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# Child labour, working children and children's rights

**Karl Hanson, Diana Volonakis and Mohammed Al-Rozzi**

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## Introduction

Over the last two decades, and increasingly since the adoption of ILO Convention No. 182 on the Worst Forms of Child Labour in 1999, the question of how the children's rights framework relates to child labour has been the subject of intense debates, not only between child rights advocates and policy makers, but also amongst academics (for an excellent overview of the debate, see Bourdillon, 2006). The dominant and most widespread view is that child labour denies children the right to enjoy their childhood and chances for a better future, and in particular deprives them of their schooling and therefore needs to be abolished. This position is aptly illustrated by the slogan 'School is the best place to work' with which a large international coalition of development organisations, trade unions, education unions and local NGOs campaign to eliminate all forms of child labour and to ensure quality full-time formal education for all children, at least until the age of 15.<sup>1</sup> Such a straightforward position that all child labour needs to be abolished and all children sent to school has been questioned, in particular by working children's organizations that argue that age-appropriate work in dignified conditions can play a positive role in childhood. For instance, the Concerned for Working Children, an Indian NGO which is a member of the international movement of working children's organizations, claims that it is their rights as workers that need to be recognised and that efforts should be undertaken to improve children's working conditions, rather than abolishing their work.<sup>2</sup>

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<sup>1</sup> The campaign to stop child labour is coordinated by Hivos, a Dutch NGO for development cooperation. Retrieved from the campaign's website <http://www.stopchildlabour.org/> (consulted 1 April 2014).

<sup>2</sup> Retrieved from the organization's website <http://www.concernedforworkingchildren.org/>; for their stance on child labour, go to: <http://www.concernedforworkingchildren.org/empowering-children/child-work-and-child->

These contrasting viewpoints illustrate that the relation between children's rights and child labour is more complicated than the commonplace understanding that all forms of child labour or work are in all circumstances and in all contexts an obvious violation of children's rights, and that it can only be addressed by abolishing child labour and sending children to school. In order to better understand the issues at stake, the present chapter aims at reviewing some of the central themes in the current discussions on child labour. We will thereby critically engage with dominant perspectives on child labour upheld by the majority of actors in the broad international children's rights field. In line with the basic tenets of this handbook, we approach the relation between child labour, working children and children's rights from a critical, emancipatory perspective which is grounded within current interdisciplinary approaches to children's rights and human rights studies (On children's rights studies, see for instance: Hanson & Nieuwenhuys, 2013; Liebel, 2012; Reynaert et al., 2009. On human rights studies, see for example: Goodale, 2009; Merry, 2006; Stammers, 2009). The chapter hence adopts an interdisciplinary perspective for which it will rely on combined insights from history, anthropology, childhood sociology, international labour law, human rights law and children's rights studies.

We will begin by pointing at some of the themes that were addressed during the drafting of Article 32 of the CRC and that give a first general idea of the topics to be considered in relation to the right of the child to be protected against economic exploitation. The next section looks at the way in which child labour has been addressed in history, thereby emphasizing how the Industrial Revolution has been a critical period during which child work dramatically increased. Our perspective will then shift to an anthropological one, whereby we will also reconsider the debates raging upon the definition of child work as being often opposed to child labour. In the same section we will attend to efforts to provide relevant statistics of the phenomenon. Given the wealth of policy issues and viewpoints on the subject of child labour, the following section aims to reflect on the differences in attitudes towards child work, ranging from the usual calls to boycotts and abolition of child work, to reactions to the phenomenon which recognize working children's right to work in dignity. We will also present and discuss international legislation on child labour, placing special emphasis on the right of children to work in dignity, a claim brought forward by organizations of working children that originated some 20 years ago in Africa, Asia and Latin-America. In our conclusion, we will summarise the main themes that come out of our analysis and point at the importance of the child labour debate for children's rights studies more generally.

## Drafting Article 32 of the UN Convention on the Rights of the Child

Some of the complexities involved when addressing child labour from a children's rights perspective have come up during the drafting of Article 32 of the Convention on the Rights of the Child (hereafter: CRC), which is the Convention's provision specially dedicated to the right of the child to be protected from economic exploitation, including child labour. The article calls upon member States to take legislative, administrative, social and educational measures to protect children from economic exploitation and, in particular, to set a minimum age or minimum ages for admission to employment, provide regulations on the hours and conditions of employment and foresee appropriate sanctions. The drafting process of the CRC spanned over a decade and also involved discussion as to the precise wording of Article 32.

