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Human Rights in Translation: Bolivia's Law 548, Working Children's Movements and the Global Child Labour Regime

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Human Rights in Translation: Bolivia's Law 548, Working Children's Movements and the Global Child Labour Regime

What happens when children use their own understanding of their human rights to question international norms in the very places where they are 'made' and monitored? In this article we study the endeavours of three Latin American youngsters, representing working children's movements, as they travelled to the European Parliament in Brussels and to the ILO in Geneva. They did so in an attempt to influence the assessment of Bolivia's Law 548, which was drafted with the help of these movements and which regulates the work of children from 10 years old. We employ the concept of 'translation' to understand how the Latin American notions of '*protagonismo infantile*', 'work as a part of education' and 'the right to work in dignity' were used to challenge the Eurocentric abolitionist approach as advocated for by the EU and the ILO. Though unequal power relations and dogmatic attitudes hindered these translations from being successful in a conventional way, we conclude that the experiences were important for the political consciousness and empowerment of Latin American working children's movements.

Keywords: children's rights; child labour; working children's movements; translation; ILO; Bolivia.

Introduction

In the summer of 2014 the Government of Bolivia adopted Law 548, a new national code on children and adolescents that sent shockwaves through the field of international children's rights. The main catalyst of the controversy is Article 129 of the law which stipulates that:

(1) The minimum working age is 14.

(2) In exceptional cases, The Ombudsman's Offices for Childhood and Adolescence may authorize self-employment by children or adolescents between the ages of 10 and 14 and regular employment for youth between 12 and 14, provided it does not impede their right

> to an education, is not dangerous, does not pose hazards to their health, deprive them of their dignity and integral development and is not expressly prohibited by law.[1]

As a signatory state to the 1973 ‘Minimum Age Convention’ (C138) of the International Labour Organisation (ILO), Bolivia is obliged to uphold the minimum age of 12 years for light work, and 14 years for work that is not considered light nor hazardous.[2] Despite the insistence of the government that the exceptions of Article 129 are temporary – pending the eradication of the root causes of child labour – and meant to better protect working children, international organisations, such as Human Rights Watch, have publicly condemned Bolivia for violating international standards and ‘legalizing’ child labour.[3] Much less attention has been given to the other particularity of Article 129, namely that its drafting was informed by proposals of the Bolivian Union of Working Children and Adolescents (*Unión de Niños y Niñas Trabajadores de Bolivia* - UNATSBO). These proposals were made after UNATSBO, which is run by and for working children and adolescents, called on its members to take to the streets in protest against an earlier draft of Law 548 which, in line with C138, would prohibit the work of children under the age of 14. Like many other working children’s movements in Latin America, UNATSBO claims the ‘right to work in dignity’ for working children of all ages and perceived the draft law as a violation of this right and a threat to the livelihood of its members. The police at first put down violently the children’s street protests and attempts to enter the national parliament. After the clashes, Bolivia’s President Evo Morales, who claims to have been a working child himself, prevented the draft law from coming into force and invited UNATSBO at the negotiation table to redraft the content of the law.[4]

The process that shaped Law 548 highlights that children’s own understandings of their human rights can play an important role in law and policy making.[5] Instead of merely focusing on implementing international norms, the Bolivian Government eventually allowed for the negotiations of different rights claims, based not only on existing laws and conventions but on working children's own realities, lived experiences and daily struggles as well. These negotiations resulted in the exceptions of Article 129, placing Law 548 under international scrutiny. In an attempt to influence the assessment of Law 548 against the international standards set in C138, a representative of UNATSBO and two members of working children's movements in Paraguay and Venezuela travelled to the European Parliament (EP) in Brussels and to the ILO in Geneva in the summer of 2015.

In this article we look into the encounters at the EP and the ILO and aim to unearth how the working children's movements translate their own, Latin American, understandings of their human rights to challenge international child labour norms in the very places where they are 'made' and monitored. Our endeavour is informed by a multi-disciplinary body of literature that tries to make sense of how human and children's rights are differently understood and used by different actors,[6] in particular by the 'living rights' framework developed for the field of children's rights studies by Hanson and Nieuwenhuys.[7] It places emphasis on the idea that the practice of law is unstable and that the stakeholders involved interpret and give meaning to rights based on lived experiences, socio-economic realities, various social relationships and ideas of right and wrong. The framework thereby challenges the mainstream notion that children's rights are exclusively those that are codified and suggests to pay attention to how different rights conceptions are shaped, represented and negotiated.

The article is structured as follows. We first introduce 'child labour' as a constructed and contested human rights issue, together with the main actors of our case study. We then present the case study, providing thick descriptions of the encounters at the EP and the ILO based on direct observations, structured and unstructured interviews with different actors involved – supplemented with reports, minutes and video material of other related events. In the third and final part, we first discuss the concept of 'translation' to understand the use of the Latin American notions of '*protagonismo infantile*', 'work as a part of education' and 'the right to work in dignity' as an act of resistance against the dominant Eurocentric abolitionist approach advocated for by the EU and the ILO. We then conclude with a discussion of the dogmas and skewed power relations between that hindered the working children's movements from being successful in a conventional way. Notwithstanding, we argue that these experiences were important for the political consciousness of the working children's movements and strengthened the believe that the real defenders of working children's rights are not the international organisations but indeed working children themselves.

