Document generated on 08/12/2025 3:04 p.m.

Revue québécoise de droit international
Quebec Journal of International Law
Revista quebequense de derecho internacional

A Child's Right to Education: What Can the International Community Do?

Sajal Lahiri

Special Issue, December 2019

URI: https://id.erudit.org/iderudit/1068736ar
DOI: https://doi.org/10.7202/1068736ar

See table of contents

Publisher(s)

Société québécoise de droit international

ISSN

0828-9999 (print)
2561-6994 (digital)

Explore this journal

Cite this article

Lahiri, S. (2019). A Child's Right to Education: What Can the International Community Do? *Revue québécoise de droit international / Quebec Journal of International Law / Revista quebequense de derecho internacional*, 165–172. https://doi.org/10.7202/1068736ar

Article abstract

Children from poor families often do not go to school and work as wage labourers instead. This perpetuates their poverty status. How does one break this vicious circle? This article discusses different options that the international community can consider and the shortcomings of some of the policies that it has been pursuing. The article argues that carrots are more likely to work than sticks, and one has to look at other areas such as the availability of credits in order for educational policies to be more effective.

Tous droits réservés © Société québécoise de droit international, 2019

This document is protected by copyright law. Use of the services of Érudit (including reproduction) is subject to its terms and conditions, which can be viewed online.

https://apropos.erudit.org/en/users/policy-on-use/

érudit

This article is disseminated and preserved by Érudit.

Érudit is a non-profit inter-university consortium of the Université de Montréal, Université Laval, and the Université du Québec à Montréal. Its mission is to promote and disseminate research.

https://www.erudit.org/en/

A CHILD'S RIGHT TO EDUCATION: WHAT CAN THE INTERNATIONAL COMMUNITY DO?[1]

Sajal Lahiri[*]

Children from poor families often do not go to school and work as wage labourers instead. This perpetuates their poverty status. How does one break this vicious circle? This article discusses different options that the international community can consider and the shortcomings of some of the policies that it has been pursuing. The article argues that carrots are more likely to work than sticks, and one has to look at other areas such as the availability of credits in order for educational policies to be more effective.

Les enfants de familles pauvres ne vont, souvent, pas à l'école et travaillent plutôt comme ouvriers salariés. Cela perpétue leur statut de pauvreté. Comment brise-t-on ce cercle vicieux? Cet article traite des différentes options que la communauté internationale peut envisager et des lacunes de certaines des politiques publiques qui ont été poursuivies. L'article affirme que les carottes sont plus susceptibles de fonctionner que les bâtons et qu'il faut examiner d'autres domaines, tels que la disponibilité des crédits, afin que les politiques éducatives soient plus efficaces.

Los niños de familias pobres a menudo no van a la escuela ya que trabajan como obreros asalariados. Esto perpetúa su estado de pobreza. ¿Cómo romper este círculo vicioso? Este artículo analiza las diferentes opciones que la comunidad internacional puede considerar al respecto, así como las deficiencias de algunas de las políticas públicas implementadas hasta ahora. El artículo argumenta que los incentivos tienen más probabilidad de funcionar que las amenazas y que otras áreas, como la disponibilidad de créditos, deben explorarse para que las políticas educativas sean más efectivas.

[1] This paper is based on my keynote address (Paper delivered in 2017 McGill Graduate Conference "Governing our Commons: What Matters to us Today", 14 May 2017). The author is grateful to the participants for their helpful comments.

[*] Vandeveer Chair Professor of Economics and Distinguished Scholar, Southern Illinois University Carbondale. Email: lahiri@siu.edu.

Education is a human right in itself. It is also a very important means with which one can realize other human rights. Education empowers economically and socially marginalized children to lift themselves out of poverty. It is thought to be so important that in 2010, India became one of 135 countries to make education a fundamental right of every child. The *Right to Education Act*[2] (*RTE Act*) is an act of the Parliament of India, which describes free and compulsory education as basic rights for children between the ages of six to fourteen years under article 21A of the *Constitution of India.*[3] This gives the State government and the federal government the responsibilities to make sure that those children receive education. In case of failure on the part of the governments to provide education to children between ages of six and fourteen years, they could be taken to courts and ordered to follow the Constitution.