Despite general agreement of the need to ban children's economic exploitation, the drafters did not intend to totally prohibit all forms of child work. For example, in a comment on the first Polish draft of 1978, the delegation from New Zealand voiced the opinion that 'the introduction of legislation prohibiting young persons (under 15) from engaging in occasional or part-time employment (...) would have neither parental nor public support in New Zealand' (Office of the United Nations High Commissioner for Human Rights, 2007: 694). The delegation was referring to forms of child work socially accepted in New Zealand, such as vending confectionery and newspapers. In a similar vein, it was argued during the Working Group discussions in 1986 that the establishment of a minimum age to employment should not prevent the participation of children in activities undertaken under the direction of their parents and that do not interfere with their education, such as hunting, fishing or occasional agricultural activities by non-family members, nor prohibit family subsistence activities (Ibid: 704). On proposal by the US delegation, the drafters agreed that the establishment of minimum ages only applies to admission to (formal) employment, but not to work in or for the family. The words 'or work' were therefore explicitly deleted at the end of the phrase (Ibid: 704). The Food and Agriculture Organization of the United Nations (FAO), in a comment on the draft text issued in 1988, equally stressed its own implicit recognition of children's productive activity on small family farm enterprises which are important production units in the world's food supply (Ibid: 706).

In its proposals submitted to the Working Group in 1981 and in 1984, even the International Labour Office (ILO) raised concern about the unduly rigid character of a proposed provision to prohibit all child employment before the age of fifteen years (Ibid: 698; 700). The ILO found that the CRC provision on protection against economic exploitation should be consistent with the existing international standards, in particular with the Minimum Age Convention, 1973 (No. 138). Furthermore, the ILO argued that a standard setting the minimum age at 15 years for admission to employment would insufficiently distinguish between different types of work but that elements of flexibility needed to be introduced when regulating admission to employment, for instance by establishing different age levels

for admission to hazardous work and to light work. Also, an overly strict provision would exclude work in connection with education or training, disconnect minimum age to school-leaving age and would preclude a progressive raising of the minimum age nor take into account the particular situation of less developed countries who are allowed, under Article 2, paragraphs 4 and 5 of the Minimum Age Convention, 1973 (No. 138) to initially specify a minimum age of 14 years.

During the drafting process, an NGO also suggested to include provisions that deal with legally permitted work that concern the freedom of choice of employment, the right to fair remuneration and decent working conditions (Ibid: 701). This suggestion was written into the final adopted text during the 1986 Working Group's discussion via a proposal drafted by the delegations of Finland, Canada and the United States. States are now demanded not only to provide (a) minimum age(s) for admission to employment and sanctions to ensure the article's effective enforcement, but also to provide for appropriate regulations concerning the hours and conditions of employment of children (Ibid: 704). The obtained consensus significantly left out any explicit reference to working children's right to freedom of choice of employment, a claim that was later to be taken up by working children's movements such as the Concerned for Working Children.

Many of the issues that have been raised during the drafting of Article 32 CRC are not new and have been informed by insights from the study of the history of child labour (Cunningham and Viazzo, 1996a), to which we turn now as a valuable source for a contemporary understanding of the phenomenon and the general policy and practice around it.

## Child labour in history

Throughout history, child labour has been a much politicized phenomenon with numerous contentious debates often leading to more disagreement and less consensus on the different aspects of child work. In addition, the history of child labour has been researched only sparsely and therefore remains relatively poorly understood. Humphries explains this by referring to the lack of good sources of information on the era preceding, and the earlier stages of, the Industrial Revolution (2010: 6). Despite of the increasing attention being given to the *study of children in work*, which has exploded in recent years (Myers, 1999), little account has been given to the exclusive *historical study of child labour* (few exceptions include Cunningham and Viazzo, 1996b; Humphries, 2010. But note that several studies have highlighted the history of child labour in their specific context, for example: Nieuwenhuys, 1994 (India); White, 1994 (The Netherlands); Abebe and Kjørholt, 2009 (Ethiopia); Grier, 1994 (Zimbabwe); Kirby, 2003 and Bolin-Hort, 1989 (Great-Britain)). As child work has developed in a diverse manner across continents, we cannot talk about a single history of child labour, but about parallel histories that have certain shared themes. Our objective is

hence not to cover the precise emergence and development of child labour across spatial and temporal settings, but to highlight some of the common historical trends.

