

EXPLOITATION OF CHILD LABOR, SERIOUS VIOLATION OF HUMAN RIGHTS

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Abstract:

The exploitation of children through work is a real problem that Romanian society faces and violates the fundamental principles of human rights. The low standard of living of the majority of the population has led to more and more exploited children through their family work.

This study aims to identify the causes that determine the labour exploitation of the child and the correlation between the degree of education of the family and the labour exploitation of the child. Also, the role that social support has in reducing the effects of exploitation and reducing trauma. The research method chosen is a qualitative case study. The cases of six children, victims of labour exploitation, who benefit from a form of social assistance, were analyzed.

It reveals that the precarious financial situation, the lack of a stable income in the family, the lack of one of the parents, alcohol consumption are the main vulnerability factors that influence the development of the phenomenon of child exploitation through work. Both parents and children have a very low level of education or are illiterate, with most parents considering that education is not important because it does not bring an immediate benefit. The exploitation of the child through work leads to school dropout, violating one of the fundamental rights of the child, namely the right to education.

Through the social support provided, registered progress at all levels, the counselled children were reintegrated into the school environment, in parallel with the support of the family in order to overcome the difficult situation they are in.

Keywords: *exploitation, forced labour, children's rights.*

Introduction

Human rights have evolved with the evolution of society so that as society has become more advanced, the problems of human rights violations have begun to increase. Problems related to human rights violations exist both nationally and internationally.

Although Romania is a European country and has ratified several international instruments for the protection of human rights, there are still social issues that violate a number of essential rights. Of course, Romania also faces the problem of poverty, which exists globally.

In Romania, as in any country that considers itself democratic, an attempt has been made to find solutions to the identified social problems. As human rights are most often violated in the case of vulnerable groups, an attempt has been made to find solutions to protect and empower these groups by creating policies in line with the law.

Children are a vulnerable group, which has been given a lot of emphasis over time, both in Romanian law and in international law. There are a number of mechanisms that protect children's rights, similar to those of human rights (protecting children's rights is a component of them).

“At the international level, the first normative acts of universal value on the protection of the rights of the child appeared at the beginning of the twentieth century, through the combined efforts of international bodies, government institutions and private organizations with specialized activities on the protection of the rights of the child”¹.

The Convention on the Rights of the Child does “not provide for regulations on the minimum age of employment or conditions and treatment in the workplace but recommends that States Parties take legislative, administrative, social and educational measures to ensure the protection of the child against all forms of discrimination, exploitation or abuse”².

“An important part of the Convention on the Rights of the Child contains key provisions on the protection of the child against economic

1 Fîrțală Valeriu, *Instrumente internaționale cu impact asupra probațiunii [International instruments impacting on probation]*, în Durnescu, I. *Probațiunea: teorii, legislație și practică [Probation: theories, legislation and practice]*, Iași, Editura Polirom, 2011, p. 164.

2 www.unicef.ro/wp-content/uploads/munca_copiilor-in-romania.pdf, accessed on 12.04. 2021.

exploitation, the protection of children against the illicit use of narcotic drugs, against any form of sexual exploitation, including prostitution”³.

Concerning education, Article 28 of the Convention recognizes “the right of the child to education, the need for free compulsory education, the importance of ensuring equal opportunities for all and to encourage the development of various forms of secondary or vocational education”⁴. Article 32 recognizes “the right of the child to be protected from economic exploitation and to perform work that is dangerous or interferes with the child’s education or is harmful from the point of view of health or physical, mental, spiritual, moral or social development”⁵

Romania has assumed the international provisions regarding the rights of the child so that they are provided in the Constitution and other special laws, one of the most important being Law no. 272/2004 on the protection and promotion of children’s rights. Moreover, “the constitutional provisions transpose the principles of the international normative acts in the field”⁶.

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The term “work” defines as an economic activity, and the notion of child labour by criteria of age, duration of work and type of activity per-

3 Abraham Pavel, Fîrțală Valeriu, *Legislație în asistența socială [Social assistance legislation]*, București, Editura pentru Științe Naționale, 2002, pp. 215-216.

4 *Convenția privind drepturile copilului [Convention on the Rights of the Child]*, adopted by the General Assembly of the United Nations on 20 November 1989, art. 28.