Education and the lack of it, both tend to be handed down from generation to generation. People have found that a child is likely to remain uneducated, if his/her parent or grandparents are uneducated.[4] This also has a gender dimension. There is an African proverb which says, "If you educate a man you educate an individual, but if you educate a woman you educate a family (nation)", which is normally attributed to a Ghanaian scholar Dr. James Emmanuel Kwegyir-Aggrey. What it means is that the presence of educated adult women in a household exerts a positive influence on the household's decision to educate its children, male and female.[5] In other words, educating girls at present is likely to ensure that their daughters and sons are educated in the future. In spite of this, according to the United Nations Educational, Scientific and Cultural Organization (UNESCO), 130 million young girls in the age group 6-17 do not go to school, and 15 million girls of primary school age—half of them in Sub-Saharan Africa – will never go to school. There is a complex set of reasons such as child marriage for it, but poverty is thought to be a key factor.[6] However, the World Bank is a member of the United Nations Girls' Education Initiative, which works with different national and international agencies to promote girls' education.

Many countries such as India and Bangladesh now have special initiatives to delay child marriage and promote education of young girls.

---

2 *The Rights of Children to Free and Compulsory Education Act* (India), No 35 of 2009, The Gazette of India [*RTE Act*].

3 *The Constitution of India* (India), 26 January 1950.

4 See Patrick M Emerson & Shaun Knabb, "Opportunity, Inequality and the Intergenerational Transmission of Child Labor" (2006) 73:291 Economica 413 [Emerson & Knabb] for an analysis of the case of Brazil.

5 For the case of urban boys in India, see Saswati Das & Diganta Mukherjee, "Role of Women in Schooling and Child Labour Decision: The Case of Urban Boys in India" (2007) 82:3 Social Indicators Research 463. See also Jean Drèze & Geeta Gandhi-Kingdon, "School Participation in Rural India" (2001) 5:1 Review of Development Economics 1 [Drèze & Gandhi-Kingdon] for the cases of rural boys and girls in five North Indian states.

6 Ranjan Ray, "The Determinants of Child Labour and Child Schooling in Ghana" (2002) 11:4 Journal of African Economies 561. The author finds a significant effect of poverty status on the incidence of child labour. Interestingly, in some of the not so poor families, children have opportunities to work which children from the very poor families do not have. Ownership of cattle by the family, for example, may be one such opportunity. See Emerson & Knabb, *supra* note 4 for details.

It is widely agreed by academics, policy makers in both national governments and multilateral organizations, and non-governmental organisations (NGOs) that children all over the world—boys and girls—should receive their basic human rights to education, enjoyment of childhood, and freedom from child labour. What is not clear is how best to go about achieving these aims. This is an area where unanimity of opinion ends.

I. Child Labor

Employment of children is in no doubt coming in the way of them receiving education. According to recent estimates by the International Labor Organization (ILO), there are about 150 million children in the world who work full-time, with the South Asian countries accounting for about 35 % of the total.[7] The high figure for employment of children in South Asia reflects the very large population of that part of the world.[8] In terms of percentages, about 10 % of South Asian children in the 10-14 age group are economically active. These are aggregate figures. The picture is more worrying if one looks at the rural population. In rural Pakistan, for example, about 28 % of the boys in this age group are in full-time employment.

On the positive side, these figures have been falling over the last sixty years or so.

In 1950, the labour-market participation rate in 10-14 age group was 36 % in South Asia. Today, the figure is about 10 %. However, the decline in the participation rate has not been that steep. The decline notwithstanding, most people agree that the level of child labor is unacceptably high. Child labor is socially undesirable and its elimination is a worthy goal. The economic, social and cultural rights of children are compromised by letting them work. Freed from work, children will be able to spend more time in positive activities such as education and the simple enjoyment of their childhood.

---

7 According to the ILO *Convention 182*, a person of less than 15 years of age is treated as a "child", and a child is thought to be "economically active" if the child does work that is on a regular basis and that is remunerated or that results in output which reaches a market. See *Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour*, 17 June 1999, 2133 UNTS 161 (entered into force 19 November 2000) [*C 182*]; Kaushik Basu & Pham Hoang Van, "The Economics of Child Labor" (1998) 88:3 American Economic Review 412 [Basu & Van].

8 For a more detailed discussion on the extent of the problem, see Kebebew Ashagrie, "Statistics on Child Labour" (1993) Bulletin of Labour Statistics No 3 (International Labour Organization); Christiaan Grootaert & Ravi Kanbur, "Child Labor: An Economic Perspective" (1995) 134:2 International Labor Review 134 [Grootaert & Kanbur]; ILO, *Economically Active Populations: Estimates and Projections, 1950-2010* (Geneva: International Labour Organization, 1996); Kaushik Basu, "Child Labor: Cause, Consequence and Cure, with Remarks on International Labor Standards" (1999) 37:3 Journal of Economic Literature 1083 [Basu]. The ILO has published revised global estimates of child labour (see ILO, *A Future Without Child Labour* [Geneva: International Labour Organization, 2002]). According to the latter, in the year 2000, 211 million children were economically active and 186 million among all the children in the world were considered 'child labourers' according to the ILO definition of child labour described *supra* note 7.

