



CHILD LABOUR EXPLOITATION: POLITICS, LAW AND SOCIAL ATTITUDES IN GEORGIA

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ABSTRACT

Respect for human rights and freedoms are regarded to be the key concepts of the civilized world, the protection and integrity of which significantly defines the place and reputation of a country and its government on the international level. The government shall guarantee protection of right to work, yet often both - the public and the private sectors do violate human right to work for various reasons and by different methods. Special attention is indeed deserved by those cases of labor exploitation of juveniles, who are far vulnerable compared to adults and require special care.

This paper discusses the following issues:

- The status of economic exploitation of children in Georgia and the legal basis of its regulation;
- The impact of the children labor exploitation on their education, development and their proper integration into society;
- Casual connection between the children labor exploration and the economic-social development of the county;
- Recommendations for educational institutions on early identification and prevention of potential child labor exploration.

The research is based on the analysis of the results of interviews and surveys with the school pupils from the twelve schools (among them 8 public and 4 private schools) of Autonomous Republic of Adjara and the respective conclusions and recommendations are represented. It represents an overview of both – local and international legislation on child rights, some data on international and local studies in this regard, statistical information, scientific and theoretical basis of the research and the respective – practically valuable outcomes.

Keywords: Child labor exploitation; early-childhood education; Rights of Child; Prevention of child labor exploitation.

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INTRODUCTION

Labor is an essential part of human freedom and is meant to be the activity carried out under such conditions not violating human dignity, being not only limited to material benefits, but also ensuring human's

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development and self-realization. As Ilia Chavchavadze, the famous Georgian public figure argued “The country is not a temple - a place for a man to pray, but it is a workshop – a place for a man to work”. Labor is a precondition to the strength of the country, the well-being of people, comfort and happy life. Therefore, stimulation the needs of work/labour among young people is considered to be the means of development of their high moral qualities, contributing to their personal inner strengths and potentials. Those who are not involved into working/labour, lose their best human qualities. The history of mankind is about nothing else but formation of a human in the process of work/labour, which trains a human physically and also transforms him/her spiritually. An indispensable condition for the success of the society is the labour education of modern youth. It is very important to prepare the youth for life, for work psychologically, with the believe and awareness of significance of work and active participation in the new process of community building in our country (Tavdgiridze and Sherozia, 2017). However, there are lots of cases of labour exploitation - unlawful use of human labour resources, based on lies or often covering the real purposes. Such occasions are especially alarming when it comes to child labour exploitation. Besides ignoring the law, such cases destroy moral values. Thus, strict, adequate and immediate respond to any crime committed against a juvenile, is directly related to the level of development of the country and the nation.

The relevance of this research is preconditioned by many reasons, however some of them indeed deserve mentioning, namely - protection of human and especially of children’s rights is a criterion for each country for determination of its place in the modern civilized world.

2. LEGAL BACKGROUND

In terms of actively developing economic processes, more people get engaged into the labour relations, and protection of their rights is the obligation of the state, on one hand, and of employers on the other hand. Labour exploitation is the biggest problem of the modern world, while elimination and eradication of child labour exploitation is far more serious challenge faced by all countries around the world. Georgia is not an exception in this regard, especially considering the fact, that it had joined the Convention on the Rights of Child in 1994 – earlier than enforcement of the fundamental law of the country – the Constitution in 1995.

As it is stipulated in the Labor Code of Georgia, Article 2 “Labor relations comprise the performance of work by an employee for an employer under organized labor conditions in exchange for remuneration and labor relations shall derive from agreements reached as a result of a free expression of will and based on the equality of parties. The same Code, Article 10, stipulates, that the legal capacity of natural persons shall commence from the age of 16 (Parliament of Georgia 2010). The Code also strictly defines the fields of activities for performance of which an employment agreement may be concluded with minors under 14, in particular such spheres are sports, art or culture, and/or advertising (Ibid).

The Constitution of Georgia - the basic law of the country mentions the word “child” only 3 times, particularly in the Article 5 (7) - “The State shall take care of the development of sports, establishing a healthy lifestyle, and engaging children and youth in physical education and sports”) and in the Article 30 - “Rights



to marry, rights of mothers and children”, Clause 2 “The rights of mothers and children shall be protected by law”) (Parliament of the Republic of Georgia 1995).

