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# CHILD LABOUR AND HUMAN RIGHTS: A SOCIO-LEGAL PERSPECTIVE ON INNOVATION AND INTELLECTUAL PROPERTY

Pooja Tiwari<sup>1</sup> & Dr. Farha Khan<sup>2</sup>

### ABSTRACT

*This study examines the relationship between intellectual property (IP), human rights, and child labour from a socio-legal standpoint. It does so by critically examining how IP rules while encouraging innovation, may unintentionally perpetuate child labour practices. Child labour is still a problem in the world today, particularly in areas where there are both economic pressures and weak legal protections. The study shows that IP rules, especially in electronics, textiles, and agriculture, may encourage child labour because big businesses monopolise resources and the quest for lower production prices. The paper illustrates the dual function of intellectual property (IP) in possibly alleviating and prolonging child labour through case studies. In addition to highlighting the need for more robust enforcement measures, moral innovation, and assistance for regional economies, it promotes a revised intellectual property system that includes human rights concepts. To advance innovation without undermining the dignity and well-being of vulnerable groups, the paper advocates for harmonizing intellectual property legislation with international human rights norms, especially the rights of children. The results indicate that social justice and the abolition of child labour may be significantly helped by an intellectual property law approach grounded in human rights.*

**KEYWORDS:** Child labour, human rights, intellectual property, socio-legal perspective, ethical innovation.

### INTRODUCTION

All around the world, child labour is still a problem, especially in developing nations where socioeconomic difficulties and lax laws encourage its continuation. Millions of children still labour in conditions that rob them of their childhood, dignity, and potential, despite international initiatives like the United Nations Convention on the Rights of the Child (UNCRC) and the conventions of the International Labour Organization (ILO),

<sup>1</sup> Research Scholar (Law), Graphic Era Hill University, Dehradun

<sup>2</sup> Assistant Professor, Graphic Era Hill University, Bhimtal

which expressly forbid child labour. In addition to impairing children's development, this violation of fundamental human rights keeps poverty and inequality cycles alive.

Simultaneously, intellectual property law has become a potent instrument in fostering economic expansion and innovation. IP laws encourage innovation by granting the exclusive right to use, create, and market inventions. They are intended to safeguard the rights of inventors, producers, and enterprises. Nonetheless, there are significant concerns regarding the moral implications of innovation and the social obligations of those who profit from intellectual property rights when child labour and IP law collide.

A growing number of sectors of the world economy, like textiles, electronics, and agriculture, depend on intellectual property rights. Frequently, these sectors depend on intricate supply networks that reach areas where child labour is common. One business that has come under fire is the textile sector, which relies heavily on child labour and other inexpensive labour in developing nations due to its innovative fashion.<sup>3</sup> Similarly, the extremely patent- and trademark-dependent electronics sector frequently outsources production to regions with lax regulatory monitoring and high child labour violations.<sup>4</sup>

A complicated and multidimensional link exists between child labour and intellectual property. Patent laws, on the one hand, support economic expansion by encouraging invention and opening up new job and development prospects. On the flip side, vulnerable groups, including minors, may be exploited as a result of financial pressure in IP-intensive businesses to lower manufacturing costs. The monopolization of seeds and other resources by huge companies, for example, can result in patenting agricultural innovations, pushing small farmers in underdeveloped nations to depend on child labour to make ends meet.<sup>5</sup> Intellectual property holders' obligations to stop human rights violations are called into considerable ethical and legal doubt by this. The current legal structure for intellectual property protection frequently gives IP owners' financial interests precedence over workers' rights, especially in areas with low incomes. This disparity emphasizes the necessity of rethinking intellectual property (IP) legislation in a way that incorporates human rights ideas to prevent innovation from undermining marginalized groups. It is possible to establish a more just and equitable global economy by harmonizing intellectual property legislation with international human rights standards.

This study looks at how present intellectual property laws either encourage or discourage the use of child labour. It does this by examining the socio-legal dynamics of child labour in IP law. This paper aims to demonstrate the dual function of intellectual property (IP) in both perpetuating and perhaps mitigating child labour using case studies from the textile, agriculture, and electronics sectors. It will also advocate for IP

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<sup>3</sup> United Nations, Convention on the Rights of the Child, 1989, Article 32(1).

