

Child Labour

An Ugly Face of Tourism

EQUATIONS
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India has the distinction of the largest number of working children in the world today. Indian official statistics speak about 13 million children, but unofficial estimates vary between 60 and 100 million children. In the tourism sector, millions of children around the country are trapped in a world of work. Many of them are at risk from hazardous and exploitative labour and denied their basic and fundamental right to education, health and childhood. This paper looks at the reasons why children work, the risks to a child working in the tourism sector, the role the tourism industry employers and associations can play to mitigate this problem and the initiatives undertaken by the International Labour Organisation, World Tourism Organization (UNWTO) and Government of India to address the problem.

Tourism and Child Labour

Tourism is one of the fastest growing sectors in India and has received much impetus from the government as it is seen as a major contributor to the economy. Unfortunately, tourism is also one of the factors responsible for increase in trafficking, child labour and sexual exploitation of children. Unregulated and unaccountable tourism development with no protective measures has added to the exploitation of children in tourism. While the debate over the child sexual abuse and trafficking in the context of tourism has been ongoing, child labour undoubtedly exploits a much larger number of children which has not drawn serious condemnation or concerted action by this image conscious industry. In tourism sector millions of children around the country are trapped in a world of work, many of them are at risk from hazardous and exploitative labour denying their basic and fundamental right to education, health and childhood.

It is generally agreed that the children working in factories are vulnerable to sexual abuse by employers or adult co-workers. These children don't live in a zone of constant sexual threats while the deep links of most of the child labour in the services sector with the travel and hotel industry makes them prone to abuse and sexual exploitation much more seriously than in secondary sector. While monitoring of a factory where children work is a partial solution for containing the gravity of the issue in the secondary sector, such mechanisms are dysfunctional in the spatially de-nucleated travel and tourism and hotel industries with an informally organized nature of work.

It is common to see children working in the service sector working in abysmal conditions¹ in small restaurants and shacks, selling curios and trinkets, beach boys and girls, rag pickers, tourist guides, or begging rich tourists for money. In hotels, children work as bell-boys, waiters and waitresses, maids, house keeping workers while in catering, many are kitchen helpers or dish-washers or servers. Children also work as masseurs and prostitutes. In the travel business, they work as porters and coolies, cleaners and assistants and for carrying loads on treks.

Child working in unorganized sectors with regard to tourism related activities too works in extremely bad working conditions where they do not even have protection for their long strained working hours under unhealthy and dangerous conditions and most often under intimidation.

Initiatives to Combat Child Labour in Tourism Sector from United Nation World Tourism Organization

UNWTO established a Task Force² in the year 1997 to Protect Children from Sexual Exploitation in Tourism. This is a global action platform of tourism-related key-players from the government and the tourism industry sectors, international organizations and non-governmental organizations (NGOs), and media associations whose aim is to prevent, uncover, isolate and eradicate the sexual exploitation of children in tourism. In the year, 2001 The Global Code of Ethics for Tourism (GCET)³ was adopted with a comprehensive set of principles which outlines to guide tourism development and to serve as a frame of reference for the different stakeholders in the tourism sector, with the objective of minimizing the negative impact of tourism. In the preamble of the global code of ethics, they have very clearly agreed and referred to the conventions and recommendations adopted by the International Labour Organization (ILO) in the area of prohibition of forced labour and child labour. The only mandate of the task force was to look into protection of children from sexual exploitation, but in the year 2007 they agreed to rewrite the objectives of this Task Force to make clear that the sexual abuse would remain the main focus, but with a broader view to include other aspects that could lead to sexual abuse such as child labour⁴. The reason to broaden the scope

of the task force was because they acknowledge that the children working in tourist areas were often invisible and mostly behind the scenes is hazardous to the child and leading to sexual abuse.

Government of India

The government of India announced a ban effective 10th October 2006⁵ on the employment of children as domestic servants and workers in roadside eateries, teashops, restaurants, hotels etc. The reason given was that many of these children, according to the Ministry of Labour and Employment of the Government of India, are subjected to physical violence, psychological trauma and even sexual abuse. To give a similar example from other country like Nepal, Nepal Government in the year 2000 banned child labour in tourism⁶ as they identified child working in tourism industry as hazardous occupation and also estimated that out of 2 million child workers in Nepal a large number of them were identified to be employed in the tourism industry.

It is interesting to note, for instance, that in Karnataka, the employment of children in hotels and several other establishments is completely banned under the Karnataka Shops and Commercial Establishments Act 1961 of the State. This is even prior to the Notification issued by the Ministry of Labour, Government of India in the month of August 2007 for banning child labour in hospitality industry terming it as a hazardous occupation. It is obvious from these figures that a mere ban does little to change the situation for children on the ground. What is needed is the serious political will to implement such bans and the cooperation and initiative of other stakeholders.

