

Research article

An Investigation of Child labor Nexus Children Rights in Tongo, Benishangul- Gumuz Region; Ethiopia

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This study was conducted to investigate child labor and violation of children rights in *Tongo; Mao-Komo special woreda* in Benishangul-Gumuz region, Ethiopia. The study has emphasized on the basic rights of children which are violated or protected in line with child labor. Such as right to education, right to have social protection, protection of best interest of child, the right to development and health, and the right to information and right to be free from exploitation. The study utilized phenomenological design with qualitative research approach. Besides that, it utilized cross-sectional time dimension, with exploratory purpose. Key informant's interview, in-depth interview, focus group discussion and document analysis were used to collect data. Non probability sampling type and specifically, Purposive and Snowball sampling techniques were used to select the study participants. Existing socio-cultural conditions encourage the provision of care and protection of children. However, the extent and exposure of children to child labor is serious condition in Tongo. The study revealed that child labor practice was resulted due to loss of family because of continues border conflict in the area, weak collaborative sprits among various stakeholders, weak institutional linkage with other external institutions and lack of effective institutional leadership. Thus, these has resulted the violation of basic human rights of children. Hence, all the stakeholders could be responsible to give child care service, promote basic rights of children through utilization of appropriate strategies that can significantly reduce child labor practice in families and the surrounding community employing right based approaches.

Key Words: Child, Childhood, Child Labor and Children Rights

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INTRODUCTION

Child labor Nexus child rights

Child labor is a sub-set of child work which denotes exploitative relations and hamper children 's school

attendance and violated other rights of children.¹ Child

¹Mohammad SadaatBukht; Child Labor Or Child Care: A Comparative Study Of Conflicting Images Of Child between South Asia and Nordic faculty of social sciences

labor also has central economic ramification. Most notable one is the substantial future income losses that working children will incur because of the negative consequences working will have on their human capital, including their health and education.²

Thus, this research paper has investigated the situation of children rights protection in line with 'child labor in Tongo. This is to address the specific objectives of the study in describing how child labor practice violated or protected the rights of children in Tongo. So, the specific domains of rights that were given emphasis among the basic human rights of children are the Right to education, right to have social protection, the rights to protection of best interest of child, the right to development and health, the right to information and right to free themselves from labor, and interventions provided by the stakeholders to protect the rights of children from child labor.

Methods and materials of the study

The study utilized phenomenological design with qualitative research method. Key informant's interview, in-depth interview, focus group discussion and document analysis were used to collect data. Purposive and snowball sampling techniques were used to select the study participants. purposive sampling strategy was used to identify the study area, informants and focus group discussants. Accordingly, the purposive sampling strategy is the effective one when one needs to study a certain human experience with knowledgeable expertise. The snowball/networking sampling technique was employed for employers of children in different sectors. This issue under the study is difficult to access the employer easily. So, to make easily access for employers the snowball sampling technique was deemed appropriate. So, the research used the social network of children who experience child labor to direct to their employers continuously. This is because to obtain reliable information on the children who experience child labor from these participants asking thought provoking questions to employers is essential. Based on this, the participants of the study were elders, victimized children by the practice, employers of children and state officials; such as heads of Women, Children and Youth affairs office, Justice Office, Labor and Social Affairs Office of both Mao Komo special *woredas* and the Benishangul-

OSLO

university

college, September 2009:P:6

²Gordon Betcherman, Jean Fares, Amy Luinstra, and Robert Prouty Child Labor, Education, and Children's Rights Social Protection Unit Human Development Network the World Bank, Social Protection Discussion Paper Series no. 0412 July 2004, p:1

Gumuz Regional State (BGRS). Other participants of the study were international organization like program coordinators of World Vision and International Rescue Committee were participated which has significant humanitarian and development program intervention on the issues of children in the study area. The criteria of selecting key informants were focused on the experience and knowledge about the practices. The sources of data that was employed include both primary and secondary; primary sources of data were collected through Key informant's interview, in-depth interview, focus group discussion and secondary sources of data was collected through document analysis. Accordingly, the collected data for the study was analyzed through thematic analysis approach of data analysis where the data is precoded, coded, categorized and then aligned to fit to the research objective. For the purpose of reducing bias towards the data, the inquiry triangulated the different data sources from the primary and secondary.