An international practice in this regard shall be also mentioned, in particular C138 - Minimum Age Convention, 1973 (No. 138) adopted by the International Labour Organization, according to which the minimum age for admission to employment or work shall not be less than 15 years (International Labour Organization 1973), while the Article 2 (4) of the Convention stipulates that “Notwithstanding the provisions of paragraph 3 of this Article, a Member whose economy and educational facilities are insufficiently developed may, after consultations with the organizations of employees and workers concerned, where such exist, initially specify a minimum age of 14 years (Ibid).

It might be argued that the abovementioned stipulation relatively reduces the degree of protection of rights depending on the social and economic situation of the country, creating the grounds to think that violation of children’s rights create an opportunity to support and strengthen the economy of the country, that is controversial. Herewith, it should be noticed, that the “Convention on the Prohibition and Immediate Elimination of the Worst Forms of Child Labour”, Article 2, adopted as of June 17, 1999, specifies that “For the purpose of this Convention, the term child shall apply to all persons under the age of 18” (International Labour Organization 1999).

The International Labour Organization was founded in 1919 and since then has actively strived against child labour. In 1919, the 87th Annual Session of the International Labour Conference was held, where the delegates represented all three sectors: governments, employers and workers. The session unanimously adopted the Convention 182 and the Recommendation 190 on prohibition and immediate elimination of the worst forms of child labour. The adoption of the Convention further became the beginning of long-standing preparatory works by ILO Secretariat (Khalil, 2021).

As it is specified in the EU Directive (94/33/EC) On the Protection of Young People at Work, the Member States shall take the necessary measures to prohibit employment of children (under the age of 15 years). Certain exceptions are allowed in relation to employment of children for the purposes of performance in cultural, artistic, sports or advertising activities (EU 1994).

It is noteworthy that the international norms regulating the working conditions, particularly 146 Recommendation of ILO and EU directive (94/33/EC) have not been yet ratified by Georgian government. Therefore, it is of high importance to include a compulsory recognition of those norms into the agenda contributing to further improvement of Georgian legislation (Public Defender of Georgia 2021).

3. RESEARCH AND PRACTICES (LOCAL AND INTERNATIONAL)

In general, there are 2313 public and private schools in Georgia, with 592900 pupils (school students) in total. “Children and Youth in Georgia 2020” is a statistical publication, prepared by the National Statistics Office of Georgia with the financial and technical support of the United Nations Children’s Fund (UNICEF) and mainly includes data as for 2015-2019 on the demographic status, standard of living, employment, education,



healthcare, violations, tourism, information technologies and other significant indicators of the population under the age of 25 years. According to the data, 964400 children aged 0-19 are registered in Georgia (National Statistics Office of Georgia 2020).

According to the Special Report 2021, prepared by the Public Defender's Office of Georgia: „Based on the interviews with the social workers, the cases of labour exploitation of youth beyond their families are less common in highland regions and villages; as they state, children are more often engaged into family or household activities“ (Public Defender of Georgia 2021).

The UNICEF study published on July 2018 - “Children Living and Working in the streets of Georgia” is very interesting, giving the details on way of life of children in the streets, the hierarchy of their groups and their interdependence, and one of the findings of the research in the part of continuous labour exploitation, particularly: “Internal group structure occasionally implies that children go into debt to each other and/or to outsiders: Debt potentially ties children to street livelihoods in the longer term” (UNICEF 2018).

UNICEF and ILO speak of the main reasons due to which the new Corona virus pandemic will further deepen a negative practice of child labour - When these and other factors result in losses in household income, expectations that children contribute financially can intensify. More children could be forced into exploitative and hazardous jobs. Those already working may do so for longer hours or under worsening conditions. Gender inequalities may grow more acute within families, with girls expected to perform additional household chores and agricultural work (UNICEF/ILO n.d.). However, we believe that the validity of this opinion will be only reflected in post-pandemic studies.

It should be noticed, that juvenile crime status during the pandemic period has remained unchanged, in particular, according to the information published by the National Statistics Office of Georgia in 2022: as for 2021 the statistics of crimes committed by juvenile offenders are as follows – 290 crimes in 2019, 211 crimes in 2020 and 210 in 2021 (National Statistics Office of Georgia n.d.). Herewith, one factor should be mentioned, which we assume had no impact on the criminogenic situation, was a transition of educational institutions to distance learning when children's mobility was limited in terms of the lockdown caused by COVID restrictions.