There is evidence to start the contemporary history of child labour even before the explosion of industrialization and/or industrial capitalism where it is usually located (De Herdt, 1996; White, 1994). Despite disagreement on the prevalence and conditions of workers, most historians agree that children were contributing significantly to the family workforce in the era preceding the Industrial Revolution (Cunningham and Viazzo, 1996a, 14). This period is also called the 'proto-industrialization' phase (Mendels, 1972) which took place across Europe from the late seventeenth to the early nineteenth century and saw the spread of rural domestic manufacturing which brought an increasing number of families, including children, to work for emerging national and international markets (Hudson, 1990). In this period before and even immediately after the nineteenth century Industrial Revolution, child work was welcomed and even promoted at the social/public and official levels for many reasons. Child work was seen as vital to prevent *idleness*, with its negative connotation and future implications (Abbott, 1908; Cunningham, 1996: 41) as well as an essential apprenticeship needed for the subsequent stages of life. In addition, the economic return of child work was contributing to the economy of the household and thus relieving widespread poverty. Historical evidence suggests that across America as well as in the British colonies the work of children was even encouraged and sometimes reinforced by the power of law (Abbott, 1908).

Notwithstanding changes in the push of children as labour force in family based manufactures as early as the seventeenth century, it is in particular in the years of the industrialization, an epoch which led to unprecedented changes in economic activity, social life, and family structures across Europe, that child labour saw an apparent high rise (Humphries, 2010). This is evidenced by a wealth of literature on the history of child labour during that period, to the extent that it is even common to trace back the emergence of child labour, as a phenomenon, by tracing the development of industrial capitalism (Cunningham and Viazzo, 1996b, White, 1994). Humphries argues that children were considered as important to the industrial revolution in England (2010: 366). Also for Abbott (1908), who investigated child labour in America more than a century ago, child labour was perceived as a necessary and important way to develop the colonies. The author also refers to the changes, as part of industrialization, which contributed to the increase of working children. He outlines that:

'With the introduction of machinery and the opening up of new and great possibilities of manufacturing industries, the employment of children became more and more profitable and we find that their labor is always counted on as a valuable resource with which to meet the deficiency and high cost of male labor in this country' (Abbott, 1908: 23).

Children became more profitable as they received lower wages and were able to run the machines that do not need 'able-bodied men' (Ibid: 24). At the same time, the transition from household industry to factory, and from human to steam power contributed to reduce the hazard children were exposed to in the work setting (White, 1994: 855). These could be seen as the factors that made 'child labour... endemic in the early industrial economy, entrenched in both traditional and modern sectors and widespread geographically' (Humphries, 2010: 366). However, the widespread practice of child labour would not have been possible without social approval and acceptance. Nardinelli argues that workers and their families had the choice to work or not to work, and yet chose employment, thus 'it must have been that child labour was preferred' (Nardinelli, 1990, cited in Humphries, 2010: 1). In fact, industrial life was not seen as 'an assault' on childhood, but as an opportunity for their present and future (Cunningham, 1996: 42). Not to forget, children also continued to work due to increased demand for labour in the emerging industrial nations. Also, children's relatively high wages contributed to the family economy (De Herdt, 1996) at times when poverty was a reality for the majority of the population for whom child work was a mechanism to overcome the widespread poverty. As White puts it: 'Children's employment was considered natural (for the poor) and even beneficial; local authorities and charities were themselves active in setting the children of the poor to full-time work in semi-philanthropic institutions' (1994: 855). In contrast with contemporary dominant international policies on child labour, governments and organizations devoted their efforts to ensure that children had work, which continued until the late nineteenth century (Cunningham, 1996: 41).

Since the end of the nineteenth century and throughout the twentieth century, child labour in the industrialized western countries has drastically declined, but there is disparity in views on the main reasons behind this decline. In general, the decline in child labour, especially in the North, can be attributed to the interaction between a variety of factors. These including change in the perception and image of childhood in Europe and North America (Cunningham, 1991, cited in Cunningham and Viazzo, 1996a: 14), change in the composition of the family (White, 1994; Cunningham and Viazzo, 1996b; Humphries, 2010) and the introduction of stringent labour standards and particular child labour legislation. Many historians argue that the introduction of schooling and compulsory education was, in fact, the most effective way to *end* child labour (Cunningham, 1996: 43; Mizen et al., 1999; Leonard, 2003) as it enabled raising the age of entry into employment as a norm (Cunningham, 1996). The number of children in work declined significantly when schooling was enforced, for instance in the case of Great-Britain, where following the introduction of compulsory schooling in 1880 the number of working children (10-14 y) declined by about half between 1851 and 1911 (Cunningham, 1996: 43). However, the most compelling reasons advanced for understanding the drastic decline of child labour in the North at the turn of the nineteenth and twentieth centuries relate to changes in the organization of the economy and the economic production. As Qvortrup (2001) explains, child work is system-immanent: children's role as economic agents is embedded in the prevalent economy and

modes of production. In the course of Western industrialization, children's useful activities have changed from manual work in the household economy into symbolic work at school where children learn the required skills to be effective in more sophisticated national economies. According to this account, children's work therefore did not decline but was *transformed* from economically useful and needed work in the factories in the early period of industrialization into equally economically useful and needed work at school. Children's school work is indeed intrinsically tied to the prevalent economic system; in a convoluted economic system, highly skilled workers who master complex skills are indispensable to maintain and further develop the economy. Fundamental changes in the economic mode of production, rather than the adoption of legislation on compulsory education and/or the imposition of minimum ages for admission to employment have impacted the number of children needed as actual or future members of the workforce.

