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CHILD LABOR AND EXPLOITATION

REV. MONSIGNOR JAMES REINERT*

After that introduction, please do not judge all of the other priests in the United States on what I say because I feel a little bit overwhelmed. I am very happy that we are sitting so that I don't have to stand up and preach to you, as is sometimes my habit. A lot of the things that I was going to say have been said already by the UNICEF and the ILO representatives. While I do not work with these gentlemen, I do extensive work with

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Reverend Monsignor Reinert was ordained a Catholic Priest in 1983 and named Chaplain to His Holiness in 1998. Since 1995, he has been in residence at St. Agnes Parish in New York, and has served as a diplomatic attaché of the Permanent Observer Mission of the Holy See to the United Nations. He was appointed Chief Negotiator of the Holy See Delegation in 1997.

Reverend Monsignor Reinert has represented the Holy See in the Second and Third Committees of the United Nations General Assembly; the Agenda for Development; the Commission on Population and Development; the Commission for Social Development; the Commission on Sustainable Development; the International Seabed Authority; the International Tribunal for Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of Yugoslavia since 1991; the International Tribunal for Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in Rwanda; the International Tribunal for War Crimes; the States Parties to the Law of the Sea; the United Nations Children's Emergency Fund (UNICEF); the United Nations Economic and Social Council (ECOSOC); the United Nations Development Program (UNDP); the United Nations Program on HIV-AIDS (UNAIDS); the Report of the State of the World's Children (1995, 1996, 1997 & 1998); the United Nations Conference on Human Settlements – Istanbul, Turkey (1996); and the Special Session on the Effects of Armed Conflict on Children and the Situation in Bosnia-Herzegovina (1996). He has also participated in Special Sessions of the General Assembly, including the Commemoration of the Fiftieth Anniversary of the United Nations (1995), of UNICEF (1996), and of the Universal Declaration of Human Rights (1998).

Reverend Monsignor Reinert was previously a pastor and administrator of numerous parishes in Nebraska. He also has extensive professional experience in school administration and teaching. In addition to several publications, he has authored *FAITH, VISION AND DREAMS* (Lancaster House 1992). He is a member of the National Catholic Educational Association, the International Reading Association, the Association for Supervision and Curriculum Development, and Phi Delta Kappa, and was appointed to the Governor's Commission on Education 2000.

UNICEF and the ILO programs in the United Nations through the Holy See. I have followed the work of the executive board of UNICEF since my very first day in our office in New York, and so I am very familiar with a lot of the things that are coming out of UNICEF, especially regarding promotion and protection of the rights of children.

I am going to say something that we have heard many times this morning and this afternoon, and I hope that I can talk my way into an explanation of what I am going to say so that I do not sound like a complete idiot. But truthfully, as far as I understand, there is no such things as rights of children. I think that many people misunderstand and become concerned that we are trying to develop a new set of human rights.

What we always have to base our understanding of the rights of children on is the Universal Declaration of Human Rights.¹ Children are human beings. They share in the dignity of human beings, and that is where all of our human rights come from.

So when we talk about the rights of children they embrace human rights. This is where I believe our discussion this afternoon on the protection of children against exploitation begins. We have heard a lot of talk already today about the Universal Declaration of Human Rights and also the Convention on the Rights of the Child.² That convention grew out of an understanding in 1989 that there were still so many children suffering from poverty. There were still so many children suffering in all kinds of ways, being separated from their parents, as victims of war, and in exploitation. So the United Nations came together and said we needed to codify and come to a deeper understanding of what we need to do for children.

Unfortunately, even ten years after ratification and the entry into force of that convention, we still see so many abuses taking place. Many children are still living in severe poverty, are still victims of war, and are still separated from their parents. We need to find solutions to all of these problems.

There are ten commitments in the Declaration that the governments of the world have come to understand. These

¹ G.A. RES. 217A, U.N. GAOR, 3D SESS., U.N. DOC. A/810 (1948).