Child Labour: A Contested Human Rights Issue

The Global Regime governing Child Labour

Child labour has been a part of the modern human rights regime ever since the creation of the ILO under the League of Nations in 1919. The issue was immediately addressed by means of sector specific minimum age conventions such as the 1919 Minimum Age (Industry) Convention (C005) and the The Night Work of Young Persons (Industry) Convention (C006). The former notably did not apply in the vast colonized territories of the ILO's influential European member states. This exclusion was a harbinger of how during the ILO's anti-child labour campaign that followed, the rights and interests of working children, and especially of those in the global south, would constantly be negotiated against geo-political interests and the position of the male worker in the West.[8]

After World War II the child labour policy of the ILO, now a UN agency, slowly but surely moved in the direction of a 'two-plank' approach, which was built on the idea of improving working conditions by regulating and humanizing child labour as a short term goal, pending its eradication on the long term.[9] This approach was made explicit at the end of the 1970s when it became clear that the 1973 Minimum Age Convention (C138) – which for the first time introduced universal minimum ages for admission to employment or work – was as unpopular as the sectors specific conventions it replaced, while millions of children worldwide were engaged in hazardous work. Following the adoption of the UN Convention on the Rights of the Child (CRC) in 1989 and other highly publicized child labour campaigns the issue took up a more central place on the international development agenda and the focus shifted back from improving working conditions to elimination.[10] In 1992 the ILO created its International Programme on the Elimination of Child Labour (IPEC) in order to help countries design and implement policies, programmes and projects towards this objective. Furthermore, in the globalised economy child labour has become 'global child labour',[11] and after it became clear that the new World Trade Organisation (WTO) agreements would not include a social clause, calls for a new convention on 'the worst forms' of child labour emerged.[12] The Worst Forms of Child Labour Convention (C182) was adopted in 1999 and quickly became one of the most ratified ILO Conventions while at the same time ensuring many more ratifications of C138. Both conventions were included in the ILO Declaration on Fundamental Principles and Rights at Work, which means that they bind states due to their membership alone. Hepple goes as far as stating that C182 has led to 'the transformation of concerns about child labour into a fundamental human right of children' which, according to the author, has been the ILO's 'most conspicuous achievement'.[13]

Furthermore, the goal of eliminating of all forms of child labour by 2025 was included in the Sustainable Development Goals (SDGs) adopted by the UN in 2015.

Over the last two decades, the EU has played an instrumental role supporting and influencing the development of the ILO's international legal framework and its global eradication policy. The EU consistently uses the child labour conventions to inform global governance and to condition development aid and trade deals, but just like the ILO, it has limited tools to enforce abidance, especially vis-à-vis those countries whose economies are too large to be affected by its stick and carrot trade politics.[14] Its only real leverage comes from development and trade deals with smaller countries in the global south – such as Bolivia, as will be described in more details below.

Despite the efforts of the ILO and the EU, Grugel argues that commitment to the eradication of child labour is not yet 'firmly embedded into the structures of global politics' and it is still a 'multilateral regime-in-the-making'.[15] This regime is furthermore challenged by academics,[16] and contested by certain NGOs and grassroots movements, such as the ones created by working children.

Working Children's Movements

Despite the swift ratification of the CRC in the global south – with its emphasis on children as subjects of rights – working children are still commonly portrayed as victims in need of rescuing and (re)education. Members of working children's movements have proved this to be a very one-dimensional representation.

In his work on the practice of human rights, Goodale argues that 'non-elites […] are very often important human rights theorists, so that the idea of human rights is perhaps most consequentially shaped and conceptualized outside the centers of elite discourse'.[17] Over the last 40 years, members of working children's movements in Latin America, Sub-

Saharan Africa and India have shaped and conceptualised their own ideas about their human rights as working children, in practice contradicting the global concept of 'child labour' which has primarily been informed by a Western model of childhood and by the geo-political interests of Western states. These movements – which in the literature are also referred to as 'NNATs' (*Ninos, Ninas y Adolescentes Trabagodores* - Working Children and Adolescents), 'working children's unions' and 'working children's organisations'[18] – are in principle run by and for working children and adolescents themselves, supported by adults and NGOs. Their main objectives are to improve the livelihoods, working conditions and education of working children, by fighting for their rights as they understand them to be. Despite the many differences between the situations and cultures in the different regions and countries, most movements share common features. They aim to create an environment for children and adolescents in which they are valued as workers, contrary to negative typecasting by the mainstream eradication campaigns. Most movements have an organisational structure in which the so-called base groups, which are frequently organised in different neighbourhoods or villages, are key. In these groups, children discuss, together with supporting adults, matters such as rights and politics, but also more mundane topics such as problems at work, at school or within their families. There is equally time for play, music, dance and other cultural activities aimed at strengthening relationships and support. Besides these base groups, most movements have a system of regional and national representation via coordination offices. Those who represent the movements are elected by their fellow members and to advocate their cause they often call upon those children's rights laid down in the CRC, which are often rephrased, adapted or supplemented by further rights claims, such as the right to work in dignity – as will be discussed in more detail later on. The movements challenge the programmes, policy and legislation aimed solely at the eradication of child labour, and advocate instead for the regulation of child labour and the empowerment of working children, so that those who need or want to work can do so in a safe and dignified way. This is done not only within their respective countries, but internationally as well.

