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Children's Work and Child Labour in Fisheries:
A Note on Principles and criteria for employing children and policies and action for
progressively eliminating the Worst Forms of Child Labour in fisheries and
aquaculture

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*"...the exploitation of little children...was one of the most shameful events
in our history."*

--E.P. Thompson,
The Making of the English Working Class (1966)

Introduction

In *A Borough: A Poem in Twenty-four Letters*, George Crabbe narrates the story of Peter Grimes, a fisherman, who bought boys from a London orphanage to make them work on his fishing boat, and how he ill-treats them on board his fishing vessel. At the death of the third boy from drowning, the women of the community raises an alarm, and the Mayor forbids Grimes from employing boys any further as helping hands on his fishing vessel (Crabbe 1816).

A child, according to the 1989 Convention on the Rights of the Child (CRC)—the most widely ratified UN treaty—means every human being below the age of 18. Implementing CRC towards securing human rights of fishing communities and indigenous peoples was one of the demands made by the civil society in the 2008 *Bangkok Statement on Small-scale Fisheries*. Under the ILO's Worst Forms of Child Labour Convention, 1999 (No.182), the term *child* applies to all persons under the age of 18. The International Labour Conference has set a target date for the elimination of worst forms of child labour by 2016 and the elimination of child labour by 2020. The ILO estimates— using comparable methodology— that the number of child labourers (aged between 5 and 17) in 2004 has globally fallen by 11 per cent from its 2000 level (from 245.5 million to 217.7 million). It also notes that the number of children in hazardous work has decreased by 26 per cent (from 170.5 million to 126.3 million). For the age group of 5-14 years, the decline in hazardous work was even steeper – by 33 per cent (from 111.3 million to 74.4 million). While the progress was most significant in Latin America, it was less impressive in Asia and the Pacific. The most recent figures on child labour are awaited in the third ILO global report on child labour, which will be launched at The Hague Global Child Labour Conference from 10 to 11 May 2010.

Defining Child Labour

The ILO has classed children who engage in work when they have not yet attained the minimum age specified for it as child labourers (ILO 2002 p. 10). Of particular concern

are the child labourers who are denied their basic human rights. Under the Minimum Age Convention, 1973 (No. 138), the minimum age at which light work – such as household chores, work in family undertakings and work undertaken as part of education – is permitted can be set at 12 or 13 years. The minimum age for admission to employment or work is determined by national legislation and can be set at 14, 15 or 16 years, and for hazardous work it is set at 16. Several countries, for example, Senegal, Madagascar, Mauritania and New Zealand have set minimum age for fishing at 15 (ILO 1998). In addition, unconditional worst forms of child labour are to be prohibited for all children below the age of 18, according to Convention No.182. A three-tier age structure—15, 16 and 18 years— has been adopted by the Work in Fishing Convention, 2007—a Convention yet to be in force—for fishers on board fishing vessels. It is stipulated to be 15 if young persons are not subject to compulsory schooling and 16 if they are. The minimum age for day work carried on board a fishing vessel that could jeopardize the health, safety or morals of young persons, subject to full protection of young persons, is stipulated at 16. The specified age for night work on board fishing vessels is 18 years.

Eliminating Child Labour

According to Conventions Nos. 138 and 182, there are two categories of child labour to be prohibited and eliminated: (1) labour performed by a child under a minimum age specified in national legislation for that kind of work; and (2) the worst forms of child labour, which are internationally defined as: (i) slavery, trafficking, debt bondage and other forms of forced labour, (ii) forced recruitment for use in armed conflict; (iii) prostitution and pornography; illicit activities; and (iv) work by its nature or the circumstance in which it is carried out, can harm the health, safety and morals of children. Categories (i) to (iii) are termed as ‘unconditional’ worst forms of child labour; and category (iv) is termed as hazardous work. The competent authority in each country, in consultation with social partners, may decide which work will fall under category (iv).