Some general insights, rather than historical lessons can be gained from our brief review of the history of child labour. First, as aptly summarized by Morrow, 'we know that child labour was used widely in a range of industries in the heyday of industrialization in virtually all developed countries, though it was used in differing ways, at differing intensities, and drew a range of responses from governments, educationists, industrialists, Trades Unions, and philanthropists' (2010: 436). A number of political measures which were inspired by the social reform movement of the late nineteenth century and beginning of the twentieth century (Abbott, 1908: 37; Dimock, 1993), have been common in policies aimed at the eradication of child labour. These include setting a minimum age for child employment, the introduction of legislation upholding part-time work and the enforcement of compulsory education. In addition to these measures, a number of social changes also contributed to the decline of child labour in the Global North, such as the decrease in family size and the spread of the nuclear family, the rise of adult wages and the decline of general poverty levels (White, 1994; Cunningham, 1996; Humphries, 2010). Second, the forms of child labour have evolved throughout history, from the exclusive dominance of specific sectors that were believed to be important to the industrial revolution, to others forms that emerged and dominated the economy in later stages. The transformation of child work in Europe went through a series of country specific but also similar stages. One of the commonalities is that child work increased and became more visible due to the spread of the Industrial Revolution across Europe, especially during the proto-industrialization period characterised by labour intensive work in family based manufactories. Child labour played an active role in 'developing divisions of labour and organizational readjustments that sustained traditional units of production and maintained their competitiveness' (Humphries, 2010: 366), comparable to the significant role played by child labour in the present-day economies of the countries of the Global South. Later on, as industrialization in Europe and North-America intensified, manual child labour became less of an imperative for the economy that needed skilled workers instead, leading to a drastic decline of child labourers along with the massive schooling of children at the beginning of the twentieth century. Third, after the 'end' of child labour in the industrialized North during the first decades of the twentieth century, the issue

of child labour seemingly went into a deep hibernating state until the 1980s, after the end of colonialization.

The revival of the child labour theme on the international agenda at the end of the 1980s was greatly stimulated by the International Year of the Child in 1979 (Fyfe, 2007: 21; Cantwell, 2004: 397), an event which had also triggered the drafting of the CRC. It was however only since the beginning of the 1990s, which witnessed the launch of the ILO Programme for the Elimination of Child Labour (IPEC), that a 'worldwide movement against child labour' effectively took off (Fyfe, 2007: 21) and continued its existence until today. The global character of this campaign does not however mean that there is one single global perspective on child labour, in fact it is quite the contrary that is true as we will see in the next section.

## The multifaceted realities of child labour

During the drafting process of Article 32 of the CRC, as discussed above, the FAO had stressed the importance of children's work on small family farm enterprises for food production. A recent historical study by Mayall and Morrow (2011) on children's labour in England during the Second World War makes an interesting parallel concerning the importance of children's work for guaranteeing food supply. In their study, the authors document how a vast number of British school children were involved in agricultural production throughout the war period, and that it was even officially acknowledged that without their help, specific crops such as potatoes would not have been planted or harvested. Both situations not only illustrate the importance of children's work for subsistence, but also that, depending on the circumstances, children's economic activities have even been officially recognized and valued. Detailed ethnographic research on the circumstances and conditions of children's work in the context of development by Nieuwenhuys (1994) and Reynolds (1991) stand out as examples of how anthropologists and childhood studies researchers have opened up new ways for engaging with the subject of 'child labour'. We can broadly situate this strand of research within the interdisciplinary field of childhood studies (see Qvortrup et al., 2009) which has opened up perspectives for thinking of different childhoods that are distinguished across time and place. Leaving aside the policy concerns of international organizations, these studies have paved the way for an approach to the study of children's work from a perspective that is respectful of children and their families' own viewpoints on the meanings of their labour, on children's social and economic contributions, on the value of work for survival and livelihood, and on children's personal achievements as a result of work. Child labour/work came under scrutiny especially in the Global South, including in Asia (see for instance Nieuwenhuys, 1994; 2007), in Africa (see for instance Omokhodion et al., 2006; Abebe and Kj rholt, 2009), in Latin America (see for instance Grugel and Ferreira, 2012). The results of these studies demonstrate that child

work is a reflection of social norms, kinship support, intergenerational debt, and/or life training and vocational apprenticeship (Liebel, 2004; Nieuwenhuys, 2005; Alber, 2011). Furthermore, it is not only culturally and socially embedded but also has a significant value for children's education and health, family survival, and household maintenance (Levine, 2011). Child work can even be perceived as a means of asserting the self, negotiating structural subordination in society, and practicing high levels of autonomy and agency (McKechnie et al., 2000; Leonard, 2003).