² G.A. RES. 44/25, ANNEX, 44 U.N. GAOR, 44TH SESS., U.N. DOC. A/44/49 (1989) (reprinted in 28 I.L.M. 1448 (1989)).

include an enhancement of children's health, the eradication of poverty and hunger, safe motherhood that then will translate into safe childhood, support for parents and respect for the role of the family, an increase in access to educational opportunities and the elimination of illiteracy, the protection of children against difficult circumstances, including armed conflict, and the protection of the environment to enable children to enjoy a productive life. In a nutshell, this is what the Convention on the Rights of the Child tells us.

Unfortunately, like so many of the issues in the United Nations, it is difficult to translate words into action. As our speakers have already told us this afternoon, the states' parties of these conventions are sometimes called to the carpet by the different committees that are in charge of these conventions and treaties. The unfortunate thing is that the General Assembly has no power to take punitive measures. They can not slap the knuckles of a government that is not holding up to their obligations of this treaty. That is one of the real shortcomings of the United Nations, of the General Assembly. Only the Security Council can impose sanctions. Only the Security Council can impose punitive measures against a state. So when a country comes before the Committee for the Rights of the Child³ and is informed that we see some real shortcomings in its following up on the treaty, the government can just simply shrug their shoulders and go about their business. There is no way to make them adhere to the treaty that they have signed and ratified and to which they have become a party.

One of the things that I really want to emphasize this afternoon about part of that convention and one of the things that we deal with extensively in our role as Observers at the United Nations is the rights, duties and responsibilities of parents. It was touched upon a little this morning and this afternoon. We believe that the first important protection of the child is the family; with parents who care about children and tend to their needs.

³ See *United Nations: Convention on the Rights of the Child*, 28 I.L.M. 1448 (1989), reproduced from the U.N. General Assembly Document A/RES/44/25 of December 5, 1989. General Assembly Resolution 44/25 was adopted without vote on November 20, 1989. The Committee on the Rights of the Child was set up by the Convention on the Rights of the Child. *Id.*

The convention is very explicit about that. It says that states' parties undertake to insure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians or other individuals legally responsible for him or her.⁴ For us, that is the foundation. That is the most important part of the convention. All of the different treaties have to do first with human rights and then with children's rights, with the promotion and protection of the rights of children.

The convention goes on to say that states parties "shall respect the responsibilities, rights, and duties of parents or, where applicable, members of the extended family." It was reported by the Secretary General to the Third Committee⁵ just last fall that there are approximately 250 million children ages five to fourteen who are working.⁶ Approximately 150 of those children are working full-time in work that is considered exploitative or hazardous.⁷ It is not just that this 150 million children are working, but they are working in occupations that the United Nations has recognized and their governments should recognize as dangerous.⁸

Related to that, the UNESCO report says that 145 million children worldwide between the ages of six and eleven are not in school.⁹ This goes back to what was said before, that the best method for protecting children against exploitative labor is education. In fact, the United Nations also recognizes that education is the most important protection against poverty as well. We have all of these children, a whole generation, not given the opportunity of even the most basic education. They have no chance in the world for promotion and development.

The Secretary's report tells us that "650 million of the world's children live in conditions which are almost unimaginable. An

⁴ See *id.*, arts. 2(1), 3(2), at 1459.

⁵ See Secretary General of the United Nations, Kofi Annan, Press Release GA/SHC/3481 20th Meeting (PM) 21 October 1998, CHILD EXPLOITATION HAS BECOME HUGELY LUCRATIVE, THIRD COMMITTEE TOLD.

⁶ See INTERNATIONAL LABOR ORGANIZATION, CHILD LABOR: TARGETING THE INTOLERABLE, REPORT VI, at 7 (International Labor Conference, 86th Sess., Agenda Item 6, 1996) [hereinafter REPORT VI].

⁷ See Report VI, *supra* note 6, at 7-8.

⁸ See Report VI, *supra* note 6, at 8.