Fisheries and Child Labour

The ILO considers fishing as a hazardous occupation when compared to other occupations (ILO, 1998; ILO 2007). Whereas working in bonded servitude or performing forced or compulsory labour on board fishing vessels, at fish landing centres, on fishing platforms at sea, in fishing operations in lakes and reservoirs, in fish processing plants, or in any fishery- or aquaculture-related practices could be construed as unconditional worst forms of child labour, work that exposes children to physical abuse; work in confined spaces; work with dangerous machinery, equipment and tools, or work which involves the manual handling or transport of heavy loads; work in an unhealthy environment which may expose children to temperatures, noise levels, or vibrations damaging to their health; and work under difficult conditions such as work for long hours or night work may be construed as hazardous work in fisheries and aquaculture, consistent with the Worst Forms of Child Labour Recommendation, 1999 (No. 190).

It has been observed that the contribution of children is most wide-spread in small-scale fishing, which could be a combination of hazardous, non-hazardous and light work in fishing. Children work in small-scale, family-based or private enterprises in which boys and girls harvest shellfish, and girls also market the product (ILO 2002). Children are

engaged as swimmers and divers in *muro ami* for catching reef fish in South East Asia, an extremely hazardous form of work where child labourers are reportedly at risk of ear damage, injuries from falls, shark attacks, snake bites, and drowning (ILO, 1998). The children work as fish sorters, porters, factory workers, as crew on fishing vessels away at sea for several months at a time (e.g. Thailand); and are employed in handling and repairing nets, diving, draining boats and cooking (e.g., Indonesia; India, Ghana). Girls and women are engaged in fish processing including salting and drying, and fish marketing. There are reported cases of employment of children below 15 years in fish processing factories in Thailand in activities such as peeling shrimp, drying, boiling and shelling various types of seafood (Solidarity Center, 2007).

In Bangladesh, there are reported cases of indentured children below the age of 15 years being employed to unload fish from vessels operating fixed bagnets in Sundarbans, and in sorting, loading and drying them (Mahmud and Hasan 2002). In Indonesia, children are seasonally employed in offshore fishing platforms called *jermals* in shallow inshore waters in Northern Sumatra. The work apparently involves lifting heavy nets of anchovies using hand cranes, sorting, boiling and drying them for export in the region, by enduring long hours of work, from 12 to 20 hours a day. It has, however, been reported that the employment of children in *jermal* fishing, purportedly, has reduced as a result of an ILO-IPEC project (Markkanen, P. 2005).

In India, young persons, until recently, were employed in canoe-based purse-seine fishing in inshore waters of Kerala. They were employed in jumping into the sea from the canoes to drive sardines into a pursing net. They were also employed as cooks on board multi-day fishing vessels in Tamil Nadu as part of training in sea endurance in preparation for multi-day fishing for elasmobranchs. Young persons are also employed to guard fishing vessels in fishing docks, piers and harbours and in loading and unloading fish. Girl children above the age of seven are employed in cleaning, salting and drying fish in Ganjam District, Orissa (Sahu, Isaac and Bali 2009). The employment of children in marine fishing seems to be declining in India as a result of growing importance attached to regular schooling and education amongst coastal fishing communities, at least in the states of Kerala and Tamil Nadu. In El Salvador, an inverse relationship between children's level of education and their employment in fishing has been reported: higher the level of education of children, lower their participation in the fishing industry (Godoy, O. 2002, as reported in SAMUDRA Report No. 44 2006).

In Cambodia, children are employed full time in night fishing as well as in multi-day deep sea fishing. They work in unloading fish from fishing vessels and loading them on trucks. They also undertake peeling shrimp and shucking crab in landing centres and fish processing plants. Cuts, back aches, skin infections, stomach aches, breathing problems, drowning from falling into the water due to lack of sleep, accidents with boat engines and violent piracy at sea are the hazards and injuries related to their work, as reported by the International Programme for the Elimination of Child Labour (IPEC) under ILO (ILO-IPEC 2005). There are children employed by their parents who themselves are migrant workers from Myanmar in Thai fish processing factories. Their migration is attributed to civil strife and poverty.