In 1996, 29 representatives from different working children's movements in Latin America, Asia and Africa came together in the town of Kundapur, India, for the first international meeting of working children's movements. There they drafted the 'Kundapur Declaration' which set out the agenda for their international co-operation vis-à-vis other international organisations such as the ILO and UNICEF. Point 10 of the declaration reads:

> We are against exploitation at work; but we are in favour of work with dignity and appropriate hours, so that we have time for education and leisure.[19]

Despite their different approach to children's work, the movements were invited to participate in the first global ILO conferences on child labour held in Amsterdam and Oslo in 1997, aimed at informing the drafting of C182.[20] But they were later excluded from further participation. Despite the UN's own emphasis on the importance of children's political participation in international governance,[21] and the support from different civil society organisation,[22] this exclusion continued also for the global conferences on child labour in The Hague 2010, Brasilia 2013 and Buenos Aires 2017. In what follows we detail how the controversy surrounding Bolivia's Law 548 provided a way for the movements to get back into the field of international law and institutions.

Law 548 at the Working Children's Movements: International Encounters

At the European Parliament

On September 15th 2014, a Croatian Member of the European Parliament (MEP) posed the following question to the European Commission (EC) about the child labour provisions of Bolivia's Law 548:

> Does the Commission believe that this new legislation prima facie puts Bolivia in breach of the Minimum Age Convention [C138], which is one of the conventions that must be complied with in order to benefit from GSP+?[23]

GSP+ (General System of Preferences) allows the EU to grant 'developing countries' preferential access to the European markets by reducing rates of custom duties.[24] To get access to the programme a country must, among other things, have ratified a list of 27 human rights conventions containing the two ILO child labour conventions, C138 and C182. The debate that followed covered a broad range of standpoints. Several MEPs argued that the 'rules are rules' and that the EU cannot allow to be 'deceived' by Bolivia. Others sympathised with the specific reality of Bolivia, emphasising the roles working children played in the drafting of Law 548 and praising the rights based approach that perceives children as subjects rather than objects of their rights. It was a Croatian MEP who had initiated the debate, and it was no coincidence that an MEP from Hungary had the final word. She reminded the parliament that it was not the first time that Bolivia had acted against international agreements and referred to a juridical case involving a Hungarian and a Croatian national who were detained in Bolivia without a fair trial for allegedly plotting to assassinate the Bolivian President Evo Morales.[25] *Prima facie* it appears that the debate had less to do with concerns about Law 548 and the situation of working children in Bolivia, and more so with exerting political pressure on Bolivia concerning this unrelated issue.

Following this initial debate, the EP's Committee on Development held a so-called 'Exchange of Views' about Law 548 and invited several experts to present their views on the child labour articles. Among them were the Bolivian Ambassador to the European Union and the UNICEF representative in Bolivia. The Bolivian Ambassador presented Law 548 as an instrument for eradicating child labour in Bolivia, instead of a possible violation of C138. He stressed that Bolivia is aiming to eradicate the root causes of child labour by 2020 and that the protective provisions on child labour in Law 548 should be seen as a step towards that goal. He found support from UNICEF who praised Law 548 as a whole, stated that it does not violate the CRC and confirmed that the child labour articles should be perceived as transitional norms. The Exchange of Views in its turn led to a subsequent debate organised by parties within the EP who deemed it important to hear the working children themselves about the law.

For this debate, that took place on May 27th 2015, the otherwise sober panel desk of conference room ASP-1G2 was covered with multi-coloured flags and banners of working children's movements from Latin America and further decorated with booklets and smaller desk flags. For the first time in the history of the movements they were invited to the EP and they had appropriated the space as if to claim a piece of the institution for themselves. Members of the different movements had elected Lourdes Cruz Sánchez (hereafter Lourdes) from Bolivia (17), Juan *Pablino* Insfran (hereafter Pablino) from Paraguay (17) and Betzandra Gónzalez (hereafter Betzandra) from Venezuela (16) to represent the working children's movement during this debate about Law 548 which was named 'Can the Children Speak? The Voice of Working Children and Adolescents from Latin America and the Bolivian Case'.

On their journey, each of the youngsters was accompanied by a supporting adult from their respective movement. Once in Brussels they were further aided by staff from different NGOs and a professional interpreter who, besides working for institutions such as the EU and the ILO, has been actively supporting working children's movements over the last 20 years. The objectives of the event were to discuss the concept of child labour from the perspective of working children and adolescents; to raise awareness about alternative ways of approaching child labour and Law 548; and to seek support within the EU for implementing Law 548.