Finding of the study

The study investigated the situation of children rights protection in line with 'child labor in Tongo. This is to address the specific objectives of the study in describing how child labor practice violated or protected the rights of children in Tongo. So, the finding of the study was discussed was preexisting literatures and analysis was made based on the concern themes of the study below as follows.

The Right to Education

The finding of the FGD conducted with children revealed that most of the time children who are exposed child labor did not consciously give their undivided focus for education as they are have partially divided attention towards their work and this have led them to face mental depression at early stage. Even if those children who are the victims of child labor have some sort of money and ready to attend their schooling within this tight time, space and living condition, most of the time, they are not successful and competent enough.³ This is because their attention is not fully devoted to education rather they are investing much of their time on how they cope up with their living condition in the future.⁴ This automatically exposed some of the children to school dropout due to lack of supporters and inability of paying school fees. These was emanated from the double role that children in such circumstance are not only thinking about their child work and school but also their familial role as child

³FGD results conducted with elders, religious representatives and women and children office officials at Tongo on 1 June/2018

⁴ Ibid

headed households where they are responsible for family responsibility for other children's as well.⁵ And even on the side of the government the attention given for cases of child labor lacked effective monitoring and evaluating mechanisms. Hence, coupled with these gaps, child labor as a social problem has directly hampered the right to child education and this is the section of children right where significant impacts of child labor can be observed⁶. This also violated the rights to education of children that was stated as that everyone has the right to education including free and compulsory elementary education and human rights education.⁷ So, the State Parties need to recognize the rights of the children to education and with a view to achieving this right progressively and on the basis of equal opportunity by making primary education compulsory and free to all⁸ and take measures to encourage regular attendance at schools and the reduction of drop-out rates.⁹ The study show that the state failed to protect the rights of the children from economic exploitation and performing any work that is likely to be hazardous in interfering with the child's education.¹⁰ Therefore, child labor is adversely violating the not only rights to education of children but also the economically as well.

The Right to have Social Protection

Children are considered as the future generation of the state and should be protected by family, communities and societies at large to meet the perpetuation of the would-be generation of the state. However, the interview results conducted with victim children revealed that not only the society even the families at large have given less attention for their children. Here in-depth interview conducted with In-depth interview participant 5 at Tongo proves this fact as follows;

'I am from *Gimbi*, my families are at good economic status but they have given me less attention starting from my eight years onwards. My families are striving for the accumulation of wealth. This resulted me gradually to engage in outside work and I was exposed in to conflict with my families and leave the family at early childhood at Nine years old. Finally, I am being child laborer where I have stopped my education and decided to lead my life alone without family

⁵ibid

⁶Daniel Holgado and Isidro Maya-Jariego, etal; Impact of Child Labor on Academic Performance: Evidence from the Program "EducamePrimeroColombia"1(2009:5)

⁷Article 26 Of universal declaration of human rights, 1948

⁸CRC at Article 28/1(a)

⁹CRC at Article 28/1(e)

¹⁰CRC at Article 32/1/

affection and support in 2014.

The above case informed that some families of children could not give value for their children even they are at economically good status. They also are not in apposition to pay consideration to meet the basic interest of their children (paying for clothe, schooling and further needs). This contradicted with the principle which is stated as the widest possible protection and assistance should be provided by the family, as it is natural and fundamental unit of society, particularly from its establishment, families are responsible for caring and educating of dependent children¹¹. Again, on the side of the community, there is significant reluctance in rehabilitating and providing appropriate care for children and making them to stick to their goals while fulfilling their basic human rights as children when they suffer significant level of child labor exploitation.¹² This is because the communities are directly attaching the children with their family's background.¹³ Other reason for this was that Ethiopian as a country in general and communities in the study area in particular, live under widely held cultural norms and traditions where the presence of children by themselves is related so liked wealth accumulation their productivity where most community members evacuate themselves from family responsibilities. These assumptions and cultural meaning reduce the level of social protection services given to children which intron leads them to child labor activities.