In Ghana, cases of children being traded as commodities for monetary benefits through middlemen to faraway destinations unknown to both parents and the children to work as fishers are reported from Ghana (Sossou and Yogtiba 2009). Many Ghanaian children, for example, are trafficked from their home villages to catch kapenta (*Limnothrissa spp.*), in Lake Volta— a reservoir created by flooding the Volta River Basin and its upstream fields by the Akosombo Hydroelectric Project in the 1960s. The depletion of fishery resources in the reservoir is ostensibly the reason attributed to hiring of children as workers and as a source of cheap labour. Their smaller fingers are also believed to be efficient in removing kapenta from small-meshed gillnets. The children often also have to dive into the lake to release entangled gillnets from tree stumps in the shallow bottoms of the Lake. In the process, they endure high rate of parasitism such as schistosomiasis and guinea worm disease and sometimes even drown (UNODC 2006). Night fishing involving children also leads to high rates of school drop outs.

In Senegal, children below 15— the legal minimum age for fishing—comprise one-third of the labour force in capture fisheries, in boat-building and repair services, outboard repairing workshops, fish processing and in fish trade, according to a 2002 study of the worst forms of child labour in Senegalese maritime fishery, undertaken by the Senegalese Institute for Agricultural Research with the assistance of Centre for Oceanographic Research at Dakar-Thiaroye (CRODT) for ILO-IPEC (O’Riordan 2006).

The study, based on a survey of Saint Louis, Kayar, Mbour, and Joal, notes that child labour is relatively low in Djifere, a centre for migrant fisheries, where harsh working conditions and the need for physical strength in fishing mitigate against the employment of child labour. The highest level of participation of child labour was found on board the liners and gillnetters undertaking day fishing operations. Children constituted one-third of the crew in these operations, which were reported to be the least demanding on physical strength. Child labour comprised 15 percent of the crew in surround-seine operations at night, and 20 per cent of the crew in surround-seine operations where pirogues with ice-boxes made multi-day fishing trips. Thus, children below 15 years were also engaging in night fishing.

The study noted that the average age of children entering fishing was 10.6, and that 16 per cent of child labour in fisheries comprised orphans. Children were attracted by better earning potential offered by fishing and as a result often dropped out of school to become fishers. There were also a significant number of children (33 per cent of the interviewees) who ended up taking up fishing after being expelled from school. Many heads of households claimed during interviews that child labour was an important part of children’s education and professional training. In their view, children who master a profession early on easily find work. The prevailing unemployment situation in Senegal (over 40 per cent) was an important factor that favoured fishing over schooling.

The main task for children on board pirogues was to bail them out to improve stability of the vessel. They undertook fishing on board line-fishing pirogues, dived into the water to guide the fish into the net in purse-seine operations at the risk of drowning; baited hooks;

fished with handlines; hauled the longlines; prepared meals; and arranged fish in iceboxes in multi-day ice-carrying pirogues. Children were also engaged in anchoring and unmooring vessels after unloading the catch. After anchoring they had to swim ashore, which was not very near. They had to guard the catch, equipment and crew belongings. The tasks aboard the multi-day boats, surround-seine vessels and multi-gear pirogues were the hardest and most dangerous, the study observed, and highlighted the need to combat the entrenched views of child labour as culturally acceptable and socially desirable, and the important role and responsibility of the State in doing this (O’Riordan 2006).

In another study from Senegal, it was reported that in *pêche au ramassage*—kind of a mother ship—operations, distant water fishing vessels, often freezer trawlers from Korea, took on board pirogues along with young fishers from Saint Louis to undertake line fishing for a period of three months in the maritime zones of Guinea, Sierre Leone, Gabon, Ivory Coast and Angola before returning to Saint Louis after disposing off the catch in the Canary Islands. These fishers also included children below 15 years who changed their date of birth in their identity cards to make them eligible for work. After fishing up to midnight, fishers spent the nights on board the mother vessel in crammed sleeping facilities. They had poor quality food, inadequate drinking water, unhealthy living conditions on board, and were denied treatment ashore at times when urgent medical attention was needed (Cotterink, M, 2005).

In Egypt, in the Governorates of Port Said, in Fayyoun on Lake Qaroun, Beheira, and Kafr el-Sheikh children were reportedly employed in inland and marine fisheries, including multi-day fishing operations. They worked as full-time hand-crane operators in fishing quays, and as workers in boat-building yards. They worked on board fishing vessels as well in the maintenance and upkeep of these vessels. There were reported cases of drowning and sexual abuse of children on board fishing vessels. Fishers, reportedly, liked to employ children because of lower wages. There were also reported cases of trafficking of children employed in fishing who ended up with criminal gangs in Italy and Greece (Charbel 2009).