Lourdes was the first to make her statement. She explained that she comes from a large family in Potosi, Bolivia. Her parents were unable to financially run the family without the help of the children and she had therefore worked ever since she was ten years old. She first joined a local working children's movement and had worked her way up to the national leadership of UNATSBO. At the core of her story was the notion that different realities deserve different solutions. Referring to the international child labour norms, she argued that the reality in Bolivia does not require regulations from elsewhere. She asked the international community to help Bolivia implement Law 548 instead of fighting it, as it offers protection to working children and adolescents who are being exploited. Prohibiting children's work, she argued, means that there is no protection, which leads to exploitation, and denies children their right to a life in dignity.

Pablino and Betzandra had worked their way up to the leadership of their respective movements in Paraguay and Venezuela and from that position had been elected to the secretariat of the Latin American and Caribbean Movement of Working Children and Adolescents (*Movimiento Latinoamericano y del Caribe de Niñas Niños y Adolescentes Trabajadores* - MOLACNATS), the umbrella organisation that unites nine working children's movements from countries in Latin America and the Caribbean. They addressed the role that MOLACNATS played supporting UNATSBO in Bolivia. Betzandra explained that MOLACNATS had adopted the slogan '*Si Bolivia pudó, Latinoamerica también!*' (if Bolivia could, Latin America can too) to spearhead a campaign to get similar laws adopted in other Latin American countries. Pablino, in his opening statement, emphasised that work is part of the culture of Latin American societies. He therefore stated during the debate that for MOLACNATs, Law 548 is a sign of civilization which will open doors for working children all over Latin America, as they all deserve similar laws protecting them. This because, he continued, international treaties and conventions are denouncing and criminalizing the work of children instead of supporting them to live in dignity.

After all the panellists had made their statements the floor was open to the public. As neither the ILO nor the MEPs who had previously been critical of Law 548 attended the debate, it remained a warm welcome for the working children's movements. The adult collaborators, who constitute an important part of the 'intergenerational dialogue' within the movements,[26] used the 'void' left by the absence of antagonistic voices to help the panellists express more clearly their points of view on work, education and the ILO conventions. The event was intended to become a real debate, but instead more resembled a manifestation of the EU's acknowledgement of working children's movements and their approach to child labour, which, to some extent, had materialised in Law 548.

The 'Can the Children Speak?' debate was strategically scheduled to coincide with the ILO's 104th annual International Labour Conference in Geneva, during which Law 548 would be reviewed by the ILO's 'Committee on the Application of Standards'. In theory, the outcomes of this session would inform the European Commission's interpretation of Law 548 vis-à-vis ILO Convention 138, and thereby their decision on Bolivia's access to the GSP+ programme. In between the events in Brussels and Geneva, Lourdes and Pablino travelled to Bonn in Germany for a round table discussion organised by the two child rights NGOs who had financially supported their trip to Europe. It was also a first encounter with the ILO, represented by a senior advisor of the organisation's 'fundamentals, principles and rights at work branch'. The advisor stated clearly that C138 had been violated and that any failure to comply with the minimum ages is unacceptable. Concerning the working children's own role in drafting the law he explained that the ILO recognises the duty of adults to listen to children but that they must be protected from taking harmful decisions. This first encounter with the ILO set the tone for the trip to Geneva.

At the International Labour Organisation

Lourdes, Pablino, Betzandra, the supporting adults and the interpreter travelled to Geneva with the objective to be heard in the session concerning Law 548 during the ILO's International Labour Conference. Immediately after their arrival there was an improvised press conference during which they announced their plans. The three youngsters declared that they had come to Geneva to reclaim their rights to participate and express their views in matters concerning them, in line with their interpretation of Article 12 of the CRC. It was of course in Geneva that the CRC had been drafted between 1979 and 1989 and where the UN Committee on the Rights of the Child holds its sessions since 1992. In the meantime, the ILO agreed to an informal meeting with the three young representatives the day after the press conference.

However, only moments before the meeting was to take place, Lourdes was invited to a private meeting with the Bolivian Ambassador to Switzerland. She accepted, hoping that this would give her access to speak at the session of the ILO's Committee on the Application of Standards which would review Law 548 later that day. It was then up to Pablino and Betzandra to represent the movements at the ILO meeting to which the youngsters had been invited. The host party consisted of the ILO's Senior Programme and Operations Officer, the Senior Statistician on Fundamental Principles and Rights at Work, and the Project Coordinator of the Global Research on Child Labour Measurement and Policy Development. Despite their senior profiles, the ILO staff stated clearly that none of them was speaking on behalf of the organisation and that the meeting would have no impact whatsoever on the outcome of the session of the Committee on the Application of Standards later that day. Although they were seasoned members of their movements and were more than capable to communicate the realities and human rights conceptions of the working children in their movements, Pablino and Betzandra were now tasked with making these heard in the language of codified international legal standards and statistics in the very place where this discourse is 'made'. Referring to the founding of the ILO in 1919, one of the ILO staff members emphasised that the issue of child labour has been a part of their institution's agenda for almost a century, implying that only the ILO has the history and capacity to comprehensively deal with the issue globally. Though the ILO shared the working children's movements' concerns about the protection of working children from exploitative work, he also claimed that it is a long-term process, which can only be successful with education, and not work, at its core. Data showing that the number of child labourers in Latin America has decreased during the last decade, the statistician pointed out, was proof of the impact of the ILO's approach. Concerning Law 548, a member of the ILO's staff stated that the legal minimum age of 14 years is already very low, and that in contrast to Bolivia, another Latin American country, Argentina, has raised the minimum age of admission to employment to 16 years.[27] The ILO representatives then questioned the validity of the working children's movements' claims to represent the working children of Latin America and contended that according to ILO counts there were 800.000 Latin American children at work. In comparison, as Pablino admitted during the discussion, the number of children and adolescents who are members of UNATSBO in Bolivia is ‘only’ about 15000. The numbers were used as a means to justify why the ILO can safely ignore the working children’s movements’ claims. The working children’s movements would do better to take up matters with the regional ILO offices in Latin America and not with ‘Geneva’.