<sup>4</sup> International Labour Organization, Global Estimates of Child Labour: Results and Trends, 2012-2016, 2017, p. 15.

<sup>5</sup> Johnstone, R., Agriculture and Intellectual Property Rights: Economic, Institutional, and Implementation Issues in Biotechnology, 2018, p. 105.

legislation that is grounded in human rights and gives special attention to safeguarding children and other marginalized groups.

Examining the legal and economic aspects that support child labour's continuation, the paper first looks at the socio-legal background of child labour. Next, its influence on industry practices and its possible effect on child labour are examined in intellectual property legislation. Finally, the report advises how intellectual property (IP) law should incorporate human rights concepts. It promotes applying more robust enforcement tools, moral innovation, and local economic support to lessen the need for child labour.

In conclusion, even though intellectual property law has fueled economic expansion and creativity worldwide, changes to the law are necessary to prevent the continuation of human rights abuses. It is feasible to develop a framework that upholds the rights and dignity of every person, including children, while concurrently promoting innovation by taking a more human rights and holistic-focused approach to IP law.

## THE SOCIO-LEGAL CONTEXT OF CHILD LABOUR

Child labour is still a considerable problem in many parts of the world, especially in developing nations where there are insufficient social and legal safeguards in place to protect vulnerable populations. A complex interaction between financial need, cultural values, lax legal enforcement, and the forces of globalization shapes the socio-legal backdrop of child work. The socio-legal aspects of child labour are examined in this part, with attention to the roles played by social norms, economic circumstances, and national and international legal frameworks.

### Economic Factors:

Economic considerations are a principal cause of child labour, especially in areas with high poverty rates. Since adult salaries are insufficient to maintain households, families frequently rely on the revenue from child work to cover their fundamental necessities. Economic disparities, restricted educational options, and an absence of adult career opportunities all contribute to the prevalence of child labour.<sup>6</sup> A lot of the time, child labour occurs in unregulated industries like agriculture where there are lax labour regulations and little inspection.<sup>7</sup>

Child labour is principally caused by economic considerations, especially in low-income areas where poverty is pervasive. Because adult salaries are insufficient to maintain households, families frequently rely on the revenue from child work to cover their fundamental necessities. Economic disparities, limited adult job possibilities, and lack of access to education all contribute to the reliance on child labour. Children are

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<sup>6</sup> Cigno, A., & Rosati, F.C., *The Economics of Child Labour* (Oxford University Press, 2005) 12.

<sup>7</sup> Basu, K., *Child Labor: Cause, Consequence, and Cure, with Remarks on International Labor Standards* (1999) 37(3) *Journal of Economic Literature* 1083, 1087.

frequently employed in unregulated industries like agriculture, wherever there is little regulation and lax labour rules.<sup>8</sup>

### **Legal Frameworks:**

Different countries have quite different legal frameworks regarding child labour, which is an instance of their varying levels of economic growth, political will, and cultural values. International agreements that guarantee children's rights, like the UN Convention on the Rights of the Child (CRC) and ILO Conventions No. 138 (Minimum Age) and No. 182 (Worst Forms of Child Labour), are frequently not implemented consistently at the national level.<sup>9</sup>

Child labour regulations are present in many developing nations, but they are not well enforced because of political inertia, resource scarcity, and corruption. For example, India passed the Child Labour (Prohibition and Regulation) Act of 1986, among other laws, to try to stop child labour, yet implementation of these laws is still really challenging.<sup>10</sup> Millions of youngsters in India continue to labour under dangerous conditions, especially in mining, agriculture, and the textile industry.

Employers can take advantage of these ambiguities as distinct countries have different definitions of hazardous work and not the same legal ages for employment. For example, children as young as 14 can legally work in some nations under specific conditions. If the employment is considered vocational training, and after that the criteria may entail working in dangerous areas.<sup>11</sup> In industries where there is a considerable need for inexpensive labour, these legal loopholes play a significant role in the continued use of child labour.

### **Cultural and Social Norms:**

The continuation of child work is also greatly influenced by cultural and societal standards. Child labour is considered an essential component of a child's upbringing in many communities, especially in rural areas where children are expected to assist their families with agricultural tasks.<sup>12</sup> Additionally, in situations where there are legal bans against child labour, it can be challenging to confront these firmly rooted attitudes.

