

India

India is home to the [largest number of children in the world](#), significantly larger than China. In 2017, India's under 18 population was nearly 448 million (33% of the total population), and approximately 25 million children are born every year. Businesses operating in, or sourcing from, India should exercise heightened [due diligence](#) as the achievement of children's rights is not always guaranteed in the workplace, marketplace and community and environment.

Workplace

According to the [Children's Rights in the Workplace Index](#), companies operating in, or sourcing from, India should exercise heightened [due diligence](#). India scores 5.1 out of 10 in the Index, primarily due to significant numbers of children in child labour, gaps in the minimum age of employment and low family income levels. To respect and support children's rights in the workplace, businesses should:

- **Contribute to the elimination of child labour**

India has the highest number of child labourers in the world. As per the census undertaken by Government of India in 2011, there are 10.2 million children working, which is 3.9% of children aged 5-14 years. While there has been an overall decline in the number of working children since 2001, the number of children working in urban areas is increasing, due to migration from rural areas to work in hazardous industries or construction sites.

While the minimum age of employment is set by national and state legislation, there is a lack of capacity among authorities to fully enforce the law. Enforcement of legislation is particularly challenging in the informal sector where children may be working in the lower tiers of the supply chain.

The government's ratification of ILO Conventions No. 132 on Minimum Age of Employment and No. 182 on Worst Forms of Child Labour in June 2016 signals a renewed commitment to protecting children and adolescents from exploitation. Nevertheless, companies should continue to exercise heightened [due diligence](#), and put in place comprehensive child safeguarding and child labour remediation policies and procedures to ensure that they are contributing to the elimination of child labour.

- **Provide decent work for parents and caregivers**

Working conditions for parents and caregivers also have a direct impact on the health, development and survival of children. India has not ratified ILO Convention No. 95 on the Protection of Wages or Convention 131 on Minimum Wage Fixing (No. 131). There is no nationwide minimum wage in India; instead, minimum wages are determined at the state level. Nevertheless, poverty rates are among the highest in the world. According to World Bank data, [21.2% of the population lives below US\\$1.90 per day](#). Working parents earning incomes at or below the poverty line are less likely to be able to provide an adequate standard of living for their children. Low wages and inadequate family income contribute to child labour, particularly where children are compelled to work to supplement family incomes.

In 2017, India [increased the legal maternity benefit from 12 to 26 weeks \(approximately six months\) of paid leave](#). While this is an important step towards empowering women in the workplace, in practice it is only applicable to formal sectors and not to India's large informal sector (estimated at more than 90% of the economy). With a full six months of paid maternity leave, working mothers in the formal sector will be better able to care for their children and will be better supported in returning to the workplace after

childbirth. More working mothers would also likely to be able to exclusively breastfeed their infants as recommended by [UNICEF and WHO guidelines](#). Ideally, infants should be breastfed exclusively for the first six months of life, and should continue to be breastfed up to two years of age. Exclusive breastfeeding [helps children to survive, and supports healthy development](#). In India, [65% of mothers exclusively breastfeed their infants](#) for the first six months, which is higher than the global average of 43%.

Marketplace

According to the [Children's Rights in the Marketplace Index](#), companies operating in, or sourcing from, India should exercise moderate [due diligence](#). India scores 4.4 out of 10 in the Index, primarily due to limitations of safeguards to protect children online and growing rates of childhood obesity. To respect and support children's rights in the marketplace, businesses should:

- **Ensure that products and services are safe**

India has legislation to prohibit child pornography and require Internet Service Providers (ISPs) to report suspected child pornography to law enforcement. According to [national data](#), in 2015 approximately 96 cases were reported under sections concerning pornography and children, a 140% increase from 2014. Cyber bullying is also concern: and while there is no government data on this issue, a recent [Microsoft-sponsored survey](#) found that 77% of Indian children reported being bullied online and/or offline. Furthermore, 70% of children said that they know a lot or something about online bullying, while 79% were worried about cyber bullying.

[ICT](#) companies should strengthen their [due diligence](#) procedures to ensure safeguards are in place to tackle cyber-bullying, as well as to protect children from pornographic material.

- **Ensure marketing and advertising respect children's rights**

Children in India are affected in many ways by marketing practices. According to a 2017 study, there is an increasing trend in India with respect to obesity in children. There is also [growing evidence of the impact that marketing of foods with high fat, salt and sugar \(HFSS foods\) has on children and childhood obesity](#). This has been a matter of concern with state governments, and many states have banned the use of HFSS food products in school and college premises.

[Food and beverage](#) companies should strengthen their [due diligence](#) procedures to ensure that marketing practices do not have harmful impacts on children's health and development. Companies should also ensure that they comply with [India's self-regulatory marketing and advertising code](#), which provides guidelines for marketing communications to children and young people.

India has ratified the WHO Framework Convention on Tobacco Control but not the Protocol to Eliminate Illicit Trade in Tobacco Products. There are warnings about the dangers of use of tobacco products on packaging; similarly, health warnings are required on alcohol packaging. Though there are bans in India on both tobacco and alcohol advertising in most forms of media, some companies try to circumvent restrictions to market their products and messages. Operational action plans on decreasing tobacco and alcohol use are also in place through legislative means and court decisions, although there is scope of improving the situation.

Community and Environment

According to the [Children's Rights in the Community and Environment Index](#), companies operating in, or sourcing from, India should exercise heightened [due diligence](#). India scores 4.9 out of 10 in the Index, primarily due to the impact of natural disasters and the recruitment of children into armed groups. To respect and support children's rights in the community and environment, businesses should:

- **Respect children's rights in relation to the environment**

Children in some parts of India are significantly affected by disasters, such as severe floods and drought. For instance, a recent assessment of internal displacement found that [2,400,000 people were displaced in 2016 because of natural disaster](#). Children affected by disasters are less likely to have adequate access to clean water, sanitation, and education and health facilities.

Industrial pollution in India also has a disproportionate impact on children. According to WHO data, India has one of the world's highest concentrations of particulate matter ([65.7 in urban areas](#)), and [5 out of 100,000 deaths in children under five are attributable to ambient air pollution](#). Because children's immune systems and lungs are still developing, they are [more susceptible to negative impacts of pollution](#). Air pollution is also linked with asthma, bronchitis and other respiratory infections and diseases, which can be debilitating, force children to miss school, and cause long-lasting damage to their health and wellbeing.

- **Respect children's rights in security arrangements**

India has ratified the Optional Protocol to the [Convention on the Rights of the Child on the Involvement of Children in Armed Conflict](#). However, the [United Nations continues to receive reports](#) of the recruitment and use of children as young as six years of age by armed groups in eastern and central India. To avoid forcible recruitment, families have resorted to sending children away from home at a young age, leading to children dropping out of school.

Companies in the [extractives](#) industry operating in conflict-affected areas should exercise heightened [due diligence](#) to ensure that children are protected, and that no children are involved in safeguarding operations, allied industries or in the supply chain for the extractives industry.

Further Reading

UNCIEF, 2017, State of the World's Children 2017, available at: <https://data.unicef.org/>

UNICEF India, 2017, Country website, available at: <http://unicef.in/>