Notwithstanding the expansion of contextualised and nuanced understandings of historical and contemporary forms of children's economic activities, the term 'child labour' itself primarily continues to be politically and socially linked to the images of tiny children in factories. Be it during the Global North's past industrialization period or in the present-day Global South's survival economies, working children are predominantly considered as being subject to brutal treatment and exploitation, whose childhood is stolen by heartless employers. These contrasting viewpoints on child labour lead us to consider debates over definitions. The definition of child work is indeed highly important, as it is a determinant issue for many aspects in policy and practice. This is particularly because the definition is of a political nature, 'posing an emotionally charged choice of social values and objectives' (Myers, 1999: 22). It is not easy to reach a universal agreement on the definition of child labour (White, 1999; Giri, 2007; Edmonds, 2009) not only because both of the terms composing child labour (i.e. child and labour) are quite controversial and debated themselves, but also because of the diverse forms the phenomenon takes on. Child work varies widely in the conditions of work, in forms of returns, in settings, in different spatial and temporal settings etc. (James et al., 1998; Lavalette, 1999b; Edmonds 2009). Or as stated by Myers, '[t]he debate over what is meant by 'child labour' represents fundamental disagreement over what the social problem is that should be eliminated, and the stakes are high for key interest groups divided between the positions' (Myers, 1999: 22).

Nieuwenhuys points out that the term child labour 'came to be closely related to the notion of exploitation and fuelled a growing public sensitivity to the wrongs it implied in respect to the children' (2009: 289). This negative notion of child labour as a welfare-reducing activity is clearly indicated in diverse international Conventions (Edmonds, 2009). This is well illustrated by the ILO's definition of child labour as:

'work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. It refers to work that is mentally, physically, socially or morally dangerous and harmful to children; and interferes with their schooling' (2004: 16).

In policy documents and for programming efforts, the term 'child labour', which is usually used to indicate more exploitative, abusive and hazardous kinds of work, is often contrasted with the term 'child work', used to indicate the tolerated categories of work performed in

the social domestic context (Nieuwenhuys, 1994; Giri, 2007; Edmonds, 2009). However, Woodhead (1999) points at two problems inherent to this clear-cut distinction: firstly, the parameters of child welfare are provisional and secondly, hazard, which is the basis of this distinction, cannot be determined by only one indicator, as the level of hazard is determined by context, cultural meaning and other complex sets of indicators. In the same vein, Lavalette sees the distinction as unhelpful and 'theoretically unsustainable' (1999a: 17). He argues that the work/labour distinction reflects 'political value judgments about how we treat our children' but is not based on solid research (Ibid: 38). Bourdillon goes even further and suggests, drawing on Mary Douglas' study on taboo and O'Connell Davidson's writing on the sexual exploitation of children, that:

'We structure the world into binary categories, such as children and adults, with binary sets of characteristics and appropriate behaviour. These categories are supported by mythologies and defended vigorously against any behaviour or discourse that may threaten them by crossing cognitive boundaries.' (2006: 1203)

Based on this, a term like 'child labour' becomes a moral category of activities, which should be abolished regardless of the impact on children's lives (Ibid: 1203). Researchers, who are aware of the contention, suggested avoiding the use of the terms 'labour' and 'work' (Giri, 2009: 33) as it is difficult to sustain the distinction between them in the face of changing representations of childhood and research evidence that utilizes the views of children who work (James and James, 2008). The term 'working children' is increasingly being used, instead, as it encompasses both (bad) labour and (good) work activities. Thus, using this last term, researchers can avoid the moral judgment that is clearly drawn from this distinction (Boyden et al., 1998; Giri, 2009; Nieuwenhuys, 2009). For similar reasons, the term 'child employment' appears in recent publications on work of children in the UK, to contrast 'the perceived pejorative sense of the expression 'child labour' (Lavalette, 1999b; Heesterman, 2005: 79). This alternative may help to understand the work of children, away from its historical usage, which tends to be negative (Bourdillon, 2006), even though the ILO uses the term to indicate only the *legal* work undertaken by children based on its Conventions (ILO, 2004). Finally Myers argues that to use the term 'child labour' is inevitable. In his claim, 'the term is a permanent fixture in official usage, and we have to deal with it even if we do not want to' (1999: 22).