The ban looks at the age of the child as 14, as per the Child Labour (Prohibition and Regulation) Act, 1986 but some of the problems noted in enforcement of this ban are that the law provides no protection for children aged 14 to 18, who also face exploitation and abuse by their employers. Illegal employers almost never faced sanction. Money that the government allocates for rehabilitation, which is critical for preventing children from returning to dangerous work, remains unspent.

While the ban evoked responses from a wide range of actors particularly NGO's and civil society organisations working on child rights, the tourism industry was conspicuously silent on the issue. Industry actors and association who are active when it is budget time on subsidies and taxes cuts have not taken any responsibility or uttered a word on this ban notification and on their role and responsibility to protection of children.

There is a myth that the child labour is a fact of life and that employing a child helps the child and in turn the child's family to get out of poverty. However years of trying to address the problem of child labour has proven that this is not necessarily so. Rather means of ensuring that adults get work, and get paid fair wages for their work will probably be more helpful and a more fundamental solution. Furthermore, some organisations have also argued that a blanket ban is not feasible and that steps must also be simultaneously taken to protect the rights of working children. Though it is clear that child labour must be fought and ways to ensure that children have access to education, safe and healthy environments and the ability to experience childhood should be the goal of any civilised society.

Work damages a child's physical, mental, social and psychological development. So why do children work?

Children find themselves compelled to work because of situations which are beyond their control. The ILO describes this succinctly when it says, "Child Labour is a result of and contributing factor to entrenched poverty". Some causes that force children into work are

- The socio-economic conditions of families - for poor families' children are a productive resource and needless to say, they have more children.
- Labour economics - Child labour is cheap labour. Children are employed instead of adults to lower the costs of production.

Sudden poverty caused by natural disasters, droughts, forced migrations, the push to urban areas for survival, economic crises, displacement, or armed conflict also lead to situations of increase in child labour.

Tourism Related Works – Risky for the Child⁷

- Children involved in tourism related work run the risk of being sexually exploited due to constant exposure and involvement with strangers who intend to exploit children. For instance, children employed in roadside eateries and highway dhabas are highly vulnerable to sexual abuse and drug abuse and to contracting HIV/AIDS as they come in contact with both locals as well as tourists.

- Because of their physical and economic vulnerability, many children end up in a life of solitude, suffering mental as well as physical trauma.
- Long working hours, unstable employment, low pay, cheap labour and extremely poor working and living conditions lead to poor physical and psychological health.

What can Tourism Industry Employers and Associations do?

It is very clear that the traditional response of just improvising legislation and a few enforcement measures is not enough:

- Business has an indispensable role to play in the growing world-wide movement to effectively abolish child labour. In the case of tourism we have the following suggestion in order that business can play an important role in the elimination of child labour:
- Different sectors and sections in tourism such as Informal sector, unorganised sector, business development sector, industry to formulate a code – “Child Labour free Tourism”
- To adhere strictly to the minimum age provisions of national labour laws and regulations.
- Develop codes of conduct or make it explicit in your company’s formal policy that all forms of child labour will be avoided and bring a “No Child Labour” Policy.
- Pressurise the government to ratify the two ‘Conventions’ on child labour of the International Labour Organisation (ILO), which has not yet been ratified by India. These conventions are the most explicit in specifying what combating child labour should amount to in practice. These are the Minimum Age Convention (No.138) (This has been ratified by over 143 countries) and the Convention on the Worst Forms of Child Labour (No. 182). (This convention has been ratified by 158 countries). These Conventions have been jointly drafted in the ILO by national governments, employer’s associations and trade unions. The business community is therefore politically and morally obliged to implement them. The Minimum Age Convention specifies that working is banned for children under the age of 15. The Worst Forms of Child Labour Convention includes a ban on hazardous work for children under the age of 18. Of course, this Convention also bans ‘working’ as a child soldier, in drugs trafficking, pornography and prostitution, and forced labour. Despite the fact that they are addressed to governments, these instruments can be a useful reference for all who are involved in the elimination of child labour.⁸
- The employers and their organization have a great role to play in the board, grass roots social mobilization by forming employers federations where they can influence the development of national policies on child labour.
- Assisting in the development of guidelines for sectoral industrial association and small to medium sized enterprises.
- Create awareness among tourism personnel on the rights of the child and to stop child labour.
- Participate in efforts to combat child labour in industries through multi-stakeholder initiatives - collaborative efforts of industries, companies, trade unions, NGOs, Government etc.
- Working with NGO’s by assisting the children to go back to school
- Co-opt NGO in advocacy or collaborative role during formation of an alliance of employers organizations to take forward the child labour elimination agenda.

Responsibility of Employers in Unorganised sector

- Put an immediate stop to the children working with you
- Involve your own staff and your suppliers in combating child labour: inform them and involve them in your company’s action plan against child labour.
- Create, independently or working with others, facilities such as crèches and day care centres for employees, to help them keep their children out of child labour.