Pablino and Betzandra were less vocal than at the EP, but emphasised that the movements they represented were already 40 years old, and that they did not want to be taken for newcomers. They countered the validity argument by explaining that their legitimacy does not come from a slow paced institution like the ILO, but directly from the places where children and adolescents are working. They strongly disagreed that there would be an opposition between education and work, and argued that in Bolivia, as in many other Latin American countries, children and adolescents combine work with school. Two of the supporting adults present at the meeting took it upon themselves to repeat some of the arguments raised by the adolescents at the EP. When the ILO staff started repeating the statistical evidence dismissing the arguments of the working children’s movements, the interpreter[28] decided to interfere himself. He did so because he believed the power relations were too unequal for Pablino and Betzandra to express their opinions and conceptions in a dignified way. He believed it was necessary to step in and draw the discussion back to the discourse of the working children, and away from the ‘numbers game’ played by the ILO statisticians. He tried to do this by accusing the ILO staff of being stuck in their ways of ‘counting and analysing’ instead of talking to working children and asking them what they think, and why they work. He also criticised the ILO as a whole, claiming that it was created by British lawyers that were only thinking of working children in the mills during the late 18th century. To the latter point, the ILO staff responded that those times were indeed long gone and that laws debated at the ILO are analysed by experts from different countries, providing room for different cultural perspectives on child labour.

During the session of the ILO's Committee on the Application of Standards that followed, it became however clear that these cultural perspectives are only deemed acceptable if they are in line with the ILO conventions. On their way there, Pablino and Betzandra were re-joined by Lourdes who had finished her meeting with the Bolivian Ambassador. She had been granted access to the 'floor' of the session of the Committee on the Application of Standards, as was hoped for. Together with some of the accredited NGO workers who had assisted them so far, Pablino and Betzandra were allowed onto the balcony from which they could observe the proceedings. The other supporting adults had to watch the session on a video screen in a separate room. Before the session started the three representatives had some face time with the representatives of Bolivian labour unions. The union men claimed to have never heard of UNATSBO nor MOLACNATs and indicated that there was little they could do to help them. Realising that the unions would not help the youngster to get the floor during the reviewing session of Law 548, the interpreter suggested that the only way to get some attention would be to intervene in a less official way. They then quickly made some signs on which they wrote 'listen to working children'. But the presence of security officers and a direct request by the Bolivian government representative convinced them to refrain from further action.

When the Committee on the Application of Standards finally discussed Law 548, it presented the annual report of the Committee of Experts on the Application of Conventions and Recommendations (CEACR).[29] Based on the report of the CEARC, the Committee concluded that it 'strongly deplores' the child labour provisions of Law 548, referring to the minimum age of 14 as laid down in the Minimum Age Convention.

Bolivia, the Committee argued, is welcome and encouraged to raise the minimum age, but not allowed to lower it.[30] The representative of the Bolivian government tried to convince the Committee and the many other critical delegates that the law was not contravening the Minimum Age Convention, but that the protection of working children is an 'exceptional measure that contributed to the application of the public policies aimed at eradicating child labour'. Despite finding support from several other countries, the ILO Committee found Bolivia's arguments were unconvincing and urged the Government of Bolivia to:

- Repeal the provisions of the legislation setting the minimum age for admission to employment or work and light work.
- Immediately prepare a new law, in consultation with the social partners, increasing the minimum age for admission to employment or work in conformity with Convention No. 138.[31]

Translation, Translators and Unequal Fields of Power

In the previous part we have described how Lourdes, Pablino and Betzandra tried to influence, as representatives of the working children's movements, the assessment of Law 548 against international child labour norms. In this third and final part we use the concept of 'translation' to look more closely into the 'cross-cultural encounters and transmissions of meaning' that occurred during their endeavours.[32]