Another contentious issue along with debates over definitions has to do with the precise number of children in work. A main reason for this is that the vast majority of children work in informal sectors which are hard to access and where figures are therefore difficult to obtain. The argument developed by Qvortrup (2011) that we explained above on the need to consider children's activities as useful in connection to the dominant organization of the economy equally illustrates the intimate relation between problems over definitions and problems over statistics. If all children work, but not under the same conditions which

depend on the dominant mode of economic production, we would only have to count the number of children to also know the number of 'working children'.

Notwithstanding these conceptual problems related to counting working children, the ILO has since the 1980s been producing detailed estimates and trends of child labourers around the world (see for the most recent statistical data: ILO, 2013). For the ILO, whether or not particular forms of 'work' can be called 'child labour' depends on the child's age, the type and hours of work performed, and the conditions under which it is performed (ILO, 2004). The ILO defines child labour as: all activities undertaken for profit under the age of 12 years (sometimes 13 years), all non-hazardous activities undertaken before the age of 15 years (sometimes 14 or 16 years depending on national legislation and the age of compulsory school education) except the light work, and all hazardous activities undertaken before the age of 18 years old. Based on these operational definitions, the ILO estimates that around 168 million children worldwide are engaged in child labour, composing 11 % of the total child population worldwide (ILO, 2013: vii). The largest number of child labourers is found in Asia and the Pacific region. However, the proportion of child labourers is the highest in Sub-Saharan Africa (21 %). It is estimated that the 168 million labouring children are distributed regionally as follows; 77.7 million in Asia and the Pacific, 59.0 million in Sub-Saharan Africa, 12.5 million in Latin America and the Caribbean, and 9.2 million in the Middle East and North Africa (ILO, 2013: 17). The majority of children in employment are in the 5-11 age cohort and compose around 44 % of the overall estimation of child labourers, while child labourers aged 12-14 years compose 28 % of the overall estimated child labourers, with another 28 % of labourers in the 15-17 age cohort (ILO, 2013: 18). There is almost no difference based on sex in the involvement of 5-11 year-old children in child labour. Boys and girls each make up roughly half of the overall child labour population for this age group. A gender gap begins to appear in the 12-14 age range, and continues to rise dramatically in the 15-17 age range, where boys account for 81 % of all child labourers and outnumber girls by 29.8 million (ILO, 2013: 18). Regarding the distribution of child labour in economic sectors, almost 60 percent of children are officially recorded as involved in work in the agriculture sector (ILO, 2013: 7-8). The share of the other sectors is 7 % in the industrial sector (including construction, mining and manufacturing) and 32 % in the service sector (including hotels and restaurant, wholesale and retail trade (commerce); maintenance and repair of motor vehicles; transport; other community, social and personal service activities; and domestic work). These estimates per sector show that only a minority of child labour is to be found in the export-oriented manufacturing industry, a sector that has paradoxically received the bulk of the attention by international campaigns against child labour, and which has also been the main sector targeted by consumer boycotts. Absent from the ILO's official child labour statistics are the industrial countries in the Global North, where it is wrongly assumed, because these countries have achieved universality in levels of school enrolment, that child labour is a 'thing of the past'. Growing research evidence suggests that work is, on the contrary, the experience of the majority (Lavalette, 1999b; Mizen et al., 1999; Leonard, 2003; Heesterman, 2005; McKechnie et al., 2009). Many studies indeed reaffirm that it is

common for children to work below the minimum age determined by ILO Conventions and national laws.

Discussions within academia and among the general public over what kind of activities count as child labour, over numbers of working children or over the appropriate age limitations for admission to employment demonstrate that there is no general agreement upon the nature and extent of the phenomenon. Given the diversity of the assessment of the phenomenon, it is equally of little surprise that the attitudes and strategies on the means to address child labour, a topic to which we now turn, are highly controversial.