Furthermore, child work practices may be strengthened by the belief that education is a luxury rather than a right. When there are substantial immediate financial rewards, sending kids to work is often seen as more beneficial than sending them to school in low-income neighbourhoods.<sup>13</sup> Since legal actions might not be

<sup>8</sup> ILO, Global Child Labour Trends 2008 to 2012 (International Labour Office, Geneva 2013) 25.

<sup>9</sup> UN Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3.

<sup>10</sup> D'Souza, A., Moving Towards Decent Work for Domestic Workers: An Overview of the ILO's Work (ILO, Geneva 2010) 45.

<sup>11</sup> ILO Convention (No. 138) concerning Minimum Age for Admission to Employment, 1973.

<sup>12</sup> White, B., Defining the Intolerable: Child Work, Global Standards and Cultural Relativism (1999) 6(3) Childhood 133, 136.

<sup>13</sup> Myers, W.E., The Right Rights? Child Labor in a Globalizing World (2001) 575(1) The Annals of the American Academy of Political and Social Science 38, 43.

enough to alter ingrained social norms, the cultural acceptance of child labour makes efforts to end the practice more challenging.

### **International Trade and Globalization:**

Child labour is still prevalent because of the pressures of globalization and international trade. In an increasingly globalized economy, there is a strong need for inexpensive labour, especially in sectors of the economy where low production costs are necessary to maintain competitiveness in the global market. This need encourages companies to take advantage of underage labour, especially in nations with lax laws and high rates of poverty.<sup>14</sup>

Furthermore, global firms frequently outsource manufacturing to developing nations with cheaper labour costs and laxer regulatory scrutiny. Because supply chains in sectors like electronics, textiles, and agriculture are intricate and challenging to oversee, outsourcing may result in the exploitation of child labour in these processes.<sup>15</sup>

By putting the defence of commercial interests ahead of the protection of human rights, international trade agreements and intellectual property laws have the potential to worsen these problems. Trade agreements enforcing stringent intellectual property rights, for instance, may facilitate the monopolization of resources by major businesses, so intensifying economic pressure on small farms and augmenting the use of child labour.<sup>16</sup>

### **Conclusion**

A wide range of global, cultural, legal, and economic elements influence the socio-legal backdrop of child labour and contribute to its continued existence. Although national and international legal frameworks offer a foundation for safeguarding children's rights, the demands of globalization, cultural norms, and economic pressures compromise their efficacy. A multimodal strategy is needed to address the problem of child labour, one that emphasizes the need for increased legal enforcement, financial assistance for communities that are at risk, and a change in societal perceptions of child work. These socio-legal issues must be taken into consideration.

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<sup>14</sup> Heintz, J., *Globalization, Economic Policy, and Employment: Poverty and Gender Implications* (ILO, Geneva 2006) 67.

<sup>15</sup> Gereffi, G., *Global Value Chains in a Post-Washington Consensus World* (2014) 21(1) *Review of International Political Economy* 9, 15.

<sup>16</sup> Sell, S.K., *TRIPS-Plus Free Trade Agreements and Access to Medicines* (2007) 28(1) *Liverp Law Rev* 41, 45.

## INTELLECTUAL PROPERTY LAW AND ITS IMPACT ON CHILD LABOUR

Global economic activities are significantly shaped by intellectual property (IP) legislation, especially in sectors where competitive advantage is derived primarily from invention and creativity. Although intellectual property legislation (IP) is intended to safeguard authors' rights and promote innovation, it even so has complicated consequences for child labour, particularly in developing nations. Enforcing intellectual property rights can lower production costs, worsen economic inequality, and unintentionally encourage the use of child labour. This section examines the relationship between intellectual property law and child labour, concentrating on how IP protections in sectors like electronics, textiles, and agriculture may either increase or decrease the use of child labour.