Translation

The definition of 'translation', according to its Latin etymology, is 'a carrying across, removal, transporting; transfer of meaning'.[33] This is never a natural or neutral process. The carrying across, transportation or transfer of meaning, even in its most basic, literal form, is a subjective, unstable and ambiguous act of reproduction and change which can take many forms depending on purpose and context. In the words of Freeman, translation implies 'reconciling the different meanings of a given phenomenon held by actors in different social worlds'.[34] As a theoretical device the concept has been adopted by scholars in many fields of social science other than translation studies, as it allows for recognizing, exposing and studying the inevitable reconciling of different meanings in the social sphere. For the field of human rights Merry's work on the translation, or vernaculization, of international human rights into local settings has been important for our understanding of how human rights come into practice.[35] For further theorisation of traveling human rights norms, Zwingel prefers the notion of translation over the more commonly used 'norm diffusion' because it 'implies that differently contextualized norms may be translated into another realm, for example, from global to national or local to national, whereas diffusion assumes a one-way influence from global to non-global'.[36] The idea that translation is not a one-way process is reinforced by Hanson and Nieuwenhuys, who applied the concept to the field of children's rights studies to grasp 'what happens with rights in the encounter of children's and other actors' perspectives, movements for social justice and the elites, authorities and opponents'.[37] The translation of children's rights, the authors contend, is circular process in which children's own representations of their lives and rights must be recognized to provide children the space to 'negotiate meaning'.[38] However, as will be discussed in more detail below, translation seldom takes place on equal footing and, as Zwingel has pointed out, though translation can be enriching for all actors involved, due to power relations it also allows for manipulation and domination, with the colonial encounter standing out as the apparent example.[39] Young, who uses the concept to make sense of the complex politics of the postcolonial, contends that if translation can be part of such a violent process as colonization, it can at the same time invoke power through acts of resistance.[40] In other words, translation to challenge the dominant discourse by remaking and reappropriating it for the empowerment of the oppressed. Understood in this way, the concepts helps us to frame and better understand the encounters at the EP and ILO during which Lourdes, Pablino and Betzandra opposed the mainstream abolitionist approach to child labour with that of their movements. They were, however, not alone in this task.

As the working children's movements are child-led in principle, the adults within the movements ideally play a secondary and complementary role.[41] During the debate at the EP the supporting adults gave a salient example of this ideal role as supporting adults and translators; while Lourdes, Pablino and Betzandra participated in the main panel discussion, the adults sat in the public and posed questions aimed at furthering the discourse and rights claims of the working children's movements. During the meeting at the ILO, the supporting adults came to the forefront of the discussion as soon as they felt that Pablino and Betzandra were not given enough space to express their opinions.[42] Multiple translators thus worked together to reconcile the opposing discourses. A closer look at this act of translation reveals three main notions that constituted their argument in support of Law 548: *protagonismo infantile*, work as a part of education, and the right to work in dignity.

The notion of *protagonismo infantile* was invoked several times during the debate at the EP and during the discussions at the ILO. *Protagonismo infantile* (children's 'protagonism') has become one of the principal common denominators in the discourses of Latin American working children's movements. It can be understood as children having the power to create social change, to make decisions and claim their rights.[43] However, as Taft explains in her historical analysis of the concept in the Peruvian context, it is a polysemous notion whose meaning underwent several transformations over the last 40 years.[44] The term itself was originally born from a new class-consciousness amongst the poor working class and was known as *protagonismo popular*. Inspired by liberation theology and Latin American Marxism of the late 1970s, Alejandro Cussianovich coined the term *protagonismo infantile* in support of working children movements' claims. From that point on, it quickly occupied a central place in the claims forwarded by working children's movements. While child labour progressively became something that needed to be eradicated, *protagonismo* became a way for working children's movements to claim their place in society as fully participating citizens. Pablino used the notion to state that working children's movement should be involved when elaborating or negotiating working children's rights and laws. Betzandra also used the word 'protagonist' in a similar fashion. She explained:

> We do not want to be decoration for photos, or be on the front pages of magazines and so on. We want to be the real protagonists. When we speak, we speak for ourselves. We want to express our own feelings, and our own lives and our own demands.[45]

In short, the Latin American notion of *protagonismo infantile* was translated to challenge the paternalistic ways of the EU and the ILO by claiming actual negotiation power for a group that has mainly been on the receiving end of political decision making.

To forward one of their main arguments, that work can be an important part of education, the youngsters furthermore made strategic use of their politicised native identities, cultures and values. During the debate at the EP, Lourdes spoke about children working from the age of 7 in the rural areas of Bolivia. She explained that culturally, work is considered a part of education. Working children movements in Latin America have appropriated complex notions and practices of different indigenous peoples' education systems. This has been a long process of meaning negotiation in which supportive academics have played an important role. For example, in the *Revista International NATs*, a Peruvian journal on working children's movements, several contributions have addressed Andean multiple conceptions of childhood in relation to work. Working children's movements strategically essentialise these multiple notions to support their claim that work and education are not mutually exclusive, in order to challenge the dominant believe that a child at work is one without education.[46] The argument that work is a 'natural' part of an Andean childhood is also one of the pillars that supports the claim that children have a right to work in dignity.