## Attitudes towards child labour

The general attitude adopted in reaction to child labour is more often than not one of rejection and compassion, as was the case for the majority of interventions by the delegates during the drafting of Article 32 CRC. At best, child labour is a successfully defeated phenomenon of the past, at worst an indignant story of children entrapped in sweatshops waiting to be rescued by compassionate well-doers. Given these views, it is of little surprise that most policies and programmes aim at abolishing child labour as a matter of urgency. However, other attitudes towards child labour do in fact exist, which are differing from the staunch anti-child labour attitude. From a neo-liberal perspective, the view is upheld that a high incidence of child labour is directly related to the poor level of economic development. Child labour can only be addressed indirectly, most obviously by investing in the development of the economy. Yet another perspective calls to regulate the conditions under which children have to work, a view which has been most outspokenly defended by organisations of working children. These movements, which include the aforementioned organization The Concerned for Working Children in India, have emerged during the 1990s in Latin-America, Africa and Asia, and have voiced concern about the protectionist, paternalistic character of the anti-child labour positions, claiming in contrast that their right to work in dignity should be recognised (Liebel, 2013). Based on a discussion by White (1994) of the shifting ways of thinking about the problem of youth and child labour, we suggest that a distinction between four different stances in reaction to child labour can help clarify understanding the debates. We will further discuss these four positions: 'laissez-faire', 'abolitionism', 'regulation' and 'empowerment'.<sup>3</sup>

The *laissez-faire* attitude stems from the idea that child labour is an evolving and auto-regulating phenomenon, which increases and subsides depending on the economic climate of a given region. In favourable economic conditions, adults' work allows to provide for the entire family, whereas in times of hardship, children work in order to supplement adult

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<sup>3</sup> White makes a distinction between three positions on child labour which he labels 'abolitionism', 'protectionism', and the 'liberationist' or 'empowerment' perspective (1994: 853).

wages. The *laissez-faire* approach would therefore appear to entirely attribute the rise and fall of child labour to adjustments in family strategy, which seems to reflect the thought of Bolin-Hort, who asserted that ‘children worked in factories because their families were poor; as family income increased, child labour decreased’ (1989). This approach thus advocates for a ‘policy of waiting, on the assumption that economic changes will enable individual families to adopt strategies that place more emphasis on investment in children than on the use of their labour’ (Cunningham & Viazzo, 1996: 12).

The most common approach is the *abolitionist* perspective as defended by ILO’s tripartite constituents (governments, employers’ and workers’ organizations), large development organizations and NGOs including UNICEF and Save the Children (White, 1999). This position is also upheld by the majority of the greater public, which is supportive of public policy and legislation which drastically limits the working opportunities of children and young people, and sometimes resorts to the boycott of goods manufactured by children. From an abolitionist perspective, to allow working children to pursue their activities is equated with abandoning them to a life of lowly exploitation. Work is entirely incompatible with childhood, and it is undeniably the role of adults to extricate children from their toils, offering them brighter future prospects such as attained through education or vocational training.

The *regulation* approach advocates for the regulation of child labour, as for instance expressed in paragraph 2, (b) of Article 32 CRC that requires States to ‘provide for appropriate regulation and hours and conditions of employment’. The position to regulate child labour firstly concerns children who are above the minimum age for admission to employment, for instance young persons between 15 and 18 years that are engaged in full-time labour activities that do not amount to hazardous labour. Secondly, the adoption of measures aimed at protecting working children and improving their working conditions has also been defended as a transitional measure, pending the total abolition of all child work. Such a view was for instance adopted during the early years of the ILO’s International Programme on the Elimination of Child Labour (IPEC), leaving space for the recognition of the labour rights of working children of even a younger age than the age limits imposed by the international labour standards (Hanson & Vandaele, 2013). Calling to regulate children’s work by granting children the right to work ‘in dignity’ can also be seen as an aim in itself, which would seek to reduce the exploitative character of child labour, thus making the prohibition of child labour superfluous (*Ibid.*).

The *empowerment* perspective views children as active subjects or agents of change and focuses on promoting working children’s participation via their organizations. In this way working children claim the right to participate in discussions on child labour policies and programmes. These organizations, which can be conceptualised as grass-root social movements (Liebel, 2013; Bourdillon et al., 2010), have made the child’s right to work in dignity a central claim. Notwithstanding the relative absence of working children’s

perspectives from the international agenda, their organizations did take part in the debate, at times even very intensively, as illustrated by their participation in high level meetings leading up to the ILO Convention on the Worst forms of Child Labour. Their interpretation of rights talk has found its way into academic and advocacy circles (Bourdillon, 2006; Hanson & Vandaele, 2013). From an empowerment perspective, the real problem is not the fact that children work, but rather that working children are powerless against their employers, parents or other individuals who may seek to exploit them for their own selfish benefit. Proponents of this position disagree with efforts to ban child labour, and instead wish to regulate children's work. In order to do this, they explicitly rely on working children's own views and opinions. Child participation is therefore at the centre of empowerment concerns.