### The Role of Intellectual Property in Global Supply Chains:

For businesses like medicines, electronics, and fashion that rely on innovation, intellectual property rights (IPRs) are essential. These sectors rely on copyrights, trademarks, and patents to safeguard their goods and keep a competitive edge in the international market.<sup>17</sup> Nonetheless, these businesses' worldwide supply lines frequently reach areas with inexpensive labour and lax regulatory monitoring. Under these circumstances, there may be pressure to lower production costs, which may result in the exploitation of children and other vulnerable groups.<sup>18</sup>

For example, IP law can fuel the desire for low-cost labour in developing nations in the textile industry, which primarily depends on trademarks and design rights. Large fashion businesses can create things more cheaply and still enjoy intellectual property rights in developed countries by outsourcing production to areas where child labour is common.<sup>19</sup> In supply chains, the competitive pressure to match the demand for fast fashion clothing that is made rapidly and marketed at low prices can result in the use of child labour. To achieve production schedules, children are frequently hired to labour long hours in dangerous environments for little remuneration.<sup>20</sup>

### Patents and Agricultural Child Labour:

IP law has an especially noticeable effect on patents for seeds and biotechnologies in the agricultural industry. The patents that large agribusinesses frequently own on genetically modified seeds can lead to monopolies and increased costs for small farmers in underdeveloped nations' farming inputs.<sup>21</sup> Due to financial difficulties,

<sup>17</sup> WIPO, World Intellectual Property Report: The Role of Intellectual Property in Innovation (World Intellectual Property Organization, Geneva 2019) 23.

<sup>18</sup> Finkin, M.W., Forbidding Child Labor: The International Limits of the American Regulatory State (2002) 6(4) Employee Rights and Employment Policy Journal 23, 27.

<sup>19</sup> Moulds, J., Child Labour in the Fashion Supply Chain: Where, Why and What Can Be Done (The Guardian, 2015) 15.

<sup>20</sup> ILO, Decent Work for All: The Challenge of Child Labour (ILO, Geneva 2014) 37.

<sup>21</sup> Shiva, V., The Seed and the Spinning Wheel: Globalisation, Deregulation and Innovation (2000) 6(2) Journal of Agricultural and Environmental Ethics 129, 134.



small-scale farmers may turn to child labour to keep their businesses afloat and reduce expenses associated with purchasing these patented seeds.<sup>22</sup>

Furthermore, by consolidating ownership of agricultural resources in the hands of a small number of multinational businesses, the application of IP rights in agriculture has the potential to worsen economic inequality. Small farmers displaced by this concentration of resources may have to resort to child labour to make ends meet.<sup>23</sup> The lack of strong legal protections for children in many rural areas, where there is little government monitoring and customs that may encourage the involvement of children in farming activities, contributes to the industry's reliance on child labour.

### **Electronics Industry and Child Labour:**

The intricate relationship between IP legislation and child labour is further demonstrated by the electronics industry, which is highly reliant on patents and trademarks. Production of parts like batteries and circuit boards has increased dramatically consequently, to the demand for electronic devices like laptops, tablets, and smartphones. These parts are frequently produced in nations where child labour is a problem.<sup>24</sup> Children work in mining locations like Southeast Asia to collect minerals like lithium and cobalt, which are necessary for making batteries. To satisfy the world's desire for electronics at the lowest possible price, these kids labour in dangerous environments and frequently without the required safety gear.<sup>25</sup>

Although intellectual property legislation safeguards the inventions that propel the electronics sector, it also incentivizes businesses to relocate their manufacturing to areas with cheaper labour costs. As companies look to maximize profits by decreasing production expenses, outsourcing may result in the exploitation of child labour in supply chains.<sup>26</sup> Because it may not always be clear how IP protections relate to the use of child labour, the lack of transparency in global supply chains makes it more difficult to hold businesses accountable for their labour practices.

### **Potential for Reform:**

The potential for IP legislation to lessen child labour exists, notwithstanding its difficulties. Policymakers can develop a more balanced strategy that fosters innovation and safeguards disadvantaged groups by incorporating human rights concepts into IP frameworks. Laws about intellectual property, for instance, could mandate that businesses carry out an investigation into labour standards in their supply chains and attest to the

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<sup>22</sup> De Schutter, O., The Right of Everyone to Enjoy the Benefits of Scientific Progress and its Applications (2009) 15(4) International Journal of Human Rights 72, 78.

