours. The child domestic work' includes all types of support in the domestic tasks such as cleaning, laundry, food preparation, washing, shopping, swabbing or taking care of children etc. Children's involvement in domestic work for income is a common phenomenon in most of the developing countries with the trend of more women working outside their homes. What is alarming about child domestic work is its nature and characteristics; the working environment being confined to other family and yet not treated as a family, the conditions of work of long hours and yet neither considered nor paid as a worker, being socially and culturally accepted and yet its invisibility and inaccessibility to provide protection. Child domestic workers are predominantly ninety percent girls. There is preference for younger girl child among the employers. The characteristics of being a girl-child in domestic work has special vulnerabilities due to deprivation of familial affection, education, healthcare, and recreation exposure to physical, psychological and sexual abuse, exposure to harmful and hazardous working conditions, vulnerability to trafficking and debt bondage, vulnerability to trafficking and debt bondage etc. This violates the convention of child rights (CRC). For these reasons, child domestic work has been considered as one of the worst form of child labour and has been equated to modern slavery.

Children and childhood is undeniably acknowledged as a crucial phase in human development. The early experiences of the child can have a lifelong impact in the personality of a person. Until the nineteenth century children were recognized as requiring special welfare needs to limit the exploitation of child labour, to provide basic education, to ensure some form of financial support for the most dependent, and to prevent extreme cases of neglect. By twentieth century the focus shifted from welfare to rights recognising the growing injustices of their situation and the developmental needs of children. Just by virtue of being a human, children have the same universal unalienable human rights as any individual. Human rights are rights that we have simply because we exist as human beings – they are not granted by any state. These universal rights are inherent to all human beings, regardless of nationality, sex, national or ethnic origin, colour, religion, language, age or any other status. They range from the fundamental right to life to those that make life worth living, such as the rights to food, education, work, health, and liberty.

Therefore, human rights are child rights too. It is from recognising this fact that improving the quality of children's lives has become a national and international priority being expressed through research, policy initiatives, programme development and advocacy.

II. LITERATURE REVIEW

Many empirical studies and reports on child domestic work and child labour have been conducted largely by international and national organisations like; the ILO, UNICEF, Save the Children and others including individual studies. The literature review attempts to provide an insight on the factors and consequences of domestic work in children. Flores-Oebanda(2003) in the study, 'The Phenomenon of Child Domestic Work In Asia: Issues and Responses' reasoned that while the entry of children to domestic service is increasing there is a paucity of information on the prevalence of child domestic work indicating the difficulty of getting precise demographic information on children in domestic service. Many studies pointed out that poverty and the concomitant reasons of wanting to help their parents and siblings, or of sending oneself to school, being rendered orphaned, lack of education, are some common reasons for working as child domestic workers (Flores-Oebanda,2003; Sekar, Srivastava and Kumar 2015; Boateng, and West, 2017; Plug, 2002). The Anti-Slavery International (2013) report entitled 'Home truths: wellbeing and vulnerabilities of child domestic workers (CDWs) across three continents, which showed that a significant proportion of CDWs in Togo and India physical abuse is common, CDWs work long hours for little or no pay and this full time work often completely excludes them from the education system, leaving them with little opportunity for social mobility. The study also suggests that many of these children are seriously harmed on a psychosocial level and that policy and programme level interventions are urgently needed. Literature review points out the complexity of child domestic work and that there are both push and pull factors forcing young children to domestic work.

