

ENDING CHILD LABOR: A ROLE FOR INTERNATIONAL HUMAN RIGHTS LAW?

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All over the world, children are weaving carpets, cutting and polishing precious stones, assembling shoes, cutting and sewing garments, mining for diamonds, gold, silver, and tin, cutting sugar cane, harvesting fruit, coffee, and other crops, manufacturing toys, sporting goods and appliances, and working as domestic servants, street vendors, herders, migrant workers, and prostitutes. These children often work long hours with dangerous tools and machines and are exposed to hazardous chemicals, polluted air, and infectious diseases. They are denied the education that is their right and deprived of prospects for even minimally prosperous and healthy lives.

The economic exploitation of children has generated an expanding set of international legal standards designed to protect children from the harmful and dangerous effects of child labor. These standards, although well established, have suffered from many of the same practical weaknesses that have limited the effectiveness of international human rights law generally. This dilemma – strong legal norms but weak enforcement mechanisms – has contributed to a recent rise in private action to prevent child labor. These private initiatives utilize the standards embedded in international law and may, in turn, contribute to an evolution that will ultimately transform principles into effective, enforceable, legal norms.

The Problem of Child Labor – Its Scope and Its Impact

The International Labor Organization (ILO) estimates that approximately 186 million children between the ages of 5 and 14 were engaged in child labor

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in the year 2000. Approximately 111 million of these children were working under hazardous conditions.¹

The Asia-Pacific region has the largest absolute number of economically active children, including 127 million between 5 and 14 years old who are working. Sub-Saharan Africa, however, has the highest proportion of its children working. The ILO estimates that 29 percent of children in Sub-Saharan Africa between the ages of 5 and 14 are working. The other regions of the world, by contrast, have less than 20 percent of their children between the ages of 5 and 14 working: in the Asia-Pacific region, 19 percent; in Latin America and the Caribbean region, 16 percent; and in North Africa and the Middle East, 15 percent.²

These numbers are alarming not only for their sheer magnitude, but also for the wide gap between developed economies and the rest of the world. Only two percent of children ages 5 through 14 in developed economies are economically active.³ This imbalance – with a generation growing up in the developing world without education and suffering the detrimental effects of child labor – is sure to perpetuate poverty and global inequality.

The impact of child labor on children's physical and mental development has been well documented. Working children have higher rates of hospitalization than their non-working counterparts.⁴ Epidemiological studies reveal that children exposed to toxic agents at a young age have higher mortality and morbidity rates than adults exposed to the same agents.⁵ Working children using hand tools designed for adults have a higher risk of fatigue and injury than adults.⁶ A study of Indian child workers found that many have stunted physical growth with delayed genital development.⁷ The

1. INTERNATIONAL LABOUR OFFICE, EVERY CHILD COUNTS: NEW GLOBAL ESTIMATES ON CHILD LABOUR 20 (April 2002), available at <http://www.ilo.org/public/english/standards/ipcc/simpoc/others/globalest.pdf>.

2. *Id.* at 17. The ILO makes a distinction between “children at work in economic activities” and “child labor.” Children at work in economic activity includes most “productive activities by children, including unpaid and illegal work as well as work in the informal sector.” Child labor is a much more narrow concept that effectively “excludes all those children 12 years and older who are working a few hours a week in permitted light work and those 15 years and above whose work is not classified as ‘hazardous.’” *Id.* at 5. See generally Katherine Cox, *The Inevitability of Nimble Fingers? Law, Development, and Child Labor*, 32 VAND. J. TRANSNAT'L L. 115, 125-28 (1999) (discussing how the Convention on the Rights of the Child and the ILO definitions of child labor leave gaps in the human rights legal framework for protecting children).

3. EVERY CHILD COUNTS, *supra* note 1, at 17.

4. WORLD HEALTH ORGANIZATION, CHILDREN AT WORK: SPECIAL HEALTH RISKS 15, available at http://whqlibdoc.who.int/trs/WHO_TRS_756.pdf (1987).