When we asked Pablino about his understanding of a right to work in dignity, he explained that the claim can only be viewed in relation to *protagonismo* and the history of the Latin America peoples:

> Before colonization, working children were part of the social structure of indigenous people. Work was the place for children to socialize. There was a culture of continuity between childhood and adulthood. So for us, based on these traditions of our indigenous peoples, work is a value in itself. […] Work in dignity is work which guarantees our rights. When we talk about rights, we talk about free quality education, free quality healthcare, the possibility for leisure, the right to organize ourselves, the right to participate with different national institutions and the government in the decisions they make concerning us. Everything stems from the human rights approach and from that context, when we talk about work in dignity, we are talking about a work that you do because you like it, in which you have a fair salary and in which all these rights are guaranteed.[47]

The notion of a right to work in dignity was regularly invoked in defence of Law 548. Lourdes praised the new Bolivian code for acknowledging working children and for making them more visible. She argued that the law, if well implemented, would help working children achieve a life with dignity as it offers protection to children and adolescents from 10 years old from being exploited while trying to improve their living conditions and to fulfil their responsibilities towards their families. During a subsequent interview she elaborated:

> Children do not chose to be poor, extremely poor. It happens that they are born there, and if you really want to get out of this extreme poverty, you have to work. You have to work in order to improve your living conditions and to achieve a dignified life. When you work under the right conditions, without exploitation, and you get the adequate salary for the work you do and you are respected, then you feel happy with your work, then we can say you are working in dignity.[48]

The translation of historical and contemporary cultural and socioeconomic Latin American realities in to a claim that children have a right to work in dignity defies the Western exported believe that children have the human right to be free from work.

As translators between different systems of meaning, working children's movements have shown that their strategy was effective within the Bolivian political context – which Canessa describes as a gradual appropriation of political power by the Movement for Socialism (MAS) party of Evo Morales, under the promise that it would be the source for the various Bolivian indigenous peoples' political representation against the historic colonial and current neo-liberal oppression.[49] UNATSBO managed to position itself within this changing political landscape and ultimately succeeded in getting through to Evo Morales, who allowed for working children's *protagonismo* and rights claims to be taken into account when redrafting Law 548 and accordingly lowering the minimum age to work. But as Lourdes, Pablino and Betzandra experienced, the international political landscape in which the EU and the ILO operate is a different one entirely.

A Field of Unequal Power

As mentioned earlier on, the EU's understanding of child labour as a human rights issue is reflected in its ambition to champion the global struggle for its eradication. One of the ways it tries to maintain its role as one of the leaders in the global regime on child labour is by conditioning trade agreements with smaller countries in the global south with the ratification of, *inter alia*, the ILO child labour conventions. Bolivia's participation in the GSP+ programme almost immediately led to critical questions about Law 548 and especially Article 129. During the debate at the EP described above, the working children's movements were welcomed and provided with the space to elaborate on the objectives of the movements and the role they played in the drafting of Law 548. They were ignored, however, by MEPs and organisations critical of the law. As mentioned earlier, the 'debate' therefore resembled more a manifestation of the movements, celebrating their recognition as stakeholders in the child labour debate by the EU. The real debate about Law 548 in relation to the GSP+ was held elsewhere in the institution and left the movements preaching to the choir. This is in line with Grugel's contention that the EU is an institution in which more nuanced and alternative views on human rights tend to be dismissed as expressions of cultural relativism and therefore fail to make an impact.[50] Indeed, in Bolivia's 2018 GSP+ assessment, the European Commission makes no mention of the working children's movements, sums up Bolivia's justification of lowering the minimum age as 'cultural reasons' and urges the country to improve cooperation with the ILO to make a law that is in line with the child labour conventions.[51] Actions like these, Grugel contends, lends the EU to be accused of being a 'post-colonial policeman' targeting smaller developing countries over which it hold economic leverage.[52] The EU's position, she argues, 'is uncomfortably close to one where it tells the Global South what is good for it'.[53] The same can be contended for the ILO which, unlike the EU, never even officially acknowledged the European campaign of the working children's movements and marginalised the youngsters from the moment they entered the building.

The meeting between the movements and the ILO staff, as described earlier on, was scheduled at the ILO in Geneva where the ILO staff was at ease and had convenient access to resources. This added to the passage from the more symbolic and tangible aspects of their power such as senior titles, suits, lavishly furnished office, to coercive ones like the restriction of movement due to the security checks at the entrance of the conference rooms. The young representatives and their supporting adults were furthermore being closely watched by security officers inside the ILO building, in case their behaviour would turn suspicious or threatening. They were dismissed even before the unofficial meeting started, as the ILO staff stressed it was not speaking on behalf of the organisation, and that the meeting would have no effect whatsoever on the assessment of Law 548. The translations of *protagonismo*, work and education and the right to work in dignity fell on deaf ears. The unexpected contribution of the interpreter during the encounter was a desperate attempt to shift these power relations in favour of the movements. His intervention was an example of what happens when interpreters straddle the line between professional work etiquette (their duty to be impartial) and the position of power they can take advantage of (their access to sensible or strategic information, their knowledge of the inner workings of the institutions they work for).[54] At the ILO, where the meeting was held in Spanish, he did not need to translate for Pablino and Betzandra but intervened to try to steer the conversation away from the discourse of the movements. He tried to debunk the ILO's role of gatekeeper of the global child labour regime by claiming its norms stem from a monolithic, Western vision of childhood based on 19th century working children in English cotton mills. Later on, fearing that he and some of the other supporting adults had instilled false hope in Lourdes, Pablino and Betzandra, he suggested to disrupt the session of the ILO Committee's review of Law 548 by brandishing banners. For reason we have described above, this initiative was not followed through and the movements remained unnoticed while Law 548 was labelled a violation of international law and Bolivia was urged to repeal the legislation.[55]