5 *Ibidem*, art. 32.

6 Fîrțală, Valeriu, „Considerații privind infracțiunea de împiedicare a exercitării libertății religioase” [Considerations regarding the offense of hindering the exercise of religious freedom], în *Jurnalul Libertății de Conștiință*, Vol.8, Nr. 1, Editions IARSIC, 2020, p. 89.

formed. Not all child labour is “labour exploitation.” The Convention of the International Labor Organization (ILO No. 138/1973) has set the minimum age for employment not to be less than 15 years, but developing countries can set it at the age of 14. If children between the ages of 5 and 11 are involved in economic activities, it can be considered labour exploitation. Children aged between 12 and 14 who work but do not perform light work, according to ILO Convention no. 138 are considered to be exploited by labour.

According to the Romanian Labor Code, the minimum employment age is 16 years, and this coincides with the completion of obligatory 10 classes.

The participation of children in some easy activities is considered to be something natural or normal if these activities do not affect the physical and mental health of the child and do not rob him of too much time, which is supposed to be allocated to study and play. These light activities can develop different skills and make them more responsible with themselves, but also with those around them they come in contact with, both adults and children. Their independence can also be developed and they can cultivate moral values and skills useful for adult life. From an early age, children are involved by their parents in light housework, educational purposes, and the idea of developing certain skills. At the opposite pole are parents who force their own children to work beyond their means, to the point of exhaustion, both in their own household and outside it. It is obvious that this extreme work has no positive effect on the normal health and development of the child. The families in question consider that it is normal for the child to contribute through work to the well-being of the family. In rural areas, we find most cases of child labour. Thus they are involved in various agricultural works, as well as in activities of care and guarding of domestic animals. These activities practically occupy almost the whole day, so for them, there is no time left for rest, play, educational activities.

Methodology

The present study aims to identify the causes that determine the labour exploitation of the child, the correlation between the level of education of the family from which the child comes and his labour exploitation, but also the role that social support has in reducing the effects of exploitation

and reducing trauma. The data were collected between February 2021 and May 2021 and based on the study and analysis of the cases of six children, victims of exploitation. They have benefited from the intervention and social services provided by Save the Children in collaboration with the General Directorate of Social Assistance and Child Protection of the Sector 5. The children belong to disadvantaged families from different areas of the country, who at the time of the research were settled in Bucharest. To achieve the objectives, we started from the following hypotheses: + The more precarious the material situation of the family, the more prone the child is to exploitation through work and violation of his fundamental rights; + If a child lives in a dysfunctional family with limited or no education, then it risks being the victim of labour exploitation by the family; + If a minor is exploited through work, then it is prone to school failure; + Social support has an important role in reducing the effects of labour exploitation on children.

The research method chosen is a qualitative type of in-depth analysis of the topic, so that the data collected are relevant to the study. The case study method was used, as well as the study of social documents (psychosocial surveys, reports, evaluation sheets, etc.). The case study is “a research strategy that involves the self-contained method, which includes design logic, data collection techniques and specific approaches to their analysis”⁷. We have selected here the presentation of six case studies considered to be relevant for the chosen topic. Emphasis was placed on the family situation, the mode of exploitation, the needs of the child and the assistance provided. Restricted access to minors exploited through work is a limitation of the study, as the number of cases to which there was access was reduced and targeted a narrow coverage area. This situation did not allow a complete description of the phenomenon, but only the drawing of some general coordinates of it. In the analysis of the information collected from the minors’ files, anonymity was maintained, all identification data being modified in order to respect the right to privacy and to eliminate any risks to which minors may be exposed.

7 Robert K.Yin, *Studiul de caz. Designul, analiza și colectarea datelor [Case study. Design, analysis and data collection]*, trad. Valentin Alupoie, Iași, Editura Polirom, 2005, p. 31.

Case Studies Presentation

First Case

Ana, aged 14, is exploited through work by her mother. Ana's mother, Maria, has six children (so a single-parent family) aged between 5 and 17 and live in a shack near a landfill outside Bucharest. In this hut the living conditions are precarious. They only have a roof over their heads and a few dirty mattresses to sleep on. None of the family members is legally registered, they do not have identity documents, they have never had a C.N.P. (personal numeric code), so neither the child nor the mother has attended any form of education. Because they have to survive, all the family members go every day and collect scrap metal from various places where people throw garbage and take it to collection centres. In this way, they earn between 20 and 80 RON a day, on the luckiest days, money with which they buy their food and cigarettes. In addition to the fact that the child is with the family all day collecting scrap metal, in the evening she also has to take care of the younger brothers. Ana is a victim of physical abuse (exploitation through work from a very early age), but also mentally, which led to total loss of self-esteem, feelings of disappointment, insecurity and disappointment.