5. *Id.* at 24 (stating that because children tend to absorb higher levels of lead than adults, they are more likely than adults to develop neurological complications following lead exposure).

6. *Id.* at 28.

7. Alan D. Woolf, *Health Hazards for Children at Work*, 40 J. TOXICOLOGY: CLINICAL TOXICOLOGY 477, 478 (June 2002).

adverse mental health consequences are also great. A World Health Organization (WHO) study noted, "Long hours and days of uninterrupted work have a stultifying effect on the child, narrowing his horizons and often crippling him emotionally."⁸ Children in certain occupations are also vulnerable to physical and sexual abuse.⁹ Finally, working deprives children of their chance to benefit from normal development. Child labor competes with and often replaces education. In some circumstances, it also separates children from their families at the most critical stage of their lives.

Child Labor In International Human Rights Law

The Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights – together known as the International Bill of Human Rights – forbid slavery and servitude and obligate nations to provide children with the protection they require. The Universal Declaration of Human Rights, although it does not explicitly mention child labor, states, "Everyone has a right to education."¹⁰ It further mandates that elementary education be free and compulsory.¹¹ The International Covenant on Civil and Political Rights guarantees every child "the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State."¹² The International Covenant on Economic, Social, and Cultural Rights says, "Children and young persons should be protected from economic and social exploitation."¹³ The Covenant further provides, "States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law."¹⁴ Together, these provisions of the most well-established international human rights treaties constitute a clear international prohibition on the exploitation of children through their labor.

The Convention on the Rights of the Child, which is the mostly widely adopted international human rights treaty, explicitly addresses both compulsory primary education and child labor. Article 32 of the Convention provides, "States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be

8. CHILDREN AT WORK, *supra* note 4, at 32.

9. INTERNATIONAL LABOUR OFFICE, CHILD LABOUR: TARGETING THE INTOLERABLE 5, available at <http://www.ilo.org/public/english/comp/child/text/publ/target/> (1996).

10. Universal Declaration of Human Rights, G.A. Res. 217A (III), U.N. GAOR, 3rd. Sess., Supp. No. 16, art. 26(1), U.N. Doc. A/810 (1948).

11. *Id.*

12. International Covenant on Civil and Political Rights, adopted Dec. 19, 1966, art. 24, 999 U.N.T.S. 171, 179 (entered into force Mar. 23, 1976).

13. International Covenant on Economic, Social and Cultural Rights, adopted Dec. 16, 1966, art. 10(3), 993 U.N.T.S. 3, 7 (entered into force Mar. 23, 1976).

14. *Id.*

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."¹⁵ The CRC, which includes specific requirements regarding the minimum age for employment, hours and conditions of employment, and appropriate penalties to ensure effective enforcement, also requires States to "protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare."¹⁶ These human rights treaties, along with the relevant conventions of the ILO, constitute an unequivocal prohibition against exploitive child labor.

The explicit human rights provisions on "child exploitation" and "child labor" are appropriately the focus of most international child labor advocacy. However, it is important to recognize that child labor also violates the most fundamental of international human rights principles, the principle of nondiscrimination. All human rights conventions require that their guarantees apply to all persons, regardless of race, color, language, sex, religion, political opinion, national or social origin, property, birth or other status. Child labor violates this guarantee of equal protection for all. In no country are child laborers the children of the rich and favored classes. No government would tolerate child labor if young workers were the sons and daughters of the prosperous or the politically powerful. However, the laws that exist in nearly every country of the world to protect children from child labor are not enforced, because the children who are exploited are the sons and daughters of society's most marginal and vulnerable members.