After the session, the feeling among the three youngsters and their supporting adults was one of disappointment and frustration. Yet, even though the encounters at the EP and the ILO where not 'successful' in conventional terms, and even humiliating at times (back in Bolivia Lourdes told a reporter that hearing ILO delegates and committee members calling Law 548 a 'setback' was one of the worst experiences of her life),[56] we argue that they were important for the political consciousness of the working children's movements. The experiences at the ILO reinforced the antagonistic vision of the organisation and strengthened the youngsters believes in themselves and in their movements. In the words of Lourdes herself: 'they have shut me up here [in Geneva], but in my own country I am not going to shut up and nobody is going to silence me'.[57]

In October 2017 Lourdes and Pablino participated in an international conference on Law 548 and public policy concerning working children, held at the UMSA University in La Paz, Bolivia. It was attended by academics, practitioners, policy makers and representatives of working children's movements from all over Latin America.[58] There Lourdes and Pablino discussed their experiences in Brussels and Geneva which were presented as a landmark for the movements but also as a confirmation of the ILO as their common enemy. The struggle for the rights of Latin American working children, so was the message, is to be continued by working children themselves, with or without the support of the international establishment.

Conclusion

At the heart of this article lies the notion that different understandings of human rights are shaped by both children and adults, as they make them their own in search for dignity and justice. Ideas of human rights, to use Goodale's words again, are thus 'perhaps most consequentially shaped and conceptualized outside the centers of elite discourse'.[59] In Bolivia, members of the working children's movement UNATSBO took to the streets in protest when international standards on the minimum age to work were reinforced by a new law on children and adolescents. These standards criminalise the work of many children under the age of 14 and are seen by UNATSBO as a violation of their right to work in dignity. The government of Bolivia allowed for this 'living' or 'localised' human rights claim to be taken into account when UNATSBO was invited to re-negotiate the content of Law 548. The new exceptions to the minimum age, stipulated in Article 129 of the law, conveyed the debate from the streets of La Paz to the centres of elite discourse in Brussels and Geneva.

Questions about Law 548 vis-à-vis Bolivia's access to GSP+ paved the way for Lourdes, Pablino and Betzandra to come to the EP and the ILO, in an attempt to influence the assessment of Law 548, and more broadly to be acknowledged and heard as representatives of Latin American working children. We have employed the concept of translation to analyse the way the working children used the Latin American notions of *protagonismo infantile,* work as a part of education and the right to work in dignity to in favour of Law 548 and to challenge the mainstream abolitionist approach to child labour held by the EU and the ILO. Though this strategy was to some extent effective within the current political context in Bolivia, this was not the case in Brussels and Geneva where different dominant norms, dogmas and other ways to exercise political power exist. Without any real political leverage the movements were confined to the margins of the debate at the EU and immediately dismissed by the ILO.

When elected representatives of working children's movements travel over 6000 miles only to have their situated, nuanced and more pragmatic conceptions of their human rights ignored and rejected out of hand by those claiming to champion on their behalf, it comes as no surprise that these experiences only further polarise the already antagonistic relationships between them. To turn the tide, the international community needs to take seriously the working children's movements and provide them the space to negotiate meaning and to challenge the ILO's 'truth' on child labour, which is based on equally politicised ideologies, conventions and statistics.

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28. The professional interpreter’s involvement with the delegation of working children and the adults supporting them throughout their travel to the EP and at the ILO raises the question of his changing status. He gives an example of what happens when interpreters straddle the line between professional work etiquette (their duty to be impartial) and the position of power they can take advantage of (their access to sensible or strategic information, their knowledge of the inner workings of the institutions they work for). In this specific case, the interpreter made up for the lack of interpretation from Spanish to French at the EP. He gave an accurate translation and knew how to use the equipment in the interpreter’s booth. At the ILO however, where the discussion was in Spanish, he did not need to translate, but intervened to add to the delegation’s arguments with a critical voice acquired with his experience working for international institutions. For further discussion on this topic, see Carmen Delgado Luchner and Yvan Droz, ‘L’anthropologue et l’interprète : un bien curieux silence…’, [add complete reference HERE]

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55. At the time of writing the Government of Bolivia has shown no intent to repeal Law 548. However, in the summer of 2017 Bolivia’s Constitutional Court too has concluded Law 548 to be incompatible with the Constitution, the CRC and C138.

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