Findings from the field: The study used qualitative methods to examine and understand child rights and existing instruments from participants' perception. The research study was conducted in Imphal, the capital city of state Manipur. The study aimed at understanding the lives of tribal girl child as a child domestic worker. Purposive and snowball sampling methods were used to identify participants in in the study. A total of number 57 participants including; child domestic workers, the employers and social partners involving governmental organisations, non-governmental organisations, and community based organisations, women domestic workers' group and individuals as key informants participated in the study. Findings from the study showed that the tribal girls in domestic work in the state are pushed to work due to poor socio economic background and poverty in the family most often been either decided or influenced by parents and older members in the family. Besides other factors, are the demand-side from the employers who are also tribal families migrated to cities for work and education. They form a new minority and increasing working class among the tribal population. With limited support system outside the tribal community, there is increase in the demand for child domestic workers for 'help'. There exist no regulations on working conditions of child domestic workers neither in the employing families nor at the state level rendering children at the mercy of the employers. Out of 15 child domestic worker participants, 6 of them are paid in salary ranging from Rs. 2000 to Rs. 2500 per month; one of them was paid Rs. 6000. The rest of the child domestic workers in the study are engaged for favour or for payment which is not fixed; in such a case, parents of the child domestic workers are 'assisted' when required by the parents of the child. Working for long and irregular hours up to 12- 16 hours was common all child domestic workers. While it is debatable that child domestic workers bring in some income and help to the family, the price that children pay for with their own childhood outweighs any amount of costs. Except for a few social partners in governmental organisations and non-governmental organisations (NGOs), majority of the participants in the study were not aware of 'children's rights' and existing state instruments and mechanisms for protection of children. Most of the NGOs in the study pointed out that tackling issue like child domestic labour require proactive government role in enforcement of laws and concerted efforts of stake holders.

III. DISCUSSION

Child rights-based approach is a concept to mean integrating the norms, standards and principles of the international human rights system into the plans, policies and processes of programme development for children. It is a conceptual framework for the process of human development that is normatively based on international children's rights standards and operationally directed to promoting, protecting and fulfilling children's human rights. Though the United Nations' Universal Declaration of Human Rights of 1948 is not part of binding international law, it is accepted by all countries across the globe as the fundamental principle that all human beings, whatever our age, nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status, are to be treated equally and with respect. The United Nations has since adopted many legally binding international human rights treaties and agreements, including the United Nations

Convention on the Rights of the Child (UNCRC), 1989. The UNCRC outlines all the rights of all children under the age of 18 years and provides a useful benchmark to determine the extent to which child domestic workers are actually being abused, or are vulnerable to violations of their rights. The main provision related to work is Article 32 which states that: 'States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development'. Other international labour standards related to child domestic work includes the ILO Conventions- the Minimum Age Convention, 1973 (ILO C138), the Worst Forms of Child Labour Convention, 1999 (ILO C182), and the Domestic Workers Convention (ILO C189), 2011 was adopted specifically regarding domestic work. India is a signatory to the UNCRC as well as to all the above mentioned ILO conventions. Abiding by the international standards, India has legal instruments adopted among others like; the Child Labour (Prohibition and Regulation) Act, 1986 (amendment of 2016) seeks to prohibits employment of children in occupations and processes listed in Part A and B of the Schedule to the Act. 'Employment of Children as domestic workers or servants' has been listed under the occupations prohibited by the Act. Besides constitutional provisions, India has institutional mechanisms to prevent and safeguard children from entering into child labour. Nevertheless, the overview of the situation of child domestic workers in the given study reveals a huge gap in realising the ideals of child rights on ground. Children in domestic labour risk the violation of many of the rights contained in the UNCRC. Adding to the grim situation of child labour, a recent report by ILO-UNICEF (2020) states "millions of children are at risk of being pushed into child labour as a result of the COVID-19 crisis, that would mean a rise in child labour for the first time since 2000". The looming Covid-19 pandemic could only add more to the vulnerabilities of children in domestic work in the near future.

IV. CONCLUSION

Regardless of region and ethnic groups, the issues of child domestic workers are relatable as a phenomenon that is complex and multifaceted. Child domestic work poses for a child high risks and vulnerability to their wellbeing. While there are many laws, policies and discourses on rights of children exist, they seemingly are contained largely among the academia and policy makers as many of the stakeholders including the children who are the subject of the topic are not are aware of what goes around concerning them. A take away point from the field is that, to combat child rights issues, instruments and mechanisms for protection of child rights need to be effectively stringent, with more proactive government role and a stronger political will.

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