The latest comprehensive study related to children engagement into labour in Georgia was conducted in 2015, according to which “approximately 79% (19.2K) of children engaged into child labour are boys, comprising 6.3% of total number of boys aging 5-17; while the number of girls of the same age amounts to 5.2K (making 1.9%). The number of working boys aged 5-17, who are not engaged into child labour is almost 2.5 times higher than the number of girls of the same age. In total 91.6% of boys (279K) and 97.1% of girls (264.5K) are not engaged into any type of economic activity“ (ILO/National Statistics Office of Georgia 2016). “Forced labour is a system comprising of various forms and aspects, well-known in the world for a long period of time.... Fairly or unfairly, in most of the cases, the burden of forced labour most heavily fell on the shoulders of children and young people, along with violation of their rights, freedoms and their human dignity“ (Khalil, 2021).



3.1. INTERRELATION BETWEEN CHILD LABOUR EXPLOITATION AND EDUCATION

The risks of child labour exploitation are believed to be connected to the failure of the educational system. As Bonnet (1993) argues the failure of the education system in Africa has led many parents to view child labor as the preferred option for their children (Bonnet 1993). Intending to draw public attention to the child labour exploitation and focusing the importance of education, Robert Owen also wrote: “Education is so important, that’s why I built the school at New Lanark. Do you know that when I got there, children as young as five – as young as five! – were working in the mills – sometimes 12 or more hours a day – can you believe that? I said right away this must stop; we will not employ any children under 10; and I saw to it that the young children went to the nursery and infant schools” (Nutbrown & Clough, 2014).

Illegal employment is always connected to unclear working responsibilities, verbal agreement on remuneration, informal agreement and high risks of potential conflict arising from the violation of all such “agreements”. Naturally, any conflict might transform into a crime, having its deepest negative, irreversible effects on human psyche at any age, especially on juveniles. “We should perceive children as the reflection of ourselves in the mirror – any wrongs happening to them is actually the result of our wrong relationships with them, lack of empathy“ – argues a psychologist Maia Tsiramua (Tsiramua, 2019). It was on June 1, 1999, when the General Conference of ILO adopted new acts on prohibition and elimination of the worst forms of child labour, effective both on national and international levels, including international cooperation and assistance, and representing addition to the fundamental act on child labour - the Minimum Age Convention and recommendations of 1973. By adopting these acts, the General Conference of the International Labour Organization once again reminded us of urgent need of effective, immediate and comprehensive action to eliminate the worst forms of child labour, taking into account the significance of free basic education and the necessity to free children from any forms of labour, to support their rehabilitation and social integration considering the need of each family (Khalil, 2021)

4. FOCUS GROUP RESEARCH AND METHODOLOGY

In the process of preparing this paper we have conducted a study in order to create a complete picture on labour exploitation of children. School students/pupils of 4 private and 8 public schools of Ajara A.R. took part in the study, 7-11 graders were interviewed. The study aimed at identification of the following:

- the extent/level of awareness of pupils on the issues of child labour exploitation;
- the reasons for child labour exploitation in the city;
- the reasons for child labour exploitation in the village;
- whether the pupils are aware of facts of child labour exploitation;
- in which cities or villages had they heard of child labour exploitation;
- what do they consider to be the main reasons to labour exploitation;
- whether the child labour is acceptable in agricultural activities;



- what role might the school play in elimination of child labour exploitation;
- what actions would they plan to eliminate child labour exploitation

Our study was divided into two parts – to get the quantitative and qualitative results. For the quantitative-statistical results, the selected questions offered the pupils probable answers to tick/choose one or more, that enabled us to conduct more comprehensive analysis of pupils' opinions.