<sup>23</sup> Sampath, P.G., Regulating Bioprospecting: Institutions for Drug Research, Access and Benefit-Sharing (Springer, 2005) 201.

<sup>24</sup> Chan, J., The Politics of Global Production: Apple and the Struggle over Foxconn (2013) 40(2) Critical Perspectives on International Business 18, 22.

<sup>25</sup> Amnesty International, This Is What We Die For: Human Rights Abuses in the Democratic Republic of the Congo Power the Global Trade in Cobalt (2016) 19.

<sup>26</sup> ILO, Child Labour in Mining and Global Supply Chains (2018) 15.

absence of child labour in their products.<sup>27</sup> Furthermore, incentive structures that recognize and reward businesses for their ethical innovation and fair labour standards might be created by governments and international organizations.

Additionally, the inclusion of child labour issues in IP law may incentivize businesses to engage in environmentally friendly production methods that do not include the exploitation of minors. Potential avenues for addressing this may be the creation of substitute technologies that lessen the need for labour-intensive procedures or the encouragement of regional entrepreneurship that strengthens communities and reduces their reliance on child labour.<sup>28</sup>

### **Conclusion:**

Even though intellectual property law is vital for encouraging economic development and innovation, it also has a large-scale impact on child labour, especially in sectors of the economy where low production costs are essential. IP rights enforcement can fuel the exploitation of children and other vulnerable groups in international supply networks, as well as lead to economic inequality. Nonetheless, it is possible to develop a more just system that safeguards both the rights of creators and the welfare of employees by incorporating human rights principles into IP frameworks. Stronger legal protections, corporate responsibility, and the encouragement of moral innovation are all necessary components of an all-encompassing strategy to address the effect of IP law on child labour.

## **CASE STUDIES: THE ROLE OF IP IN PERPETUATING OR MITIGATING CHILD LABOUR**

The dynamics of child labour are greatly impacted by intellectual property (IP) regulations, which can either exacerbate or lessen it depending on how they are interpreted and used. The ensuing case studies emphasize the detrimental and beneficial effects of IP laws on children's lives, illuminating the complicated interplay between IP rights and child labour in diverse industries and geographical areas.

### **Case Study 1: The Textile Industry in Bangladesh:**

Bangladesh's textile sector serves as a prime illustration of how intellectual property regulations, especially those about trademark and design protection, can sustain child labour. Bangladesh ranks among the world's top manufacturers of clothing items, supplying clothing to well-known international companies.

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<sup>27</sup> Gleeson, D.H., *Intellectual Property, Human Rights and Access to Medicines: A Global Perspective on Patent Law and Policy* (Routledge, 2018) 49.

<sup>28</sup> Yu, P.K., *Reconceptualizing Intellectual Property Interests in a Human Rights Framework* (2007) 40(3) *UC Davis Law Review* 1039, 1047.



Manufacturers are under tremendous pressure to create clothing at the lowest feasible cost because these brands mostly rely on trademarks and design rights to preserve their market position.<sup>29</sup>

When manufacturers try to save money by hiring children, who are paid less and are less inclined to demand better working conditions, this pressure frequently results in the exploitation of child labour. In some cases, children as young as twelve are working long hours in dangerous jobs to satisfy the needs of the fast fashion industry.<sup>30</sup> International efforts to stop child labour have not been successful because of the absence of effective enforcement of labour laws and the need to safeguard intellectual property.

### **Case Study 2: The Cocoa Industry in West Africa:**

The cocoa sector in West Africa, specifically in Ghana and Côte d'Ivoire, offers yet another illustration of how intellectual property laws can unintentionally support child labour. Leading global producers of cocoa, a necessary component of chocolate, are these nations. To safeguard their goods and preserve their market leadership, big, multinational firms that dominate the world chocolate market rely on patents and trademarks.<sup>31</sup> Child labour becomes essential for survival in the economic context created by the fierce competition and low prices provided to cocoa farmers. Families frequently depend on their children's labour to boost output and satisfy consumer expectations. The use of child labour is made worse by multinational firms enforcing intellectual property rights without giving enough thought to the socioeconomic circumstances of the farmers.<sup>32</sup>