Demand- and Supply-side Interventions in Combating Child Labour in Fisheries and Aquaculture

Regarding demand-side interventions in combating child labour, the Generalized System of Preferences (GSP) of the U.S. and EU prohibit, inter alia, extending such tariff preferences to commodities produced, inter alia, using child labour (ILO 1998). Fish and fish products from several developing countries, particularly least developed countries, come under GSP programmes. The U.S. and EU, for example, have provisions under GSP linked to compliance with the ILO Conventions 138 and 182 for import of fish and fish products.

In aquaculture, FAO is in the process of developing guidelines for certification of aquaculture products. The latest draft (10 February 2010) of the minimum substantive criteria of FAO for addressing socio-economic aspects in aquaculture certification schemes proposes that child labour should not be used in a manner inconsistent with ILO

conventions and international standards. The environment and social labeling schemes being developed by the World Wide Fund for Nature (WWF) propose measures to stop child labour in shrimp, pangasius, bivalve and abalone aquaculture even in countries that do not have a national legislation on minimum age for aquaculture. The WWF has created draft principles, criteria, indicators and standards for addressing the potential negative social and environmental issues related to some of these aquaculture practices. One of the proposed principles is to develop and operate farms in a socially and culturally responsible manner including a prohibition on child labour. The guidance on child labour include: minimum age of permanent workers to be 15 years; accountability of the employer to correct documentation of appropriate age; child workers under the age of 15 to perform only light work—consistent with Article 7 paragraph 1 of the Minimum Age Convention, 1973 (No. 138). It should not exceed two hours per day on a school day or holiday and the total number of hours spent on light work and on school should not exceed 7 hours a day. For employees aged 15 to 18, who are called young workers, work was not to conflict with schooling. The combination of daily transportation, school time and work time was not to exceed 10 hours. Hazardous work was not to be performed by those below 18 years. It is proposed to include: heavy lifting disproportionate to their size; operating heavy machinery; working night shift and exposure to any toxic chemicals (<http://www.worldwildlife.org/what/globalmarkets/aquaculture/dialogues-molluscs.html>).

Regarding supply-side interventions, overall levels of education and poverty reduction also seem to have contributed to reduction of child labour in fisheries in some countries. The role of poverty reduction and Education for All (EFA) seems to be well appreciated in combating child labour by many governments. Many of them have embarked on a review and updating of national legislation on child labour and have adopted practical policies and programmes on child labour (Brazil, India, Bangladesh, Indonesia, Kenya, Nepal, Pakistan, Philippines, United Republic of Tanzania, Thailand, Zimbabwe) as reported ((Kane 2009) (ILO 1998). The Government of Bangladesh, for example, has taken several measures to implement universal primary education for all children. The Bangladesh Ministry of Primary and Mass Education has devised a National Plan of Action (NPA-II) from 2003 to 2015 to achieve the goal of education for all, which is aimed at eliminating child labour in any industry, as reported by the Secretary, Ministry of Commerce, Government of Bangladesh to an Annual Review of the GSP Sub-Committee of the United States in 2008 (USTR-0009-0013.1.doc www.regulations.gov/ visited on 3 Saturday 2010).

According to case studies reported in the second ILO global report on child labour (ILO 2006), education—especially that of the girl child—has played a significant role in reducing child labour in countries such as Korea, Malaysia and Brazil, along with poverty reduction strategies. However, poverty in itself, the report observed, was not a sufficient explanation of child labour; that poverty failed to explain some of the unconditional worst forms of child labour. The report stressed a human rights approach focusing on discrimination and exclusion of girls, ethnic minorities, indigenous and tribal peoples, those of low class or caste, people with disabilities, displaced persons and those living in remote areas as necessary for a fuller understanding of child labour, and highlighted the

importance of adopting frameworks to promote poverty reduction, education for all, and human rights to eliminate the worst forms of child labour.

