

A Dialogue on Barriers and Solutions in Accessing the Rehabilitation Programmes

12th June 2020 | World Day against Child Labour

Child Slavery is a crime against humanity. Humanity itself is at stake here. A lot of work still remains, but I will see the end of child labour in my lifetime” – Nobel Peace Laureate

Mr. Kailash Satyarthi

Context and Background

The elimination of child labour and trafficking is one of the key priorities of the global development agenda, which cannot be fulfilled without achieving absolute freedom for all children across the globe. Child labour is a global, ubiquitous occurrence, mostly in countries with low resources (ILO,2015). Acute levels of poverty, lack of social security and protection and ignorance about the value of education are the main causes of child labour in India (KSCF, 2020). It is because of these causes that child labour as a social reality doesn't seem to be fading away despite the state's efforts in the direction of complete eradication of the same.

With an aim to eliminate Child Labour from the country, the Indian Government so far has not only ratified both International Labour Organisation(ILO) Convention 182 and Convention 138 but also amended The Child Labour (Prohibition and Regulation) Act, 1986. The government has launched the 'Platform for Effective Enforcement for No Child Labour' to more effectively enforce child labour laws and implement the 'National Child Labour Programme'. In addition to this, a new 'National Plan of Action for Children' that provides a roadmap to implement 'National Policy for Children' was also drafted in 2016.

Although these pertinent developments are being made in the direction of elimination of child labour, a large proportion of children in India still continue to be engaged in labour. This is due to the socio-cultural fabric that condones the offence, a huge demand for child workers in agriculture, mining, garment, brick kiln, carpet-weaving and other industries and the widespread poverty that continues to be both a cause and function of child labour in the country. According to the Census of India 2011, 10 million children are engaged in labour or seeking work. And yet, the National Crime Records Bureau's yearly publication

'Crime in India 2018' reveals that a total of only 464 cases were registered under The Child Labour (Prohibition and Regulation) Amendments Act, 2016 (Victimising 810 children) in 2018 across the entire country.

Most importantly, rescued children continue to suffer because there is a considerable lack of coordination among the law enforcement agencies dealing with issues relating to rehabilitation of children rescued from labour because of which their rehabilitation continues to suffer. A study of *Bachpan Bachao Andolan's* database on rescued child labourers reveals that out of 1,151 rescued children only 524 were issued a release certificate. However, no monetary compensation was provided to any of these children by the State (KSCF, 2019). To ensure that rescue and rehabilitation of child labour receive due attention and importance, there is a need to establish an effective monitoring mechanism at the District, State and National level for effective monitoring of efforts made towards rescue and rehabilitation of child labour. There is also a need to strengthen the rehabilitation machinery at the District level across the Country as also adequate allocation of funds for rehabilitation of rescued child labour.

Urgency to Eliminate Child Labour by 2025

The UN Sustainable Development Goal 8.7, urges all nations to

"Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms."

To reaffirm the urgency of achieving Sustainable Development Goal (SDG) 8.7, the year 2021 has been declared as *the International Year for the Elimination of Child Labour*. In the light of the large magnitude and spread of child labour in the country, if India is to move on the path to eliminate child labour by 2025, some of the crucial challenges and learnings from different contexts have to be first highlighted and then implemented nationally. There is a need for India to introspect, identify gaps, revise policies, formulate effective mitigation plans, build capacity of concerned State functionaries, and strengthen their enforcement as also the inter-agency convergences resulting in children's holistic

rehabilitation. Further, the focus of rehabilitation has to be shifted from 'socio-economic rehabilitation' to 'psycho-social and economic rehabilitation' model.

Key Objectives of the National E-Summit

The thematic dialogue aims to achieve the following objectives:

- a) Highlight issues faced by stakeholders in the processes of child labour rescue and rehabilitation in India,
- b) Facilitate solution-focused dialogue between policy makers, practitioners, academics and activists, to strengthen the holistic rehabilitation framework of rescued children

Topic for Thematic Dialogue

Barriers and Solutions in Accessing the Rehabilitation Programmes

Despite the fact that robust laws and Standard Operating Procedure (SOP) by the Ministry of Labour and Employment are in place for protection and rehabilitation of children involved in labour, there is still an absence of uniformity and accountability in the rescue and rehabilitation processes of the country. A holistic rehabilitation framework for children rescued from exploitative situations must include social, medical, psychological, educational and economic rehabilitation that meaningfully reintegrates them in the mainstream of the society and prevents them from falling out of the safety net in future.

Barriers in accessing the rehabilitation programmes include non-registration of First Information Reports, non-issuance of release certificates for bonded labourers, absence of adequate institutions, and the limited capacity of concerned State functionaries. Despite the economic compensation guaranteed for the rehabilitation of bonded labourers as part of the Central Sector Scheme for Rehabilitation of Bonded Labourers 2016, the status of disbursement of such compensation on the ground remains dismal. The provision of giving a large fraction of the compensation only upon conviction, and the absence of standardization of rehabilitation procedures in different parts of the country have caused a setback in providing timely, uniform and holistic rehabilitation to all rescued children.