Nevertheless, there have been attempts to lessen this effect, such as the Fair Trade movement, which prioritizes moral manufacturing methods and offers a premium for goods verified to be free of child labour. Even while these programs seem promising, their reach is still narrow, and expanding them to address the industry's more significant problems would be a challenge.<sup>33</sup>

### **Case Study 3: The Pharmaceutical Industry and Access to Medicines:**

One sector where intellectual property laws can have both beneficial and harmful effects on child labour is the pharmaceutical business. On the one hand, tight enforcement of drug patents can make it more difficult for developing nations to obtain reasonably priced medications, which exacerbates poverty and unintentionally encourages child labour as families struggle to pay for healthcare.<sup>34</sup> For example, families may be obliged to send their children to work to pay for necessary therapies in nations where patented medications are prohibitively costly.

<sup>29</sup> Moulds, J., Child Labour in the Fashion Supply Chain: Where, Why and What Can Be Done (The Guardian, 2015) 17.

<sup>30</sup> ILO, Decent Work for All: The Challenge of Child Labour (ILO, Geneva 2014) 39.

<sup>31</sup> Off, C., Bitter Chocolate: Investigating the Dark Side of the World's Most Seductive Sweet (New Press, 2008) 102.

<sup>32</sup> Berlan, A., Social Sustainability in Agriculture: An Anthropological Perspective on Child Labour in Cocoa Production in Ghana (2009) 45(1) The Journal of Development Studies 42, 47.

<sup>33</sup> Raynolds, L.T., Fair Trade: Social Justice and Production Alternatives (Routledge, 2007) 65.

<sup>34</sup> Gleeson, D.H., Intellectual Property, Human Rights and Access to Medicines: A Global Perspective on Patent Law and Policy (Routledge, 2018) 53.

Conversely, the pharmaceutical sector has also witnessed programs designed to reduce child labour by creating accessible generic medications. A vital instrument in expanding access to drugs and lowering the financial strains that lead to child labour requires a license, which permits nations to manufacture generic versions of copyrighted medications without the patent holder's approval in situations of a public health emergency.<sup>35</sup> Furthermore, with their focus on enhancing healthcare accessibility and decreasing poverty, public-private partnerships and corporate social responsibility (CSR) programs in the pharmaceutical sector have demonstrated promise in tackling child labour. These initiatives highlight the potential of IP law to mitigate the conditions that give rise to child labour when it is in line with human rights principles.

#### **Case Study 4: The Electronics Industry in the Democratic Republic of the Congo:**

The electronics industry offers a clear illustration of how intellectual property law can support child labour, especially when it comes to the mining of minerals utilized in electronic products. Children are frequently engaged in the cobalt mining industry in the Democratic Republic of the Congo (DRC). Cobalt is a crucial element in the manufacturing of batteries for electric vehicles, computers, and cell phones.<sup>36</sup>

Due to the worldwide demand for electronics fueled by technological advancements shielded by patents and trademarks, child labour is now widely used in the DRC's mining industry. Children labour in dangerous settings, frequently without the appropriate safety gear, to mine minerals that are subsequently sold to large companies.<sup>37</sup> Although intellectual property rights safeguard the revenues made from these minerals, the conditions of their extraction expose a negative aspect of the global supply chain.

Implementing due diligence standards for businesses acquiring minerals from conflict-affected areas is one way that efforts have been made to solve these challenges. One endeavour to improve transparency and lessen the use of child labour in the electronics supply chain is the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas.<sup>38</sup>

#### **Conclusion:**

These case studies demonstrate how intellectual property law can contribute to the continuation of child labour or measures to reduce it. The enforcement of intellectual property rights has the potential to worsen economic inequality and encourage child exploitation in sectors like electronics, pharmaceuticals, textiles, and chocolate. However, IP law can help lessen child labour if it is in line with human rights principles and backed by programs like Fair Trade certification, mandatory licensing, and obligations for due diligence. It takes a

<sup>35</sup> Sell, S.K., TRIPS-Plus Free Trade Agreements and Access to Medicines (2007) 28(1) Liverp Law Rev 45.

<sup>36</sup> Amnesty International, This Is What We Die For: Human Rights Abuses in the Democratic Republic of the Congo Power the Global Trade in Cobalt (2016) 22.

<sup>37</sup> ILO, Child Labour in Mining and Global Supply Chains (2018) 17.