A Case Study on Corporate Social Responsibility (CSR) in Tourism

CSR will play an important role in combating child labour by bringing together number of different stakeholders e.g. unions, CSO’s, industries and companies around commonly agreed norms through multi-stakeholder approach and to make companies accountable for their impact on society on the basis of agreed international standards like ILO convention.

THE CODE OF CONDUCT FOR THE PROTECTION OF CHILDREN FROM SEXUAL EXPLOITATION IN TRAVEL AND TOURISM - A SUCCESS STORY - The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism was first developed by ECPAT International⁹, in cooperation with Scandinavian tour operators and the UN

World Travel Organization (UNWTO) in 1998. It expanded rapidly, earning a reputation as a strong multi-stakeholder instrument for both child protection and as tool for efficient Corporate Social Responsibility across the tourism sector. Members are all Code of Conduct signatory¹⁰ companies, governmental bodies, international organizations, and child protection organizations. In March 2007, "The Code" organization counted 600 signatory companies.

The Code of Conduct consists of six criteria:

1. Establishment of a corporate ethical policy against commercial sexual exploitation of children
2. Training of personnel in the country of origin and travel destinations
3. Introduction of clauses in contracts with suppliers, stating a common repudiation of sexual exploitation of children
4. Information provision to travellers
5. Information provision to local "key persons" at the destinations
6. Annual reporting to "The Code" organization and ongoing monitoring by the local Code representative.

The signatory companies and its partners show a strong demand for high quality implementation of the Code of Conduct. This new procedure foresees a close cooperation between the signing company and the local Code representatives for the preparation, the implementation and the monitoring phases.

The Code of Conduct is an efficient and appreciated CSR instrument for the protection of children from commercial sexual exploitation in travel and tourism, which reaches yearly already over 35 millions of international tourists travelling in "hot spots" known for child sex tourism.

The key factors for this successful implementation are follows.

- This initiative has been industry driven since the beginning but is based on a multi-stakeholder cooperation between the industry, governmental bodies, international organizations and child protection organizations. For the protection of children, competitors commit to cooperate which ensures a high quality in implementation due to peer pressure.
- "The Code organization and the annual monitoring done by the local Code representative (usually independent child protection NGOs like ECPAT), the signatory company feels a strong accountability also some years after the signature. With the worldwide establishment of the Code of Conduct in the tourism sector an important process for the protection of children against commercial sexual exploitation in travel and tourism could be started.

Inspiration for similar efforts can be taken in the case of child labour by formulating a code of conduct for the tourism industry which will serve as a prevention tool. This must be formulated with initiatives from the industries for protection of children from child labour and to raise awareness among stakeholders in order to strengthen the understanding of the code as part of the corporate social responsibility.

This clearly shows that unless we all work together in combating this form of exploitation of children, the child labour issue cannot be addressed, and the rights of the children cannot be secured, we will continue to deprive millions of children – our tomorrow and their today. It is time to more evident action as we owe this to our children: **TO SAY "NO" TO TOURISM THAT EXPLOITS A CHILD.**

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End Notes

1 Right of the child in the context of tourism- a compilation, EQUATIONS 2006

2 The objective of the Task Force was to raise awareness and to improve initiatives collectively and individually on this problem. The Task Force is also an important opportunity to exchange views and experiences and to strengthen the network to better understand what is taking place around the world. It was also very important to cooperate and to build partnerships, and to encourage the use of new methods to deal with the problem at international and national level.

3 Resolution adopted by the General Assembly, 21 December 2001, A/ RES/ 56/ 212 Global Code of Ethics for Tourism: http://www.unwto.org/code_ethics/pdf/languages/Codigo%20Etico%20Ing.pdf

4 This discussion was done during the 20th task force meeting to protect children from sexual exploitation in tourism which was held in Berlin, 9th March 2007 -The decision of the Executive Committee to broaden the mandate of the Task Force to include all forms of child exploitation in tourism. UNWTO as a UN specialized agency needed a broader agenda to include a broader perspective on the abuse of children. That would lead to include activities in other fields related to child protection. The guiding principle is the Global Code of Ethics for Tourism which covers several dimensions on child exploitation.

5 Notification banning child labour in Domestic and Hospitality Sector effective from 10th October 2006

6 BBC news online, Thursday, 22 June, 2000, 10:13 GMT 11:13 UK -Tourism industry is the largest employer of children By Sushil Sharma in Kathmandu

7 EQUATIONS briefing note on child labour and tourism, November 2006

8 http://www.ioe-emp.org/fileadmin/user_upload/documents_pdf/papers/position_papers/english/pos_2005may_childlabou.pdf

9 ECPAT stands for "End Child Prostitution, Child Pornography and Child Trafficking for Sexual Purposes" and is the only international NGO exclusively specialized in the prevention of and fight against commercial sexual exploitation of children.

10 In 2004, the Code of Conduct became an international NGO (www.thecode.org).