Employing Young Persons and Combating Worst Forms of Child Labour

Except in the case of Senegal, the literature on child labour in fisheries seems to be, at best, anecdotal, but it gives a rudimentary picture of supply- and demand-side factors influencing employment of children and child labour. The children are employed in repairing nets and maintaining fishing vessels, in reservoir fishing, inshore and offshore fishing, at fishing docks and piers, in fish processing, trade and transport of fish. They work during day and night in formal and informal types of employment. The children are paid wages or a share of the catch or paid in kind. Sometimes the payment of remuneration is made to parents through middlemen. The work of children in fishing thus ranges from light work to unconditional worst forms of child labour. There are cases of persistent child labour in fishing, ostensibly, due to poverty and unemployment, and cultural factors. The ILO's first Global Report on child labour observes that fishing and cultural perceptions of masculinity, as well as income that looks high to boys, encourages them to go to sea as early as they can (ILO 2002). Girls work in fish processing and marketing. There also appears to be, in some cases, a falling incidence of child labour in fisheries, probably, as a result of education and rising levels of awareness.

Available data from developing countries indicate that 70 per cent of children who work, or are economically active, are engaged in agriculture, fishing, hunting and forestry (ILO 2006). Most of these children are employed in the informal economy (ILO 2006). Statistics of child labour, or young persons, employed in fisheries and aquaculture, however, is still not separately available for fishing or aquaculture. It is, therefore, important to develop a gender-disaggregated database on employment of children in fisheries and aquaculture (also see ILO-IPEC 2003). Such a database may be essential to understand the magnitude of children's employment or work in fisheries and aquaculture. It is also important to undertake national assessments in selected countries to determine what constitutes work, light work and hazardous work in fisheries and aquaculture. Although fishing is considered hazardous there are types of fishing that can be considered non-hazardous; or fishing activities that are hazardous in one season but safe in other seasons. In India, for example, while crossing the littoral surf zone might be a hazardous on an unpowered *kattumaram* during the southwest monsoon, it would normally be safe for fishers during rest of the year.

Most of the studies reviewed seem to be undertaken from a child labour perspective, especially examining supply-side factors contributing to child labour in different sectors including fisheries; there are very few studies looking at child labour and employment of children from a fishery and aquaculture perspective. However, supply-side factors contributing to child labour do not in any significant way include factors such as failure of fisheries governance leading to child labour substituting for adult labour in depleted fisheries, or exacerbating child labour supply to fisheries targeting healthy stocks, and non-fishery sectors. In general, children, to substitute adult labour, seem to be employed in certain types of fishing and fish processing activities in some geographic contexts especially in activities that do not demand physical strength or fishing and navigation

skills. While boys are in fishing, girls are in fish processing and marketing. The demand-side factors other than cheaper wages that would influence hiring of children, especially those below the age of 14, over adults are not very evident. The types of fisheries where the benefits of low wages or smaller shares to children would outweigh the costs of employing poorly skilled and physically less strong sections of the population are to be better understood. It is also not clear if children's labour has any unique qualities that the employer can exploit in certain types of fisheries and aquaculture. The age structure of the crew on board fishing vessels and workers in fish processing and aquaculture needs to be better known, in a gender-disaggregated fashion. In addition to documentation of accidents at work place, there needs to be a better picture regarding technology and labour process in fisheries and aquaculture to clearly identify hazardous work, to improve health and safety of young persons, and to decide upon the worst forms of child labour. There is also a need to look at how far discrimination and exclusion of girls, migrants, ethnic minorities, and indigenous and tribal peoples, particular castes and classes would lead to child labour in fisheries and aquaculture. A sector perspective, especially from a human rights approach, on child labour and employment of young persons would better explain some of the supply-side and demand-side factors contributing to child labour in fisheries and aquaculture. This can help plan and implement effective action programme to eliminate worst forms of child labour.