Weak Enforcement and the Growth of Private Action To Stop Child Labor

As global child labor statistics show, reality is a far cry from the ideals expressed in international human rights instruments. Over the last decade, a blossoming of public attention to child labor has fueled a renewed public international response, ranging from the passing of ILO Convention 182 on the Worst Forms of Child Labor to the establishment of the International Programme on the Elimination of Child Labor (IPEC).¹⁷ Although these initiatives are encouraging, the tenacity of the problem, frustration with the ineffectiveness of formal international approaches, and global exposure by activists and the media of the conditions of child labor have fostered a variety of private efforts to eradicate child labor. These have included consumer-awareness campaigns and boycotts of products made with child labor, as well as a rapid proliferation of corporate codes of conduct and a variety of

15. The Convention on the Rights of the Child, Nov. 20, 1989, art. 32, 1577 U.N.T.S. 3, 54 [hereinafter CRC]; see also *id.* art. 28, 1577 U.N.T.S. at 53.

16. *Id.* art. 36, 1577 U.N.T.S. at 55.

17. Other panelists were to examine these and other efforts of the International Labor Organization to combat child labor.

independent monitoring schemes. These initiatives reflect an apparent shift from reliance on public international measures to private action.

The ineffectiveness of the international legal regime to protect children from exploitation is the result of many factors. Although ratified by the vast majority of countries, the conventions prohibiting child labor,¹⁸ like human rights conventions generally, have weak enforcement mechanisms. While enforcement of human rights treaties relies upon treaty monitoring bodies with extremely limited powers, the ILO conventions do not even have reporting or international examination requirements.¹⁹ The lack of potent enforcement measures in human rights treaties generally reflects the inherent tension between opposing views in the drafting of such treaties: the view that the treaty should provide an international mechanism to ensure implementation, on the one hand, and the enduring view that proper deference must be given to the principle of domestic jurisdiction enshrined in the charter of the United Nations, on the other.²⁰

This ambivalence is exemplified in the CRC, a treaty that has unambiguous language prohibiting the exploitation of children, but contains typically weak enforcement measures. The CRC requires States to submit reports to the Committee on the Rights of the Child, established by the treaty as its monitoring or “enforcement” body, on the measures that they have taken “which give effect to the rights recognized . . . and on the progress made on the enjoyment of those rights.”²¹ The reports are to be delivered to the Committee

18. There are at least 28 conventions relating to employment or work of children. ILO Convention 138 (The Minimum Age Convention) has been ratified by 120 countries. The Minimum Age Convention, June 26, 1973, ILO C138, *available at* http://www.rugmark.org/child_labor_laws.htm. The Worst Forms of Child Labor Convention, June 17, 1999, ILO 182, 38 I.L.M. 1207 (1999), has been ratified by 132 countries. *Id.* Every country in the world except the United States and Somalia has ratified the Convention on the Rights of the Child. *Id.* For ratification status of ILO conventions, see ILOLEX Database on International Standards, *at* <http://www.ilo.org/ilolex/english/convdisp1.htm>.

19. For a detailed analysis of the enforcement mechanism of ILO conventions, see Enforcement Mechanisms of ILO Conventions, *at* <http://www.ilo.org/public/english/standards/ipecc/about/factsheet/facts21.htm> (stating that international pressure and encouragement are a workable alternative to formal enforcement mechanisms); *see also* Clyde Summers, *The Battle In Seattle: Free Trade, Labor Rights, and Societal Value*, 22 U. PA. J. INT’L ECON. L. 61, 89-90 (2001) (stating, “There is no likelihood that the ILO can or will be given the ability to do more than make reports and issue statements that are regularly disregarded by countries violating the conventions they have signed.”).

20. U.N. CHARTER art. 2, para. 7 (declaring “nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State”); DOMINIC MCGOLDRICK, THE HUMAN RIGHTS COMMITTEE 13-14 (1991) (discussing how in the drafting of the International Covenant on Civil and Political Rights (ICCPR), some states objected to strong enforcement mechanisms in the ICCPR on grounds that they violated Article 2 (7) of the U.N. Charter).