One view among both the governments of the developed world and many of its citizens is that trade sanctions should be applied against goods that are produced with the help of child labor. There are also popular pressures in the West for the boycott of multinational corporations (MNCs) that carry out production in sweatshops in the developing world. Here the argument is that MNCs pay low wages and often use child labor. The demand is that MNCs should be required by law to pay higher wages and to stop using child labor. For example, campaigners have been demonstrating across university campuses in the United States, urging university authorities – often with success – to cease doing any business with the blacklisted MNCs.

There are doubts as to the merits of these policies. According to the United Nations International Children's Emergency Fund (UNICEF) only 5 % of child labour is employed in the tradeable sector. Therefore, trade sanctions are unlikely to have any significant effect on the incidence of child labor. There is even evidence to suggest that such measures can be counter-productive.[9] In 1993, due to a threat from the US Congress, Bangladeshi garment industry dismissed 50,000 child labourers. Researchers subsequently found that very few of the dismissed children had entered education; most had taken up even more hazardous work such as leatherwork and brick-making, with some of the children having even taken up prostitution. As a result of such findings, many international institutions are now either focusing on the "worst forms" of child labour, or are trying alternative instruments to reduce the incidence of child labor.[10]

As for the MNCs, they typically pay their workers more than they would earn for similar work elsewhere in the economy. This holds true even when the direct employers are domestic sub-contractors of an MNC. Indeed, development specialists often criticize MNCs precisely because their relatively high wages cream off the best workers at the expense of domestic industries. If, under pressure from anti-sweatshop campaigners, MNCs are persuaded to pay more to their workers, the net result would be shifts in employment from the developing countries to the developed world, and this cannot be to the benefit for the poor children in the developing world.

It is worth pointing out that not all advocates of "ethical trade" are motivated by altruistic concerns. For some, it is about protecting their jobs. The cries for ethical trade can be interpreted as forms of "new" protectionism, replacing the old ones that are to be phased out under the World Trade Organization (WTO). The anti-sweatshop campaigns, spearheaded in the United States by groups such as the Worker Rights Consortium (WRC) and the Fair Labor Association (FLA), are, wittingly or unwittingly, pursuing a protectionist agenda. This is because the net effect of their demands will be to slow down the flow of MNC investment (and jobs) out of the developed world.

---

[9] Jagdish Bhagwati, "Trade *Liberalization* and 'Fair Trade' Demands: Addressing the Environment and Labor Standards Issues" (1995) 18:6 World Economy 18; Grootaert & Kanbur, *supra* note 8; Saqib Jafarey & Sajal Lahiri, "Will Trade Sanctions Reduce Child Labour?: The Role of Credit Market" (2002) 68:1 Journal of Development Economics 137 [Jafarey & Lahiri, "Credit Market"].

[10] For an analysis of how the working of the global economy is affecting the policy options on child labour, facing the international community, see Eric Edmonds & Nina Pavcniz, "Child Labor in the Global Economy" (2005) 19:1 Journal of Economic Perspectives 199.

If sanctions and boycotts from developed countries will not help in ending child labor, then what will? In order to devise appropriate policies, it is imperative that the differences in types of child labor be recognised. For the worst forms of child labor such as child prostitution, child soldiers, and children working under hazardous conditions, it is appropriate that every effort be made to end such practices. Governments have the means to enforce such bans, since many of the worst forms of child labor are visible and concentrated in certain pockets. However, certain limitations bear recognition. Bonded child labor or slavery often exists informally, so the room for legal intervention is limited.

Having said that, a ban on child labor can be benign in the sense that poor families that send their children to work might actually welcome the ban, as Van[11] and Basu[12] have shown. The idea here is that if all the families withdraw their children from work, the market wage (for the parents) would rise and the family would be better off. However, there is a coordination problem here as, if just one family did so, the market wage would not change. In these situations, a ban would work as a mechanism that solves the coordination problem. There has been some success in this regard. The ban on young girls working as domestic help in households in Kolkata, India, has been a success. It, along with other initiatives such as the Kanyashree Prakalpa, have resulted in an increase in the wage rate of adult women working as domestic help and evidence suggests that most of those replaced young girls have been going to school.[13]

It is imperative that a ban on the worst kinds of labor is accompanied by policies that provide suitable alternatives to the children. For example, a program of rehabilitation needs to be made available to the children released from such labor. The International Programme on the Elimination of Child Labour (IPEC) of the International Labour Organisation has been doing precisely this in many parts of the world, including in South Asia.[14] IPEC is targeting the worst forms of child labor, and coordinating programs of rehabilitation with funds from donor agencies. For example, the IPEC proposes for India a shift in emphasis from large numbers of small-impact programs to a limited number of large-impact programs.