Criteria to Address Employment of Children and Child Labour

The main issues in relation to effective abolition of child labour and employment of children in fisheries and aquaculture within the framework of Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182) Convention, include: (i) prohibiting and eliminating unconditional worst forms of child labour for all young persons below the age of 18; (ii) specifying and implementing minimum age and conditions for work, light work and hazardous work; (iii) adopting effective measures discouraging children below the respective minimum age from undertaking any work; (iv) defining work, light work and hazardous work in fisheries and aquaculture in each national context and to ensure children are made to undertake such work without compromising their fullest physical and mental development; (v) providing direct assistance for the removal of children from the unconditional worst forms of child labour and for their rehabilitation and social integration; (vi) ensuring access to free basic education and vocational training for all children removed from the worst forms of child labour; (vii) identifying and reaching out to children at special risk and taking into account the special situation of girls; and (viii) taking steps for international cooperation and assistance including support for social and economic development, poverty eradication and universal education. While points (ii) and (iv) fall specifically within the ambit of fisheries and aquaculture departments, in particular, other points have to be dealt with in a coordinated manner by all relevant ministries and departments, and civil society organizations, with the labour ministries and departments playing the role of a facilitator.

What is perhaps needed is a traffic light approach to child labour and children's work: a prohibited category of child labour comprising the unconditional worst forms of child labour; a regulated category of child labour comprising hazardous work, subject to authorizing employment or work from an appropriate age on condition that the health,

safety and morals of the children concerned are fully protected, and that the children have received adequate specific instruction or vocational training in the relevant branch of activity; and a permitted category of children's work comprising non-hazardous and light work. The prohibited category of child labour in fisheries and aquaculture should also include children who are denied schooling and are forced to work under their parents.

Annex

I. Employment of Children and Child Labour Legislation: India

(1) The Indian Constitution and the Right of Children to Free and Compulsory Education Act, 2009

India has the biggest child population in the world (ILO 2006). It has ratified the CRC in 1992. Although it is yet to ratify the Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182), it has made provisions in national and state legislation to deal with child labour issues. According to Article 24 of the Indian Constitution, it is a fundamental right that no child below the age of 14 years be employed to work in any factory or mine or engaged in any other hazardous employment. It is also a fundamental right that the State should provide education to all children of the age 6 to 14 years for the completion of elementary education –meaning education from class I to class VIII. Further, it is a fundamental duty of a parent or guardian to provide opportunities for education to his child/ward between the age of 6 and 14. The Right of Children to Free and Compulsory Education Act, 2009 (RTE Act, 2009)—an Act to provide for free and compulsory education of all children of the age six to 14— came into force on 1 April 2010 towards enforcing the entitlement to education of children belonging to the 6-14 age group in the Indian Constitution. Compulsory education means to provide elementary education to every child of the age 6 to 14 years, and to ensure compulsory admission, attendance, and completion of elementary education by every child of this age group. The government would also provide early childhood care and free pre-school education to children above the age of 3 to prepare them for elementary education. India has also created a national commission, as well as state commissions, for the protection of the rights of the child. The commission will provide oversight for the implementation of the RTE Act, 2009. About 10 million children are expected to benefit from the Act. Nearly US\$ 9 billion has already been committed for the implementation of the programme including US\$3 billion for the year 2010-11.

(2) The Indian Factories Act, 1948

The relevant legislation prohibiting or regulating work of young persons – defined as persons who are below 18 years—in industries is the Indian Factories Act, 1948, which, inter alia, provides the national labour standard for young persons employed in factories. It applies to all factories employing 10 workers or more and also applies to fish processing plants. It has a four-tier structure. A “child” is defined as a person below the age of 15 years; an “adult” as a person above 15; and an “adolescent” as an adult between the age of 15 and 18 years. A child who has not completed the age of 14 years should not be allowed to work in a factory. Children between the age of 14 and 15 could work for four-and-a-half hours but should not be employed between 10 p.m. and 6 a.m. (a girl child should not be employed between 8 p.m. and 6 a.m.). No night work is permitted

between 7 p.m. and 6 a.m for a female adolescent or a male adolescent below the age of 17. The states, however, can change the time limits of night work for these adolescent workers. While a male adolescent above the age of 17 could be employed in night work, a female adolescent should not be employed between 10 p.m. and 5 a.m. The latter provision applies to employment of all female adolescent workers. The states are not permitted to change these time limits.