21. CRC, *supra* note 15, art. 44, 1577 U.N.T.S. at 59.

two years after the treaty comes into force for the State Party and then every five years. The Committee reviews States' reports and makes suggestions and recommendations but has no power to enforce its reporting requirement, let alone its recommendations. Although the Committee has been lauded for its creative use of non-governmental organizations (NGOs), it is plagued by inadequate funding and a one- to two-year backlog of initial reports.²² As the committee has no staff to carry out investigations, it has no independent knowledge of State conduct and the conditions of children in particular States. As a result, it has increasingly begun to rely on input from NGOs to fill this information gap. Although the meetings where States' reports are discussed are generally public, they receive little public or press attention. The public has little knowledge or understanding of the activities of the Committee. Furthermore, as is generally true for all treaty-based organs, when States do submit reports, they are often incomplete, overly abstract, and lacking detail, generally focusing on formal accounts of laws with little information on actual practice.

The Committee on Economic, Social, and Cultural Rights (CESCR), the body that monitors compliance with the Convention on Economic, Social, and Cultural Rights, similarly suffers from a backlog of reports and lack of any real enforcement power. Although the Committee has used its conclusions to highlight the existence of child labor in reporting countries, the language of these conclusions is generally descriptive or hortatory, not mandatory, and is not coupled with any enforcement power. In its 1998 *Concluding Observations on Sri Lanka*, for example, the Committee noted, "The Committee deplores the Government's inability to implement its child labour laws effectively. Thousands of children are known to be fully employed, while thousands more are working as domestic servants in urban areas where many are mistreated, sexually abused and driven to prostitution."²³ Recommendations use such tepid language as: "the Committee is deeply concerned . . ." or "the Committee urges the Government vigorously to enforce its child labour laws."²⁴ This is not the language of requirement or obligation; it reflects the Committee's lack of enforcement power.

Treaty monitoring bodies' lack of effective enforcement powers does not necessarily mean that they have no potential effect. The monitoring and reporting approach is based on an assumption that while difficult to test, it seems plausible and remains a cornerstone of international human rights work.

22. Gerison Lansdown, *The Reporting Process Under The Convention on the Rights of the Child*, THE FUTURE OF U.N. HUMAN RIGHTS TREATY MONITORING 125 (Philip Alston & James Crawford, eds., 2000).

23. Concluding Observations of the Committee on Economic, Social and Cultural Rights: Sri Lanka, U.N. ESCOR, 18th Sess., 25th at para. 12, U.N. Doc. E/C.12/1/Add.24 (1998) available at [http://www.unhcr.ch/tbs/doc.nsf/\(June 6, 1998\)](http://www.unhcr.ch/tbs/doc.nsf/(June 6, 1998)).

24. *Id.*

Committee reports can be a source of embarrassment, encourage pressure from other States, bolster domestic public pressure, and provide NGOs and other advocates with a credible advocacy tool.

NGOs are playing an increasing role in stimulating public concern about child labor and sweatshops. William E. Myers notes that “much of the most effective advocacy for the CRC is by nongovernmental organizations and mobilizes civil society.”²⁵ A broad informal coalition of human rights, workers’ rights, children’s rights, and environmental NGOs have increasingly applied pressures on companies to be more accountable for the human rights and environmental consequences of their activities; this pressure is closely linked to heightened concerns about globalization and the implications of a free trade regime for human rights. Diverse private initiatives have included consumer boycotts, shareholder actions, lawsuits, corporate codes of conduct, and independent monitoring and labeling schemes, as well as traditional human rights reporting and advocacy.

The expanding role of private efforts in “enforcing” human rights standards, by monitoring government and private action and engaging in various forms of advocacy, is not unique to the movement against child labor. In the human rights movement generally, a similar pattern of evolution has occurred. When governments are brutal, repressive, or fail to enforce laws that protect people from abuse, international legal norms have been developed that prohibit certain abusive practices. This process of standard setting, however, has not been able to achieve effective institutions and processes of enforcement. In response, international and — where possible — domestic “civil society” groups, increasingly engage in a variety of actions to “enforce” human rights. These include NGO monitoring and reporting of state and private conduct.