So, this fact contradicted with the principles which stated that rights of every child are under complete protection by a wide-ranging set of social and religious values as well as legal standards.¹⁴ To do with this, state Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services to care of children.¹⁵ In this regard, the government institutions are not as effective as expected in enhancing the protection mechanism of children and have restricted themselves in protection of children who are facing child labor practices with exceptional supports of world vision which exerted its efforts in providing social and economic protection for

¹¹ICESCR article 10

¹² The FGD result conducted with elders, religious representative and children victim of child labor at Tongo on 23 April/2018

¹³ Ibid

¹⁴Pulla, etal, Space and Culture, Child Protection System and Challenges in Pakistan India 5:3 <https://doi.org/10.20896/saci.v5i3.3022018>,p:7

¹⁵ CRC at Article 18/2/

the victim children and their families.¹⁶ Therefore, the right to social protection of children in Tongo was less emphasized by the family, communities and government institutions that exposed children to be the victims of child labor and resulted in violation of rights to their social protection.

The Rights to Protection of Best interest of Child

Children in their childhood should enjoy their basic interest in the period and fulfilling this right must be the primary concern for concerned institutions. However, those children that are victims of child labor practice in Tongo are highly in search of employers for job in order to meet their best interest by exerting their efforts. Thus, when children are unable to find employers, they are migrating to neighboring towns far from families such as *Begi, Bambasi, Mendi* and *Assosa*.¹⁷ The principle of 'the right to protection of best interest of children is even new word for the family, communities in the study area. Hence, meeting the best interest of children is not their prime concern.'¹⁸ This is a reflected that low education capacity and awareness for the communities in Tongo on issues regarding, human rights which is manifested in their lower provision of protection for their children to exercise their best interest. This is directly against the principle which stated that all actions concerning children whether undertaken by public or private social welfare institutions, courts, administrative authorities and legislative bodies, the best interests of the children shall be their primary consideration.¹⁹

Indeed, some children exerting their efforts seems they made to protect their best interest; such as having and enjoying recreational center, enjoying leisure time and to participate in cultural and artistic life of the communities, playing and having effective food security which is suit with their development but the children are not beneficiary of the aforementioned interests in study area.²⁰ The findings of the study shown that the *woreda* administration have exerted less effort for the protection of best interest of children. This finding is in opposite to the human rights principle which stated that State Parties shall be responsible to respect and promote the rights of

¹⁶ Interview result conducted with BGRS women and children officials, labor and social affairs officials, elder and religious men on 23,24 April and 3,4 may/2018

¹⁷ The FGD result conducted with elders, religious representatives and children victim of child labor at Tongo on 23 April/2018

¹⁸ The FGD result conducted with elders and religious representatives at Tongo on 23 April/2018

¹⁹ CRC at Article 3/1/.

²⁰ Interview result conducted with justice officials at Tongo on April 25/2018

the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational center and leisure activity.²¹

Another part of fulfilling the best interest of children was that there is no clean and healthy recreational center not for victim children in the practices and even for children who are not victim of the practice in order to recreate themselves during free time in meeting their best interest as part of human rights of children in their childhood.²² Thus, this is incompatible with the stated provisions of human rights instruments as the State Parties should recognize the rights of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.²³

Therefore, even if the principle of protecting the best interest of children as human rights stated in various human rights instruments is vague, regarding the protection of the interest of children in Tongo, the study revealed that the victim children in the practice were living in impoverished living condition, have no access to recreational center, are experiencing absence of leisure time and incapable to use their childhood stage appropriately. They are neither fulfilling the best interest not meeting their survival needs such as clothing, food, health and housing.

The Right to Development and Health

In principle children should have effective care and conducive living environment for their mental development. Thus, the data gained from this research finding revealed that, children in child labor are highly exposed to involuntary activities, carrying heavy load which is not compatible with their ages and endurance capacity; like carrying 20 liter of water, heavy sack of consumable market products like Tefe, Tomato, Cabbage, and Coffee during weekly market being within the age range of ten and sixteen.²⁴ In line with this, children have soft body and weak physical fitness engaging in carrying heavy load can automatically damage their childhood and physical development. These activities directly violated the principles of human rights which stated that every child have the enjoyment of the highest attainable standard of physical and mental health²⁵. And also it stated that no child shall be

²¹ CRC at Article 31/2/.

²² Interview result conducted with justice officials at Tongo on April 25/2018

²³ CRC at Article 31/1/.