⁹ See generally UNESCO, WORLD EDUCATION REPORT (1999).

estimated two million are in prostitution and many of them are at risk from hazardous and intolerable forms of labor.”¹⁰ Ms. Carol Bellamy, the Executive Director of UNICEF, goes on to tell us that “[i]ntolerable forms of child labor are so grave an abuse of human rights that the world must come to regard them in the way it does slavery - as something unjustifiable under any circumstances.”¹¹ So this becomes our starting point and where we are in the world today. These questions have to be asked then: why aren't these countries living up to their obligations? and why do these forms of exploitative child labor still exist in the world?

The representatives of both the ILO and UNICEF have talked about the definition of child labor, so I will just repeat that it is exploitative or harmful, but we see it as something more on a continuum. From child labor or children working in ways that might help their development, we want to begin by stating that the Holy See is very vocal in stating that there is nothing wrong with children working. There is nothing wrong with children having responsibility; there is nothing wrong with being given chores around the house. But there is something wrong when that pendulum swings to where that work or that responsibility becomes too much for the capacity of the child; where it becomes hazardous; where it interferes with the spiritual development of the child or any other part of their development; where it interferes with their education; where it interferes with them being a child; where it takes away their childhood and in fact endangers their life.

Going back to the family and the responsibility of parents, the Church places a very strong emphasis on the role of the parent in the family. Unfortunately, however, even though the Convention protects that role of the parents, the mere mention of the “parent” has come under attack within United Nations documents and some of its rulings in legislation. In the recently completed Lisbon Conference on Youth that was held last August in Portugal, the word “parent” was never mentioned.¹² “Parent”

¹⁰ See generally *id.*

¹¹ See CAROL BELLAMY, *THE STATE OF THE WORLD'S CHILDREN* 1997 46 (NY:UNICEF/Oxford University Press).

¹² See generally *United Nations, 1st World Conference of Ministers Responsible for Youth* (visited March 1, 2000) <<http://www.un.org/events/youth98>>. The World

was completely cut out of the document dealing with children, defined as young people from the age of six on through adolescence. Most recently, just two weeks ago, in preparation for the special session on the follow-up to the Cairo Conference, the Conference on Population and Development,¹³ it was the United States, Canada and the countries of the European Union which again wanted to cut any mention of the role of parents and family development in education. That is where we are today.

In 1994, Pope John Paul wrote his Letter to the Family and his Letter to the Children.¹⁴ Here he stated that "the Holy See's prompt accession to the Convention on the Rights of the Child accords with the Catholic Church's bimillinary tradition of service to those in material or spiritual need, especially the weaker members of the human family. Among those, children have always received special attention."¹⁵

In the child of Bethlehem, Christians contemplate the uniqueness, the dignity and the need of love for every child. In the examples of the teachings of her founder, the Church perceives a mandate to devote special care to the needs of children. Indeed, in the Christian view, our treatment of children is a measure of our fidelity to the Lord Himself. That is where we come from in our work at the Holy See.

In protecting the rights of the children, one of the things we feel strongly about is the promotion and protection of the duties, rights, and responsibilities of the parents and of the family. The Church realizes that there are still many problems in the world, with its people, that are far from being solved. But we realize that no one country, no one state can solve these problems by themselves. Countries must work together. In the United Nations, we continue to work especially to alleviate any threats to the wellbeing of children, as they are the next generation, and will inherit this world that we live in today.

Conference of Ministers Responsible for Youth was held August 8-12, 1998, in Lisbon, Portugal. *Id.*

¹³ David Shaw, *Coverage of UN Conference Shows Vatican Media Savvy*, L.A. TIMES, April 17, 1995, at A17.

¹⁴ See <http://www.vatican.va/holy_father/john_paul/> for transcript of *Letter to the Family*, February 2, 1994 and *Letter to Children*, December 13, 1994 or follow directions located for finding Letters at www.popejohnpaul.com.

¹⁵ *Id.*