Private Action To Bring About Compliance With Labor Rights Has Been Subject To Criticism

In the area of workers’ rights, the proliferation of NGO activism, particularly the development of voluntary codes of corporate conduct, and various independent monitoring schemes has been criticized by some, particularly in organized labor, as the “privatization of law enforcement.” In this view, such developments are seen as undermining the ultimate means of protection for workers – collective bargaining and the right to organize unions to represent workers’ interest. These measures, however, are not and are not seen by their advocates as substitutes for unions and collective bargaining. Rather, they are a response to the inability of workers in some states or regions to exercise their rights to freedom of association and to collectively bargain. In

25. William E. Myers, *The Right Rights? Child Labor in a Globalizing World*, 575 ANNALS AM. ACAD. POL. & SOC. SCI. 38, 50 (2001).

addition, they are a set of tools that can work to complement or support efforts to organize workers and gain union recognition, especially where such efforts face repression and other powerful obstacles and may require many years. In the realm of child labor, of course, the inability of children to protect their own rights, individually or collectively, is a major part of the problem. Thus, the role of private monitoring and shaming has an importance even greater than it does in efforts to protect the rights of adult workers.

Private initiatives to protect workers' rights generally have also been criticized because they lack the mandatory nature and coercive power of law. This weakness, however, has less effective significance than it would appear. Participation in independent monitoring programs such as Rugmark or the Fair Labor Association is voluntary, but these initiatives involve an element of coercion. They depend on independent monitoring of employer conduct and credible, accessible, public information, allowing consumers to make informed purchasing decisions. This creates pressure on participating employer companies to comply with the standards to which they have agreed, including the prohibition against child labor. As monitoring and public awareness become more widespread, there is also an increasingly strong incentive for non-participating companies to participate.

Efforts to eradicate child labor have been hampered not only by practical deficiencies inherent in the enforcement provisions of United Nations (UN) and ILO conventions but also by the view that they are simply a form of cultural imperialism or a manifestation of the West's attempt to maintain its economic hegemony. Some anthropologists have argued that the term "child" itself has different meanings in different cultural contexts and that efforts to impose a universal minimum age threshold for labor constitute an example of the West seeking to impose its values on the rest of the world.²⁶ Although these criticisms are based on valid concerns about the economic and cultural power of the West, and some approaches to promoting workers' rights may be infected by protectionist motives, most initiatives to abolish child labor are based on universal human rights principles and are carefully tailored to protect children from harm.

Nevertheless, some of this ambivalence remains apparent in the way mainstream human rights NGOs, for which child labor has not traditionally been a focus, approach the issue. For example, the Human Rights Watch website states that "[i]n some cases, a child's work can be helpful to him or her and to the family; working and earning can be a positive experience in a child's growing up. This depends largely on the age of the child, the conditions in which the child works, and whether work prevents the child from

26. See *id.* at 41 (discussing Jo Boyden's argument that "European and North American urban, middle-class concepts of children and childhood have been promoted worldwide as a standardized universal model of childhood assumed to apply to all societies.").

going to school.”²⁷ Furthermore, the Children’s Rights Division at Human Rights Watch has focused its efforts largely on forced and bonded child labor, stating:

The human rights abuses in these practices are clear and acute. Our objectives in tackling these aspects of the complex and troubling child labor issue include drawing attention to the plight of bonded and forced child laborers, helping to end these appalling practices, and contributing to the debate on the rights dimension of the larger issue of children and work.²⁸

This language, by unnecessarily equivocating on definitional issues that are, in fact, well-resolved by human rights law can undermine the larger effort to end all forms of child labor that are exploitive and harmful to children. Focusing on forced and bonded child labor, clearly deserving of attention, suggests that other aspects of child labor do not call for comparable concern and action. The danger in such line drawing, as the International Working Group on Child Labor points out, is that