One of these large programs is to eliminate the most hazardous forms of child labour in six districts: Firozabad, Mirzapur, Jaipur, Tirupur, Virudhunagar and Prakasam. It also aims to consolidate direct support for the rehabilitation of child labor from a number of local NGOs. The IPEC also mobilizes public opinion by organizing media campaigns in countries, which have not yet ratified the *Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.*[15] The IPEC is also joining hands with trade unions in countries like India,

---

11 Basu & Van, *supra* note 7.

12 Basu, *supra* note 8.

13 Arijita Dutta & Anindita Sen, "Kanyashree Prakalpa in West Bengal: Justification and Evaluation", *International Growth Centre* (4 July 2017), online: International Growth Centre <www.ideasforindia.in/topics/human-development/kanyashree-prakalpa-in-west-bengal-justification-and-evaluation.html>.

14 For details of the IPEC programme, see ILO, "International Programme on the Elimination of Child Labour (IPEC)", online: International Labour Organization <www.ilo.org/ipec/lang--en/index.htm>.

15 *C 182*, *supra* note 7.

Pakistan and Bangladesh, for putting pressure on governments to ratify ILO *Convention 182*. India has recently ratified ILO *Convention 182*.

On balance, there is some optimism that the worst forms of child labour can be eliminated in the near future. This is clearly good news. However, the reality is that the worst forms of child labor constitute only the tip of the iceberg as far as the overall problem facing South Asian countries is concerned. Most child laborers are employed in the agricultural sector, where the work is relatively less hazardous. Moreover, in countries such as India, the arrangements are informal and spread over hundreds of thousands of villages, i.e. the most common forms of child labour are rather invisible and diffused. Policies that are quite effective for dealing with the worst forms of child labor could be inappropriate and ineffective for dealing with the most common forms of child labor.

Undoubtedly, all forms of child labor are detrimental, both to the children themselves and to their societies, which miss the opportunity of having these children grow up as educated and skilled adults. How can the common forms of child labor be eliminated? Economists tend to approach this question by posing another: why do children work in the first place? It is believed that the answer to the second question is necessary for finding an answer to the first.

An economist posits that a household head decides to send a (marginal) child to school rather than to work, by balancing the marginal costs with marginal benefits of the action. In the simplest framework, the marginal cost is the opportunity cost of sending a child to school, and it is given by the income foregone on account of the child.[16] Marginal benefits have two main components: (i) future benefits in the form extra income—skill premium—that school-going child will bring in, and (ii) the non-pecuniary utility that the household head will receive from seeing a child getting educated. Extra income from the school-going child accrues in the future, and therefore, that needs to be converted in terms of present value by discounting by factor that is closely related to interest rate the family faces in the credit market. In addition, the non-pecuniary benefit needs to be converted into its money value by dividing it by the marginal utility of income facing the family. We can now talk about a few important policy options in terms of the child-labor equilibrium equation just described above.

A single factor has been emphasised in all economic explanations of why child labour exists, i.e. poverty.[17] In terms of the equilibrium condition described above, poverty increases the marginal utility of income, as poorer people tend to have a higher marginal utility of income than rich people, and this reduces the dollar value of the non-pecuniary benefit from sending a child to school. However, poverty is by no means the only reason. For example, the quality of education available to most children in South

---

[16] Jafarey & Lahiri, "Credit Market", *supra* note 9; Saqib Jafarey & Sajal Lahiri, "Food for Education Versus School Quality: A Comparison of Policy Options to Reduce Child Labour" (2005) 38:2 Canadian Journal of Economics 394 [Jafarey & Lahiri, "Child Labour"].

[17] Ranjan Ray, "Analysis of Child Labour in Peru and Pakistan: A Comparative Study" (2000) 13:1 Journal of Population Economics 3.

Asia is often inappropriate and well below the standards of adequacy.[18] Poor quality of education would reduce the skill premium that school-going children receive in the future, and this will further reduce the marginal benefit of sending a child to school.