<sup>38</sup> OECD, Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas (OECD Publishing, Paris 2016) 13.

sophisticated strategy to address how intellectual property laws affect child labour, striking a balance between the need to protect children's rights and welfare and the need to preserve creativity.

## **REIMAGINING INTELLECTUAL PROPERTY LAW: A HUMAN RIGHTS-BASED APPROACH**

With its dual purpose of promoting economic progress and safeguarding the rights of inventors and innovators, intellectual property (IP) law has long been a mainstay of international legal and financial systems. Nonetheless, as the preceding sections have illustrated, the execution of intellectual property rights may occasionally exacerbate societal inequalities, such as the continuation of child labour. This section offers a revised interpretation of IP law that incorporates human rights concepts to better handle these problems. It is feasible to establish a fairer legal framework that fosters innovation and shields vulnerable groups from exploitation by harmonizing intellectual property law with human rights duties.

### **Integrating Human Rights into Intellectual Property Law:**

One of the most significant steps in tackling the detrimental societal effects of intellectual property protection, especially when it comes to child labour is the incorporation of human rights concepts into IP legislation. The prioritization of rights holders' economic interests over broader societal considerations in traditional IP law has resulted in inequalities that may intensify exploitation.<sup>39</sup> A human rights-based approach to intellectual property law would entail reconsidering the goal and reach of IP protections to ensure they do not infringe upon essential human rights, like the right to an education, the right to a fair and comfortable place of employment, and the rights of children.

Using the "right to development" concept, which highlights that innovation and economic progress should benefit everyone's well-being especially those in disadvantaged situations is one way to incorporate human rights into IP law.<sup>40</sup> To utilize this tactic, intellectual property rules would need to be created and implemented in a way that promotes sustainable development, lessens inequality, and stops child labour. The employment of child labour in any stage of the supply chain for goods and services protected by intellectual property, for instance, could be expressly forbidden by IP law. If businesses disregard these rules, they may be subject to fines or even the loss of their intellectual property.

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<sup>39</sup> Yu, P.K., *Reconceptualizing Intellectual Property Interests in a Human Rights Framework* (2007) 40(3) UC Davis Law Review 1039, 1042.

<sup>40</sup> Drahos, P., *The Global Governance of Knowledge: Patent Offices and Their Clients* (Cambridge University Press, 2010) 217.

**Mandatory due Diligence and Transparency in Supply Chains:**

Mandatory due diligence obligations for businesses to guarantee that child labour is absent in their supply chains should be part of a redesigned intellectual property law framework. To detect and eradicate any occurrences of child labour, these regulations would compel businesses to perform extensive evaluations of their complete production processes, from the extraction of raw materials to the creation of the finished product.<sup>41</sup> A crucial component of this approach is transparency; businesses would have to make their supply chain policies and the measures they have taken to prevent child labour concerns available to the public knowledge.

Moreover, a certification system based on the adherence to child labour-free procedures in supply chains by businesses might be included in IP legislation, earning them a special designation. Along with giving businesses a boost, this accreditation would equip clients with the knowledge they need to make moral purchasing choices. Global child exploitation may decline as a result of consumer demand pushing more businesses to implement child labour-free policies throughout time.

**Promoting Access to Knowledge and Education:**

Encouraging access to knowledge and education is a crucial component of rethinking intellectual property law from a human rights standpoint. The existing intellectual property structure frequently impedes access to technology, medications, and educational materials, especially in poorer nations. This is especially true when it comes to copyrights and patents.<sup>42</sup> Child labour may become more common as a result of these limitations, which can further feed cycles of poverty and inequality.

Intellectual property legislation might be reorganized to prioritize knowledge access to overcome this problem, especially in fields like sustainable agriculture, healthcare, and education that are vital to human development. For example, patent exemptions could be widened to cover the manufacture and export of generic drugs to developing nations or the use of copyrighted educational resources in underprivileged areas. Publicly sponsored scientific and educational resources may also be required, or at least encouraged, to have open-access policies in place. This would guarantee that knowledge is more accessible to those who are most in need of it.