The questionnaires used were as follows:

1. Have you ever heard of child labour exploitation?

a) yes b) no;

2. What are the reasons of child labour exploitation in the city? (more than one answer is acceptable)

a) social-economic situation in the country;

b) social-economic status of a family;

c) less attention paid to children rights by the government;

d) traditions;

3. What are the reasons of child labour exploitation in the village? (more than one answer is acceptable)

a) social-economic situation in the country;

b) social-economic status of a family;

c) less attention paid to children rights by the government;

d) traditions;

4. Is child labour engagement into agricultural activities acceptable (in the village households?)

a) yes;

b) no;

The obtained results were summarized and are shown in percentage as follows:

- To the first question - whether the interviewee (pupils) had heard of child labour exploitation – 90,5% gave positive answer, while 9,5% was negative;
- To the second question related to the reasons of child labour exploitation in the city – 56% chose two answers – the economic status of a family and social-economic situation in the country. 40% think that the reason is caused by the lack of the government's attention to child rights, while 4% believes it's caused by traditions;
- To the third question related to the reasons of child labour exploitation in the village – 76% of interviewed pupil think that the reason is caused by economic status of a family, while 6% believe it to be caused by the social-economic state in the country; 8% think that the reason is caused by the lack of the government's attention to child rights and 10% think its caused by traditions.
- 71% of the interviewed pupils agree with the fourth question on whether child labour engagement into agricultural activities is acceptable, while the remaining 29% think it's not acceptable.



As for the qualitative part of the study, we have formulated the questions as follows: 1) how to eliminate child labour exploitation? 2) what role might the school play in protection children from labour exploitation? 3) what are the main reasons for child labour exploitation?

The analysis of the results revealed that pupils answered to the first question by appealing to social economic conditions, however after the in-depth interviews pupils continued by mentioning the responsibilities of the state institutions and their main formulations were as follows: “it’s necessary to tighten the legislation”, “it’s necessary to establish a strong supervisory body”, “the law should be enforced”, “it’s necessary to raise children awareness on their rights”.

Regarding the possible school role in elimination of child labour exploitation, pupils unanimously said that “the school has to control the reasons why pupils miss the lessons”, “the school should devote more time to teaching children’s rights”, “the school should communicate the problems of pupils to their parents”.

The interviewed pupils believe that social-economic situation and low level of education are the main reasons to child labour exploitation.

The conducted interviews with the school students provided valuable information, which is the basis for further in-depth research. However, it is very important to note that pupils name those main spheres, which by their experience, include the risks of child labour exploitation, among them are jobs in restaurants as waiters, cook and barmen assistants during the touristic season in summer and winter, selling of various products on the beach in summer, as well as migration to Turkey to work in the tea or nut plantations during the summer season. The risks of Child labour exploitation might increase as a result of one more factor, particularly - during the pandemic and post-pandemic period the sphere of services had a problem of keeping and saving the employees – cooks and waiters – those people who ensured success of restaurants (Katamadze 2021). In fact, the involvement of the state, society and NGO-s play the key role in the prevention of such risks. A separate issue is child labour engagement into rural households, which is beyond our research topic for now and is supposed to be studied later.

CONCLUSIONS AND RECOMMENDATIONS

In the course of study of the available materials on child labour exploitation, it was discovered that the topic is less researched and the relevant statistical data/information is therefore scarce. Those recent studies available are mainly prepared by international organizations (by UNICEF, EU) and contain general conclusions on the compliance of factual situation in the country with the basic standards on children’s rights.

It is indeed necessary to conduct intensive, comprehensive research and monitor closely child labour and employment conditions on annual basis. The pupils themselves express their desire to be taught their rights more extensively and express their readiness for the school to have more communication with their parents to ensure their safety. The pupils well understand the need for the school to control missing of the lessons in order to prevent labour exploitation, expressing their desire the system to be improved and refined. The abovementioned outcomes provide us with the basis to formulate the measures in need, in particular:



- it is necessary to check the compliance of the country's legislation with international standards continuously, on annual basis;
- the state needs to create strong mechanisms against child labour exploitation by establishment the respective institutions;
- the topics/issues of child, juvenile labour and leisure should be integrated into educational resources;
- monitoring of missing the lessons by the pupils should be strengthened in educational system, and the respective information should be provided to parents/caregivers immediately;
- schools should devote more hours to teaching the children's rights;
- school should contribute to raising pupils/school students' awareness on child labour exploitation;
- Child rights and the protection from child labour exploitation should become an integral part of the country's educational system development strategy.

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Conflict of interests

The authors declare no conflict of interest.

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