Understanding these diverse approaches to child work allows to critically evaluate legislation and policy, or the absence thereof, which aims to regulate, reduce or abolish child labour. Also, the regulation and empowerment perspectives on child work demonstrate that abolitionism cannot be said to be the sole path towards social justice in relation to child work. The contrast between prohibition, which is the dominant view in child labour legislation, and the way in which labour law functions in the case of exploitative work performed by adults is striking. In the case of adult labour, legislation has been elaborated not to prohibit but to regulate their labour. As stated by Hanson:

'International labour standards aim at strengthening the position of workers by providing them particular rights, such as the right to decent conditions at work, fair wages, non-discrimination or to freedom of association. These work-related rights all contribute to guaranteeing respect for a person's fundamental right to work. Conversely, child labour legislation is deployed, not to regulate children's work or to foster respect for children's fundamental rights, but to prevent children from working against a wage. Save for some intermittent activities such as child acting or modelling, the prevalent international child labour regime makes children's paid work illegal' (2014: 10).

However it is not because the law prohibits child labour that children no longer work. In this respect, Bonnet (1998) even argues that the legal ban on child labour has impeded on the possibility of working children to rely on fundamental workers' rights to eliminate the exploitative character of their work. From a legal perspective, children under the established age limits have to work clandestinely, outside a protective regulative framework. We must therefore critically assess all too simple interventions aimed at 'rescuing' children from work, which may considerably worsen children's position and even risk forcing them into hidden and far more hazardous forms of work. Moreover, when the prohibition of child labour is used to justify the impossibility to adopt legislation which provides working children with a number of safeguards to guarantee a fair wage and decent working conditions, it is not to be

excluded that other interests than the protection of working children are served. In such a case, the abolitionist agenda would be nothing more than a cover up for eliminating competitors from the international labour market, or for ensuring a country's future economic progress by sending all its children to school (Hanson, 2014).

## Conclusion

By way of summarizing the many issues raised in discussions on the relation between the children's rights framework and child labour and working children, we wish to draw attention to at least five themes that are central to understanding the debate. Firstly, 'child labour', 'child employment' and 'child work' are general terms used to designate a great number of different situations, whereby distinctions are made according to the types of work, whether the work is undertaken within or outside of the family unit, if it is linked with food production and/or tied up with subsistence and to what degree the work is considered culturally specific. Given persistent discussions over definitions of what is to be counted as child work, child labour or child employment – all of which are not deemed harmful per se to children – discussions over which forms of children's economic activities should be banned or not also remain on the political agenda to this day. Secondly, as is the case for other child rights related themes such as criminal responsibility, marriage, child soldiering, children's political rights, etc., there is discussion over setting and enforcing minimum ages and what those minimum ages should be in the case of admission to employment or work. The CRC imposes States to set minimum ages in accordance with the relevant provisions of other international instruments, in particular the international labour standards developed by the ILO. The reference in the CRC to extant international labour standards illustrates the pre-eminence of the ILO and its International Programme for the Elimination of Child Labour (IPEC) for international legal, policy and programme efforts in the field of child labour. This is our third observation: no discussion over said definitions, statistics or policy reactions to child labour can set aside the ILO's dominant position on the theme, and will, depending on the stance taken in the debate, lead to the endorsement or disagreement with the views upheld by the ILO. A fourth theme is the seemingly inseparable link between child labour and education which are mostly thought of as mutually exclusive fields. Work that is impeding children's schooling should be prohibited, so the reasoning goes, precisely because it would prevent children's education; reversely, the motive why children need a proper education is because this will allow them to smoothly integrate the labour market and have access to proper jobs. A fifth theme, which is in contemporary debates particularly emphasized by grassroots working children's organizations, is that notwithstanding the principled ban on child labour, there is also a need to address issues related to wages and working conditions. If some forms of child work and the employment of young people above a certain age limit are internationally admissible, then regulations should be also be provided that deal with their remuneration and working conditions. The same applies for

working children who are legally under-age to be officially employed, but who will, in reality, continue working as long as the economic, social and cultural conditions remain unaltered. In other words, how should we conceptualize and address the rights of the vast number of working children?

The emergence of organized working children's movements, that claim the right to work in dignity, has shifted attention to the value of child work from the children's own perspectives on their realities and their lives. With large numbers of children across the world who are actively and sometimes even enthusiastically engaged in work activities, the question remains whether the current international policy framework and standards, including Article 32 CRC, truly and adequately protects the rights and interests of the working children they are supposed to defend? Finally, what lessons can be learned from the difficulties encountered by working children's organizations to have their perspectives on their work taken into account by the dominant international children's rights framework for the emancipatory promise of the framework itself?

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