(3) The Child Labour (Prohibition and Regulation) Act, 1986 and Fisheries

According to this Act, “child” is a person who is below the age of 14. No child can be employed or permitted to work in “occupations” or “processes” that are specified in Part A and Part B of the Schedule of the Act that are deemed to be hazardous. In a 2008 gazette notification, occupations such as “diving” and processes such as “mechanized fishing” have been brought under the Schedule of prohibited activities for children below 14 years. Mechanized fishing—although not defined in the Notification— is thus deemed to be a hazardous employment for children. The states would have to develop rules to implement these new provisions.

Children below the age of 14 could, by inference, be employed or permitted to work in non-mechanized fishing (excluding diving), aquaculture and fish processing (non-family establishments employing less than ten workers), subject to certain regulations. It seems immaterial if these establishments are in the formal or informal sector. These children could be employed six days a week. They should not, however, be employed in night work between 7 p.m. and 8 a.m. The period of work should be six hours including an hour’s rest after putting in three hours of continuous work. The state governments are required to develop rules and regulations for the health and safety of children who are employed or permitted to work. These include measures dealing with: cleanliness, disposal of waste and effluents; ventilation and temperature; drinking water; latrine and urinals; employment of children on dangerous machines; instructions, training and supervision in relation to employment of children on such machines; excessive weights; precautions in case of fire; and safety of building and machinery. The employment of children in contravention of these provisions could attract fine and imprisonment from three months to two years. The state governments are to appoint inspectors for securing compliance with the Act. It is, however, to be ascertained if states have developed such rules for employment of children in fisheries and aquaculture.

As in several other countries, there is no minimum age adopted in Indian child labour legislation for employment of children in economic activities, except in the case of a few sectors such as mining, transport, merchant shipping and plantation, and certain occupations and processes specified under the Schedule of the Child Labour (Prohibition and Regulation) Act, 1986, which includes diving and mechanized fishing. It is instructive to note that although ILO Conventions 138 and 182 are not ratified by India, ILO child labor conventions are effective informally as model legislation guiding India in the design of labor law (Boockmann 2009).

Although there is no stipulated minimum age, especially for employment of children in non-family establishments that are deemed to be non-hazardous (meaning, activities that

are not listed under the Schedule of prohibited activities) such as non-mechanized fishing and aquaculture, minimum conditions of employment are regulated for all young persons. The conditions of employment, however, do not include any provision regarding how to integrate employment of children in non-hazardous activities along with schooling as in the case of the U.S. The RTE Act, 2009, once implemented would certainly provide a major impetus to education of children below the age of 14. This, in combination with specifying conditions under which children could be employed in non-hazardous activities outside school hours, would be worth considering, in preparation for their adult life.

II. Employment of Children and Child Labour Legislation: the United States

Under the U.S. Federal Law for net fishing, children below the age of 15 can work outside school hours up to three hours on a school day and up to eight hours on a non-school day, subject to a maximum of 18 hours in any week when school is in session and no more than 40 hours in a week when school is not in session. They can be employed from 7 a.m. to 7 p.m. (except when the evening hours are extended to 9 p.m. between 1 June and 5 September). Minors under the age of 18 are prohibited from activities such as operating power driven hoisting apparatus; operating, setting up, adjusting, repairing, oiling, cleaning power driven meat processing machines regardless of the product being processed by these machines including seafood; and operating circular saws, band saws, or guillotine shears. Minors under the age of 16 are prohibited from operating or tending of hoisting apparatus; from filleting fish; and work in any of the occupations determined to be hazardous by the Secretary of Labour. Parents, however, are prohibited from employing their own children in hazardous occupations.

In the state of Alaska, U.S., minors under the age of 16 may not work in occupations: involved in operation of hoisting or power-driven machinery other than office machines in or about canneries, seafood plants, including cutting, slicing, or butchering, or the operation of any floating plant and including loading or unloading; performed in or about boilers, engine rooms, or retorts; involved in maintenance or repair of the establishment's machines or equipment; involved in operating, setting up, adjusting, cleaning, oiling, or repair of power-driven food slicers, grinders, choppers; cutters, and work involving the use of sharpened tools; in freezers, meat coolers, or preparation of meat for sale; loading or unloading to and from trucks, railroad cars, or conveyors (U.S. Department of Labour 2004).

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