Because Ana and the whole family did not have identity documents, they were not in the database of the population. The problems that Ana faces are multiple: emotional problems (low self-esteem, shyness, anxiety, emotional instability, inability to choose between good and evil); deprivation of education (non-enrollment in school); the impossibility of earning enough money, which would allow them to ensure their daily living; poor living conditions, and lack of medical care. The services offered consisted of: psychological counseling services for the child / family; medical services; rehabilitation and recovery services for children; services relating to information activities relating to family rights and obligations; services relating to activities for identifying individual, family and group social needs; support and assistance services for all family members; educational services by enrolling in various centers with an educational profile.

With the support of a social worker, Ana enrolled in school, and after that, she attends the program of a day centre where she has a safe environment and benefits from psychological counselling sessions to overcome the traumatic moments of the past left by exploitation through work. Here

he benefits from all the educational, moral and material comfort (adequate food, clothing, supplies, hygiene products) he needs for his personal development. During the psychological counselling period, Ana has developed a good relationship with the psychologist, she is open and interested in moving to a new stage in her life, now she practically understands what it means to be a child and enjoy childhood. Until now, at the age of 14, she was an adult who took care of the family and is only now a child.

Second case

Diana, aged 13, lives in the countryside with her parents, an older brother and two younger sisters. Her mother is a maid at a company, is away 10 hours a day from Monday to Friday. The father works during the day in the village and takes care of gardening. The 19-year-old brother has finished ten classes and is currently working with his father. The two younger sisters are 6 and 3 years old, respectively. The family lives in the house of D.I.'s parents who died 3 years ago in a fire, in which he lost his life and the eldest daughter of the D.B. family.

The family's income consists of the mother's salary (the minimum wage in the economy), the children's allowance and what the father earns from working in the village. Diana graduated sixth grade and gave up school, forced to take care of her younger sisters since her mother got a job. While her mother is away at work, Diana takes care of the housework, washes, cooks and takes care of her younger sisters. Diana faces the following problems: insufficient family income to meet food and clothing needs; school dropout, exploitation through household work. She needs the support of his parents to go back to school and to have a development appropriate to his age. With the support of a social worker, she re-enrolled at school, and after classes, she follows the program of a day centre where she has a safe environment and benefits from psychological counselling sessions to overcome the traumatic moments of the past. Here she benefits from all the educational, moral and material comfort (adequate food, clothing, supplies, hygiene products) that she needs for his personal development.

Third case

Ion, 14 years old, comes from a family of 7 children. His father is a shepherd at the sheepfold in the village and his mother is a housewife, taking care of the 6 children, of which only 4 go to school. The family lives in a

house with 3 rooms, a hall and a kitchen together with their grandmother, who also helps them from time to time with raising their children when the mother goes to work in the village. The family's income is low, coming from the father's work at the sheepfold, the children's allowance and work sporadic mother's day in the village. Ion went to school until the sixth grade, and for 2 years he had to drop out of school and go to the sheepfold with his father because the family could no longer support themselves. The child walks through the village in the morning to gather the cows that he takes to the pond until the evening when he returns home with his father. The problems Ion faces are: financial / material needs, school dropout, exploitation through work, low self-esteem. She needs the support and encouragement of her parents to return to school. The social worker must intervene to re-enrol Ion in school and support him through psychological and vocational censorship. Also, ion must be enrolled in the program of a day centre, where to benefit from educational support, material, recreational activities. because the family is facing financial problems, the father must be supported to identify a job.

Although Ion was enrolled in school, he dropped out again, as his parents decided it was better to work in the sheepfold, to bring extra income to the family. The specialists will try in the autumn to re-enrol Ion at school, in parallel with supporting the family to overcome the difficult situation.