²⁴ The FGD result conducted with children victim of child labor at Tongo on 23 April/2018

²⁵ ICESCR at article 12

subjected to arbitrary interference with his /her privacy, family, home and correspondence, or unlawful attacks on his/ her honor and reputation.²⁶ Another area where shocking data was generated was that, after the children engaged in carrying heavy loads they could not get enough foods that can directly replace their energy that they have lost in the activities and even their employer could not pay an equivalent payment for their labor and work.²⁷ Beside, living without having family affection (lack of positive family attachment and relation), the working conditions of children is very poor, unhealthy, crowded and they are working for long hours without appropriate wage and without appropriate dietary consumption. Hence, these has resulted children to be highly exposed to communicable and uncured diseases. This has direct interference of the violation of rights to life and health of children human rights which is acknowledged that the children have the right to the protection of the law against such interference and attack.²⁸

The Right to free Labor and Information

The freedom from free labor and information concerns the surrounding children who are experiencing child labor are not well acquainted with the awareness as they have freedom from free labor and rights to information.²⁹ This is because they are out of school and they are in search of job and labor to have their livelihood. These directly and indirectly has resulted with children's' lack of know how about their freedom from free labor and the rights to information. So, the existing information in the surrounding can negatively and positively affect their life. In line with this the victim of child labor child who is in-depth interview participant 2 revealed this as follows.

'I am 14 years old and I am school dropout in grade 6 in 2017 due to death my father due to border conflicts that was happened in 2016 in Tongo and its surrounding. So, partially I have knowhow that children have freedom from free labor and information but no one has helped me to improve information to that helps me to be free from labor where I enjoy my childhood by fulfilling basic needs. This forced me to leave my schooling to fulfill my basic needs'.³⁰

²⁶ CRC at article 16/1/

²⁷ The FGD result conducted with children victim of child labor, women and children officials at Tongo on 22 April/2018.

²⁸ CRC at article 16/2/

²⁹ Key informant result conducted with the coordinator of world vision and police and justice officers at Tongo on 16 April 2018

³⁰ In-depth interview conducted with the victim of child labor child at Tongo on 17 April 2018

Thus, if children have the responsible bodies that can efficiently help and guide, they can well be acquainted with knowledge and skill on the protection of their freedom and rights in the communities. From the aforementioned case the child was knowingly leave his schooling and engaged in child labor following the loss of his father because of conflict that was occurred in the surrounding environment in order to lead his basic needs and families. This say is opposite to the principles of human rights convention and legal documents that stated that no one shall be held in slavery and the slave-trade in all their forms and shall be prohibited and no one shall be required to perform forced or compulsory labor.³¹

The laws on children rights that were established and ratified by the state are not merely inaccessible for children but also they are not accessible for elites who have effective understanding and provide care and help the children and the institutional setup is also another factor that result the laws (freedom from free labor and rights to information) on child and child labor inaccessible.³² This also mismatched with the provision of human rights which is stated as everyone shall have the rights to freedom of expression; this rights shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.³³

The Stakeholders Intervention on the Child Labor Institution and Professional Aspects of Interventions

According to the finding of the study except the establishment of institution (women, Youth and Children office) there was inefficient enforcement of strategy that made to protect children not to experience any practices which can harm their proper development.³⁴ This finding was in opposition with the statements stated that States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) and any other person who the cares of the child.³⁵ However, world vision were working for the prevention of child labor

³¹ ICCPR art.8/1&3(a)

³² FGD results conducted with elders, religious representatives and women and children office officials at Tongo on 1 June/2018

³³ ICCPR at article 19/2 and CRC at article 13/1/

³⁴ The FGD result conducted with elders and religious representatives, women and children office officials, office of police and justice officials at Tongo on 23 April/2018