[S]ome other forms [of child labor] might be assumed to be “acceptable” simply because obviously worse types of work exist. Although it is understandable that the greatest efforts should be placed on abolishing the least tolerable forms of child labour, this does not mean that other forms are not unproblematic.²⁹

International human rights law does not prohibit children from ever engaging in any kind of work. When activists speak of abolishing child labor, they are talking about protecting children from harm. A useful concept, based on the provisions of international human rights treaties, is embedded in the mission statement of the Global March Against Child Labor:

To mobilize world-wide efforts to protect and promote the rights of all children, especially the right to receive a free, meaningful education and to be free from economic exploitation and from performing any work that is likely to be damaging to the child’s physical, mental, spiritual, moral or social development.³⁰

27. Human Rights Watch, Children’s Rights Division, *Child Labor*, at <http://www.hrw.org/children/labor.htm> (last visited Feb. 19, 2003) (revealing that the Human Rights Watch has begun to work on child labor issues). To its credit, Human Rights Watch has begun to work on child labor issues. While its priorities are still influenced by the traditional Western bias for civil and political rights, the recent addition of the organization’s resources and credibility to advocacy on the issue is significant.

28. *Id.*

29. INTERNATIONAL WORKING GROUP ON CHILD LABOUR, WORKING CHILDREN: RECONSIDERING THE DEBATES, REPORT OF THE INTERNATIONAL WORKING GROUP ON CHILD LABOUR, 73 (Jim McKechnie and Sandy Hobbs, eds., 1998) (hereinafter WORKING CHILDREN).

30. Global March, *The Mission*, at http://www.globalmarch.org/about_the_march/goals.php3.

Many critics of abolitionist efforts also argue that rather than trying to enforce unrealistic child labor standards, efforts need to focus on eliminating poverty in the developing world. Poverty is certainly an important causal factor for child labor, just as it is for many human rights violations, but the exploitation of children and its harmful effects cannot wait for the elimination of poverty. There is an immediate need to confront the deficiencies of legal, political, and social structures that fail to protect children from exploitive labor. And, poverty alone does not cause child labor. Traditional social values, the failure to provide the alternative of meaningful, free primary education, and the effects of globalization and international economic policies also contribute to the conditions that foster child labor.³¹ Myron Weiner argued that instead of just looking at the almost insurmountable problem of poverty, governments can most effectively address child labor through compulsory, free primary education. In his analysis of child labor in India, he concluded that

India need not wait until the income levels of the poor have risen; population growth rates have slowed; employers have need for a more skilled labor force, or government has greater resources. Indeed, such changes in the country's economic and demographic conditions would not result in the voluntary end of child labor and in universal primary-school education. The experiences of other countries also suggests [*sic*] that it is within the power of the Indian government to make education compulsory. Otherwise, child labor will not be ended and literacy will not become universal.³²

The right to be free from economic exploitation and the right to receive a free, meaningful education are fundamental rights of every child. To argue that the enormous problem of poverty must be solved first and that the problem of child labor should be addressed gradually is antithetical to the inherent logic of human rights. No one could credibly argue that other human rights – the right to life, the right to be free from torture, the right to political participation – must await the eradication of poverty. The principles of economic, social and cultural rights take into account states' resource constraints and provide for the progressive realization of these rights, but they require the immediate fulfillment of minimum core obligations; such obligations must include protection of children from the harmful effects that are inevitably part of child labor. Poverty reduction is urgent and should be of the highest priority for international actors, but serious efforts to end child labor cannot and need not wait until this enormous problem is solved.

31. WORKING CHILDREN, *supra* note 29, at 23, 27-28.

32. MYRON WEINER, THE CHILD AND STATE IN INDIA: CHILD LABOR AND EDUCATION POLICY IN COMPARATIVE PERSPECTIVE 18 (1991).

Private Action May Invigorate International and Local Law Prohibiting Child Labor.