Fourth case

13-year-old George from Bucharest was left without parents after a car accident (at the age of 11). After the death of his parents, he remained in the care of his maternal grandparents. Due to his precarious situation and total disinterest on the part of his grandparents, George did not continue to attend school (he only has five grades). After a while, the maternal uncle from abroad appeared, who promised his grandparents and George that he would continue to take care of him and educate him. The grandparents agreed that George and his uncle should go abroad to "secure their future." In a very short time, the uncle forced George to work to earn a living. After a few months, the grandparents found out what George did abroad and filed a complaint with the D.G.A.S.P.C., sector 5, Bucharest, to bring the child to the country.

The problems that George faces are numerous. He was the victim of physical abuse (exploitation through work), but also mental. This led to

total loss of self-esteem, shyness, feelings of disappointment and insecurity. His grandparents' financial resources are insufficient for the purchase of daily food, clothing and footwear. Dropping out of school is another problem that needs to be resolved quickly. It is necessary to initiate the steps for the repatriation of George. He needs space and an environment that will provide him with physical, mental and educational security (requesting the placement measure until his situation is clarified) and to be re-enrolled in school to attend compulsory education. Psychological counselling is an important element in restoring self-esteem and overcoming the traumatic situation triggered by labour exploitation. In addition to psychological counselling, social counselling is needed to improve the relationship between George and the grandparents (he has feelings of hatred for his grandparents for abandoning him, leaving him in the "care" of his uncle). The grandparents will also be counselled about George's rights and needs, as well as about being aware that they endangered the child's life. George also needs a general medical check-up, as he has not had a medical check-up since his parents died. In this case, the social worker will respect and promote dignity, uniqueness and the value of the person assisted by individualization, by participation, by responsibility, by communication. For the intervention plan to be effective, it is very important to form a multidisciplinary team to support George in social reintegration.

With the help of a social worker, George received an arrangement in a placement centre and was re-enrolled in school. In addition to covering basic needs: shelter, food, clothing, George has a secure living environment in which social intervention is focused on harmonious personal development, respecting the fundamental rights and uniqueness of the person.

Fifth case

Liliana, 12 years old, lives with her mother and an 8-year-old sister in a room without electricity, without water, with a shared bathroom with the other tenants of the block. Liliana's mother consumes alcohol and from time to time is aggressive with the two girls. The children's father is imprisoned for robbery. The family is supported by the children's allowance, social assistance, and the mercy of acquaintances. Liliana is a student in the 5th grade because she repeated the 4th grade and risks redoing the 5th grade due to absences. Her mother sends her on holidays and not only to the churchyard with her sister to beg and forces her to take care of household

chores. If the girls do not bring a sum of money a day, they are physically assaulted, and they do not receive food. The locals know the situation of the girls and also help them with food, clothes and money. The family has the following needs: physiological, safety, esteem and respect and the need for educational support. The two children and their mother need food and clothing to survive, but also adequate housing to live a decent life. Both girls need affection and love from their mother, and Liliana needs her mother's support and trust to continue school. After Liliana is re-enrolled in school, she will need homework support and educational counselling.

It is imperative that the mother enter a parental counselling program to understand how important it is to educate and train children, counselling to give up alcohol and to raise self-esteem. The social worker supported Liliana to continue her studies and enrolled both girls in the program of a day centre, where they receive a hot meal, they are offered support in performing homework and participate in painting and theatre workshops. Both the child and the mother benefit from psychological counselling.

Sixth case

Maria is 13 years old and comes from a family consisting of: a father aged 42, a mother aged 40, two brothers, one aged 7, and the other aged 11 and a sister older than 16 years. The family lives in an isolated area of Bucharest, difficult to access, there are no means of transport, they have to walk a lot, they cross a field to reach a means of transport. The parents are illiterate, have never attended any form of education, and children are not enrolled in school. The family's income is very low, so the mother manages to get money for food to go and clean the stairs of a block of flats in a neighbourhood away from home. He leaves home every morning at 5:00 to take out the garbage cans and wash the stairs. The father has alcohol dependence and works part-time from time to time. The family's money is mostly spent by the father on alcohol, so the family doesn't even have enough food. The only resource the father sees are the children. He considered that they need to work "because they are big." The 7-year-old boy revolts and is seen as a rebel and a failure for the family because he does not want to work, and the 11-year-old, more docile, even works on the construction site to help the family survive.