³⁵ CRC at article 19/1/

in the area through educating the communities about the impact of child labor by using drama and conference as well as funding those children who experienced the practice and poor families.³⁶ It was not regularly conducted because of insecurity and instabilities in the area.³⁷ Again, at Assosa town there was positive action of undertaking short term survey in the town on the practice of child labor and street children to protect and improve the life of children positively.³⁸ Consequently, based on the survey the office of women and children found seventy children that were migrants from different regions and localities who are engaged at various activities (child labor, prostitution and street) and who are integrated with families and communities in 2018 in collaboration with Assosa police and justice offices as well as labor and social affair office.³⁹ Indeed, this was in line with the principles which declared that the State Party shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.⁴⁰ But, it is not as such effective and regularly performed for betterment of children development. Thus, to make the strategy more effective and efficient the offices should make linkage to work in collaboration with the concerned stakeholders like Teachers, Elders, Communities, Police and Justice institutions⁴¹. This is in cross-ponding to the principle of creating awareness and building capacity of key local stakeholders such as Teachers, Social Workers and Police officers a longer-term impact can be achieved and the development of child and victim friendly investigative and court procedures and witness protection schemes.⁴² In connection to institutional mechanisms to solve the problems of child labor in the stated institutions, professionals are other basic strategic components. Thus, the findings revealed that the concern of professionals in the offices are less skilled and are not

familiar with the vision, mission and strategies that can be applied in the protection of children issues like child labor.⁴³ The stakeholders such as Teachers, Social Workers, and Police officers have knowledge of local circumstances, which will enhance their response to local child protection concerns.⁴⁴ However, most of the time the above stated stakeholders were ignored in the time of awareness creation programs and capacity building in the communities on child labor and other related issues.

Therefore, from the above interview and FGD finding of the study; it is possible to understand the fact that, there was less provision of protection mechanism enforcement in *Tongo* and even at regional level for better protection of children from child labor. The institutions were open officially but they are not well furnished with professional and materially in order to handle the problems of children in *Tongo*. Indeed, to say the institutions are really effective and efficient in responding social problems like the case under study in the protection of rights and freedoms of children well equipped professional and material resources are indispensable. Again, other finding of the study outlined that, there were no collaborative spirits among various stakeholders in solving the problems of children and the surrounding communities.

Legal Aspects

In the principle and practice the leaders who lead the institution of children and other social affairs should have legal knowledge, skill and attitudes effectively. However, the FGD discussants and key informants reacted that the administrative bodies who administered the office of women and children are less acquainted with the legal provision of children and women to governed the office and give attention for children and child labor. In line with this the study has also displayed that in *Tongo* there is weak institutional linkage with other external institutions to have effective awareness creation program and to build legal capacities on the issues of children in the communities. Though, this does not mean that there is no a little effort that was made by the office and other concern institutions on the protection of children rights. Some efforts were exerted by World vision at *Tongo* in supporting those children who are orphan and engaged in child labor by providing finance and school materials relatively than government institutions which contributed

³⁶ Ibid

³⁷ Ibid

³⁸ Interview result conducted with BGRS women and children officials, labor and social affairs officials, elder and religious representatives on 23&24 April and 3&4 May/2018

³⁹ Ibid.

⁴⁰ CRC at article 39

⁴¹ Key informant interview result conducted with world vision coordinator at *Tongo* Dec, 2/2018

⁴² Ms. Mehr Khan, UNICEF Regional Director East Asia and Pacific Region Paper Presented on violation of children's and women's rights: the case of trafficking and commercial sexual exploitation accessed on 12 march 2018 p:46

⁴³ Key informant interview conducted with Mao-Komo women and children, police and justice officers on 15 April 2018.

⁴⁴ The FGD result conducted with children victim of child labor at *Tongo* on 23 April/2018

some role towards preventing child labor.⁴⁵ Therefore, the establishment of strong functional institutions must be the central concern of the regional government in general and Tongo town in consolidating professional, legal and financial matters to prevent the child labor and protect children from any form of violence and abuse.

CONCLUSION

The study was conducted to investigate child labor nexus children rights in Tongo; Mao-Komo special woreda in Benishangul- Gumuz Region, Ethiopia. Therefore, the findings of the study show the challenge related with child labor are insufficient income of the family and unwise utilization of their existing incomes, continues border and marital conflict in the area, divorce, cultural myth and weak institutional functioning and effective leadership.

These problems influenced the children to experience child labor and aggravated the extent of the violation of the basic rights of children; like the Right to Education, the Right to have Social Protection, Protection of Best interest of child, the right to development and health, the right to information and Right to be free from labor. These rights of children are the basic principles of convention on rights of children in 1989 and other human rights instruments which are considered as basic rights of children. These rights should be protected by all relevant stakeholders for better protection and overall healthy development of children by considering human rights-based approaches.

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⁴⁵Key informant interview result conduct with Tongo *woreda* women and children and police and justice officials on 22/April 2018.