In light of the limited enforcement capabilities of international treaty bodies, NGOs are in a position to be creative and effective in pressuring both companies and governments to enforce the norms embodied in the treaties. Furthermore, as the treaty-making process often reflects a tradeoff between gaining international consensus and having a tough international law, NGOs may be able to take a more unequivocally abolitionist stand on child labor than official international institutions. Finally, where direct government action in the elimination of child labor has been too limited, "non-governmental organizations seem to have had the flexibility, ingenuity, and conviction to identify needs and gaps in public action, and to initiate and implement cost-effective programs for the protection and assistance of working children."³³

The ineffectiveness of international institutions and processes and the equivocation among human rights NGOs and international bodies raise the question whether law has a useful role to play in the elimination of child labor. The evolutionary pattern of human rights enforcement leads from abuse to the setting of strong standards, with weak institutions and processes of enforcement, to the development of a spectrum of non-governmental activities and governmental and inter-governmental programs of a non-law enforcement character that aim to bring about compliance with the established norms. These activities, whether they involve monitoring, advocacy, or the provision of services, rely on international human rights law as the standard by which conduct is measured. Aspects of these private initiatives may, in turn, be incorporated into effective, enforceable national and international law. Perhaps the best known example of the further evolution is embedded in the story of the anti-apartheid movement. South African and global action to end apartheid utilized human rights law and its language, but international enforcement of human rights for South Africans remained minimally effective, at best. Widespread public pressure in the United States, prominently from student and consumer activists and church groups, contributed to the promulgation of a private code of conduct, the Sullivan Principles, for companies doing business in South Africa. Although criticized by activists, the principles were influential and were eventually incorporated into United States law as part of the Comprehensive Anti-Apartheid Act (CAAA) of 1986.³⁴

At least the beginnings of such further evolution can be seen in the area of child labor. In 1999, for example, Senator Thomas Harkin introduced the

33. Assefa Bequele, *Emerging Perspectives in the Struggle Against Child Labour*, PROTECTING WORKING CHILDREN 78 (William E. Myers, ed., 1991).

34. See Comprehensive Anti-Apartheid Act of 1986, 22 U.S.C. §§ 5034-35 (1986) (repealed June 8, 1994).

Child Labor Free Consumer Information Bill, which would establish guidelines for attaching labels indicating “Child Labor Free” to imported products that are made without child labor.³⁵ Although the proposed system would be voluntary, misuse of the label could subject the violator to civil and criminal penalties. It would still rely on the choices of informed consumers to “enforce” the underlying prohibition on child labor, but its incorporation into United States law would provide for the use of the government’s coercive power to enforce its requirements.

Kailash Satyarthi, founder and chairperson of the Global March Against Child Labor, has said that many people look at child labor and, seeing how pervasive it is and how long it has been with us, simply shrug their shoulders—not because they do not care, but because they think it cannot be overcome. It will always be difficult to motivate people to care as much about children far away as about their own immediate interests. But the recent development of a movement to end child labor has brought change. Progress is slow and halting, but child labor is a problem that can generate the broad public concern that is critical to the evolution of human rights enforcement. Furthermore, private initiatives like Rugmark have rescued children from child labor. These children, freed from endless and oppressive labor, have managed to regain their health, their childhood, and their dignity, many to become activists themselves for human rights. They are the best evidence to nurture optimism that the international law standards established to protect them will, through diverse and complementary efforts, contribute to the eventual abolition of exploitive child labor.

35. Child Labor Free Consumer Information Bill of 1999, S. 1549, 106th Cong. (1999) (stating that the purpose is “to inform and empower consumers in the United States through a voluntary labeling system for wearing apparel or sporting goods made without abusive and exploitive child labor”).

**THE UNITED STATES
AND ITS
PARTICIPATION IN THE
CONVENTION ON THE
RIGHTS OF THE CHILD**