Maria is her mother's support, she goes every morning at 05:00 to help with washing the stairs of the building and emptying the garbage cans.

She says that there are a lot of big rats that she is afraid of, she is afraid that they will bite her and that she dreams of at night. Her mother has no say in the house, she has no attitude, she just does what she is told. The model is seen as natural by most of the neighbours, who are in a similar situation, where 12-13-year-olds start walking with their parents on the construction site to work during the day. Maria's case was reported to the D.G.A.S.P.C., sector 5 Bucharest by a neighbour, who found it abnormal that every morning Maria washes the stairs of the block and empties the garbage cans. Maria was the victim of physical abuse (exploitation through work from a very young age), but also mentally, which led to total loss of self-esteem, feelings of disappointment and insecurity. Since she interrupted her studies in order to work, it is necessary for her to be re-enrolled in school and within educational programs that would ensure the development of the abilities and skills necessary for integration into society. It is also necessary to investigate Maria's health, by conducting a general medical consultation.

In Maria's case, the social worker will respect and promote dignity, uniqueness and the value of the person assisted by individualization, participation, responsibility, by communication and respect for self-determination. With the support of the social worker, Maria enrolled in school, and after school, she attends the program of a day centre where she has a safe environment and benefits from psychological counselling sessions to overcome the traumatic moments of the past left by exploitation through work. Here she benefits from all the educational and material comfort (adequate food, clothing, supplies, hygiene products) he needs for his normal development. During the period of psychological counselling Maria developed a good relationship with the psychologist. She is open and interested in moving to a new stage in her life, at present she practically understands what it means to be a child and to enjoy childhood.

Research Results

The precarious financial situation, the lack of a stable income in the family, the lack of one of the parents, the consumption of alcohol are the main vulnerability factors that influence the development of child exploitation through work. In most cases, children are exploited in agriculture, hotel services, but also in construction. Another very visible form of exploita-

tion through work is the washing of cars' windshields or the sale of various products on the street or in public spaces. In all cases, we can talk about the exploitation of the child through work, because his physical and mental development is hindered.

The most important thing for a child in his becoming an adult is education. In the cases studied, both parents and children have a very low or even non-existent level of education, most parents considering education unimportant because it does not bring an immediate benefit. As the case studies show, a child who works to bring an income to the family, does not have time to carry out activities specific to his age, does not attend school, or has a high degree of absenteeism, which leads to situations of school regression. In all the cases studied, during the period when the children were forced to work, they did not attend school, did not carry out leisure activities, play and did not receive enough attention and affection from their parents. As a result of labour exploitation, the children suffered traumas that marked their lives. From a mental point of view, they present a slow pace in performing tasks, insufficiently developed cognitive and communication skills. At the emotional level, the following can be noticed: low self-esteem, emotional fragility, shyness, anxiety. At the relational level, children have poorly developed relationship skills, lack of trust in parents and people in the immediate environment, inability to attach to other people and a sense of marginalization. In terms of education, the exploitation of children through work has led to school dropout, thus violating one of the fundamental rights of the child, namely the right to education.

In all cases, progress has been made at all levels through social support. In the intervention process, the involvement of the multidisciplinary team facilitates the intervention to improve the situation of children exploited through labour, by ensuring a safe and reliable space, by providing services individually, depending on the identified needs. Very important in the process of intervention and rehabilitation of the child victim of labour exploitation is the systemic approach, which analyzes the situation of the family and the issue of abuse in its complexity. In all the cases studied, the systemic approach registered the labour exploitation of the child as an imbalance at the family level.

Conclusions

In cases of child labour, the social worker must pay maximum attention to establishing a secure professional relationship. A relationship based on trust and confidentiality, mutual respect and empathy, so that the child victim of labour feels protected and safe. To achieve these objectives, the social worker will have to respect the fundamental values in social assistance concerning the assisted child: the belief in the uniqueness and dignity of the person and self-determination.

Reducing the phenomenon of exploitation of the minor through work is possible by increasing the quality of life and standard of living of families facing poverty, through actions that do not disrupt the child's development from a physical and mental point of view. Education and informing the parents on the negative effects that early labour has on children, along with the presentation of long-term benefits that education brings are also important factors in reducing the phenomenon.

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