In Pakistan, for example, many rural districts do not have schools, and even if a school is there, there are no teachers. Even in urban areas, many children are sent to work rather than to school because of the perceived lack of relevance and inadequacy of the schooling provided. Teaching methods are also old-fashioned, and uninspiring truancy among teachers is not uncommon.[19] The Public Report on Basic Education (PROBE) Team found similar evidences in India.[20] Often expensive buildings and other physical infrastructure are not necessary to improve the rate of return from education. Careful reworking on the curriculum, teaching methods (by training the teachers to teach effectively, for example), assessment methods, etc., can make learning fun for the children and therefore encourage more children to go to school and continue there and not drop out after a year or two.

Jafarey and Lahiri analyzed two specific policies on education that would reduce child labor, and these are food for education and investment in education quality.[21] As for the food-for-education policy, it was piloted in many parts of the world. This is different from another policy which is also being tried in many countries, and that policy provides food in schools itself. In Bangladesh, the food-for-education initiative targeted families to receive 15-20 kilograms of wheat per month if their children attended school.[22] In 1996, over a million families were in the program. The Bolsa Escola program in Brazil targets families with an unemployed adult and pays a monthly stipend to such families if they send all their children to school. Similarly, the famous Program for Education, Health and Nutrition (PROGRESA) in Mexico attempted to divert child labor to schools by paying their families stipends as long as the attendance rate was over 85 %. About 2.5 million families benefited from this program. Food for education would reduce the marginal cost of sending a child to school and therefore increase the number of school-going children.

Another reason that children might work is that they (or their parents) are unable to obtain loans, which would help the family offset the temporary loss of income

---

18 Bibhas Saha & Subrata Sarkar, "Schooling, Informal Experience, and Formal Sector Earnings: A Study of Indian Workers" (1999) 3:2 Review of Development Economics 187. Jean Drèze & Amartya Sen, *India: Economic Development and Social Opportunity* (Delhi: Oxford University Press, 1996); Jean Drèze & Amartya Sen, *An Uncertain Glory: India and Its Contradictions* (Princeton: Princeton University Press, 2013). The authors have been emphasizing the role of quality elementary education in economic development. There are, of course, many reasons why investment in education and in other public services is low in many countries. One reason that is very important could be the political economy of taxation and its implications for the provision of public services (Alberto Alesina & Dani Rodrik, "Distributive Politics and Economic Growth" (1994) 109:2 Quarterly Journal of Economics 465).

19 See Pakistan Institute of Labour Education and Research (PILER), *Child Labour in Hazardous Industries: Research Report No 2* (Karachi: PILER, 1998).

20 See Public Report on Basic Education (PROBE) Team, *Public Report on Basic Education in India* (New Delhi: Oxford University Press, 1999); Drèze & Gandhi-Kingdon, *supra* note 5.

21 Jafarey & Lahiri, "Child Labour", *supra* note 16.

22 For an analysis of the food-for-education programme in Bangladesh, see Martin Ravallion & Quentin Wodon, "Does Cheaper Schooling Mean Less Child Labor? Evidence from Behavioural Responses to an Enrollment Subsidy" (2000) 110:462 The Economic Journal 158.

during the years that the child attended school instead of working. These and other factors may work in rather complicated ways, and therefore, the relative performance of different policy instruments may depend on the exact way these factors interact.[23] Credit constraints faced by poor families would increase the interest rate faced by them and therefore reduce the present value of future benefits in terms of skill premium.

***

Providing human rights to children is a difficult task in most countries. More often than not, the long-term interest of the children can differ from the short-term interest of their parents. This often leads to people labeling poor parents as selfish and cruel. The truth is far from it. When such parents are asked questions about the value of education, as is the case in PROBE Team (1999), they unequivocally are in support of educating their children, but complain about the quality of education the children receive. This, along with a very high discount rate that they have due to the extent of their poverty, makes one believe that there cannot be any shortcut to the issue at hand, and policymakers need to face up to the fact that the poor quality of education is at the heart of the problem. Fortunately, education quality can be improved without a need for massive investments in educational infrastructure.

Some of the initiatives that one comes across seem to be addressing the problem and one already notices significant changes in the attitude of parents. During my recent trip to Kolkata and Dhaka, I was greatly encouraged to see children from poor families attending schools in large numbers and doing well. However, a lot more needs to be done away from the big cities. The long-term future of any nation is inextricably linked up with the level of human capital that the country will end up with in the future. Therefore, providing rights to decent education and healthcare should be in the interest of everyone concerned.

---

[23] Priya Ranjan, "An economic analysis of child labor" (1999) 64:1 Economics Letters 99; Jafarey & Lahiri, "Credit Market", *supra* note 9.