**Empowering Local Innovation and Entrepreneurship:**

In particular, in communities most at risk from child labour, a human rights-based approach to IP legislation should prioritize fostering local innovation and entrepreneurship. To secure their inventions and compete in

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<sup>41</sup> Ruggie, J.G., *Just Business: Multinational Corporations and Human Rights* (W.W. Norton & Company, 2013) 64.

<sup>42</sup> Shaver, L., *The Right to Science and Culture* (2009) 12(1) *Wisconsin International Law Journal* 1, 6.

the global market without using exploitative labour small-scale inventors, farmers, and business owners in developing nations must have their intellectual property (IP) frameworks created.<sup>43</sup>

For instance, intellectual property rules may be changed to safeguard better traditional knowledge and practices, frequently disregarded in more traditional IP systems. Intellectual property law can alleviate child labour by providing new economic opportunities for communities by acknowledging and safeguarding indigenous knowledge and local innovations. Furthermore, the application of capacity-building initiatives could assist local entrepreneurs in navigating intellectual property laws and bringing their ideas to market in a manner that is both ethical and profitable.

### **Enhancing International Cooperation and Enforcement:**

Last but not least, strengthening international collaboration and enforcement mechanisms is necessary to reimagine IP law to guarantee the respect of human rights throughout international supply chains. Since supply chains are global, international cooperation is crucial to combating the cross-border exploitation of child labour, even while national governments are crucial in enforcing IP rules.<sup>44</sup>

Global standards for IP legislation that integrate human rights concepts should develop in collaboration with international organizations like the United Nations (UN), the International Labour Organization (ILO), and the World Intellectual Property Organization (WIPO). These norms might cover things like rules for the moral sourcing of goods, outlawing child labour, and encouraging supply chain transparency. International IP treaties and agreements should also have provisions for enforcement and monitoring and procedures for holding infringers accountable.

### **Conclusion:**

A significant change to address the underlying causes of child labour and other types of exploitation exists when IP law is reimaged via a human rights-based perspective. It is possible to establish a more just and equitable global economy by incorporating human rights concepts into intellectual property frameworks, requiring due diligence and transparency, encouraging information access, fostering local innovation, and strengthening international cooperation. This strategy would ensure that the advantages of intellectual property are distributed more evenly and widely by defending not only the rights of innovators and producers but also the fundamental rights of minorities and other disadvantaged groups.

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<sup>43</sup> Helfer, L.R., Human Rights and Intellectual Property: Conflict or Coexistence? (2003) 22(3) Minnesota Journal of International Law 47, 52.

<sup>44</sup> Blakeney, M., Intellectual Property Enforcement: A Commentary on the Anti-Counterfeiting Trade Agreement (ACTA) (2012) 34(2) European Intellectual Property Review 83, 85.

## CONCLUSION

The area where intellectual property (IP) law, human rights, and child labour law converge is complicated and frequently unsettling. The results of this study demonstrate that, although intellectual property rights enforcement is crucial for fostering innovation and economic expansion, it can also have unforeseen repercussions that worsen social inequalities, such as child labour. Through the creation of economic forces that force vulnerable people into exploitative labour practices, the case studies under examination demonstrate how intellectual property legislation can sustain child labour in diverse industries, including electronics, pharmaceuticals, textiles, and cocoa manufacturing.

However, IP law can also lessen these problems, specifically when redesigned with a human rights perspective. It is feasible to address the underlying causes of child labour and advance more fair economic development by incorporating human rights concepts into IP frameworks. This calls for a dramatic change in the way intellectual property law is interpreted and used, one that takes social justice and human dignity into account in addition to the protection of economic interests.

Increased transparency, enhanced safeguards for indigenous innovations and traditional knowledge, and required due diligence in supply chains are essential for realizing this reinvented strategy. To guarantee that human rights are upheld throughout multinational supply chains, addition, international collaboration and strengthened enforcement tools are necessary. The protection of fundamental human rights, especially children's rights, and sustainable development are the overarching goals that these policies support.

In the end, re-evaluating intellectual property law from a human rights perspective provides a way forward for building a more just and equitable global economy, where the advantages of innovation are distributed more widely and the exploitation of weaker groups especially children is no longer permitted. The legal community must collaborate with politicians and industry leaders to execute these modifications, guaranteeing that safeguarding intellectual property does not impede human rights.

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