

## CHAPTER 8

# Public Policy, Society and Child Labour

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The exact scale of child labour in the world is difficult to gauge because definitions of the phenomenon are liable to vary and existing statistics systems are particularly bad at apprehending it. Even in this book, different articles refer to different definitions. They all basically take account of two criteria: whether or not the child belongs to his or her home environment and, whether s/he is employed in or outside the family. Crossing these criteria produces a number of quite distinct categories.

1. Children living and working within the family unit: a common means of socialization in all rural societies and also found in the urban informal sector; it does not necessarily mean an *a priori* exploitation of the child, but neither does it rule out the possibility; this category can also include children placed in other people's (collaterals') keeping, as is frequently the case in West Africa.

2. Children put to work outside the family unit: a lucrative form of labour more likely to expose children to exploitation; they may be living with their families or 'fostered out', living and working away from home with which links can remain more or less well intact; this category can harbour high levels of exploitation of child labour and, in more extreme cases, even situations bordering on slavery, e.g. 'bonded labour' (M. Bonnet).

3. Children without a family: abandoned children or runaways working to survive within or on the fringes of the law, street children.

Forms of exploitation affect working hours (up to twelve or even sixteen a day), pay (very poor, sometimes zero) and working conditions (unhealthy, hazardous, authoritarian or brutal). But the chief characteristic common to all working children is their age.

### When is a Child a Child?

National laws often set a 'minimum age for admission to employment'. The international community has produced legislation aimed at encouraging each

country to adopt rules to protect children from premature employment and, 'in the long term, to abolish child labour and gradually raise the minimum age' (Bequele; see Myers 1992: 219). The chief examples are the Declaration of the Rights of the Child adopted by the United Nations in 1959, the ILO's 1973 Convention Concerning Minimum Age for Admission to Employment (Convention no. 138) and the 1990 UN Convention on the Rights of the Child.

These laws lay down a number of major principles and guidelines, e.g.: 'This Convention understands children to be any human beings aged less than eighteen years, except in countries where majority is reached earlier by virtue of the prevailing legislation' (UN Convention, 1990).

This is intended to represent the international community's definition of a 'child', whereas in actual fact, alongside a clear-cut age limit of eighteen years, it already provides potential loopholes based on individual notions of majority. So 'international law' is not normative on objective criteria.

The 1959 and 1990 laws broach the matter of child labour:

Children must be protected from any form of negligence, cruelty or exploitation. They must never be subjected to any form of trade whatsoever. Children must not be admitted to employment before a suitable minimum age; they must never be compelled or authorized to take up an occupation or job which is harmful to their health or education or which hinders their physical, mental or moral development. (UN Declaration, 1959)

The Member States recognize the rights of children to protection from economic exploitation, or from being compelled to any work involving risk or liable to jeopardize their education or harm their physical, mental, spiritual, moral or social development. The Member States shall take legislative, administrative, social and educational measures [...] in particular: specify a minimum age or ages for admission to employment; provide suitable regulation of working hours and conditions of employment. (UN Convention, 1990)

These very broad laws are theoretically clarified in Convention no. 138 on the minimum age for admission to employment: 'The minimum age [...] shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years.' For countries 'whose economy and educational facilities are insufficiently developed', this may be lowered to fourteen years. So-called 'light' work is admissible for children from thirteen to fifteen years of age (twelve to fourteen for the aforementioned countries) as long as it does not prejudice their health, development or attendance at school. Work 'likely to jeopardize the health, safety or morals of young persons' is inadmissible before the age of eighteen or, with special dispensation, sixteen years. Ultimately, then, we are left with an age range stretching from twelve to eighteen years, as summarized in the table below:

TABLE 8.1 Minimum age for admission to employment according to Convention no. 138

Type of work	Basic minimum age	Exceptional cases
Normal	15	14
Light	3 to 15	12 to 14
Hazardous	18	16

The Convention's 'flexibility' is even further accentuated by the fact that it does not have to be applied for certain 'limited categories of employment or work'.

Its content is astonishing: although supposedly designed to bring about 'the effective abolition of child labour', it actually authorizes such labour by means of flexible provisions and a range of special dispensations. It is unfortunately typical of the paralysis of international institutions yielding to the interests of the strong and the cynicism of states which should be working for the good of their populations, yet propose or ratify laws allowing the exploitation of children to persist. It makes one wonder what purpose a convention like this might serve: perhaps it is intended to do no more than mark another stage in the very slow development of international thinking. Let us leave this point with a reminder that after coming into force on 19 June 1976, the Convention was ratified on 31 October 1994 by only seventy-six states (BIT 1995: 133).

An examination of national laws (ILO 1991: 224) shows that only 59 of the 140 countries documented have set the basic minimum age for normal work at fifteen or over. For the other 81, it varies between twelve and fourteen years; six have set it at twelve (Egypt, Morocco, Qatar, Sudan, Thailand, Yemen).

The authors of the various chapters in this book, by the way, refer to a rather scattered range of age groups. At the bottom of the scale are children aged between four and twelve, while the top end extends from twelve to nineteen; nineteen-year-olds enter the frame only when the limited availability of statistics has forced authors to work with the fifteen to nineteen age group.

### The Imprecision of Statistics

The statistics published by the various different countries can hardly be said to paint an accurate picture of the scale of the phenomenon of child labour: 'an erratic representation in statistics carefully conceals their true number' (Ramanathan). Indeed, they are based on censuses, surveys and administrative sources whose focus is all too often narrowed down to persons over a

particular age (fifteen years, sometimes ten or twelve). Even when the field researchers or census-takers opt for a low starting age for the question of working activities (e.g. six, ten or twelve years), they do not necessarily go to the trouble of properly completing their questionnaires on this point; perhaps because they consider it to be of secondary importance, or because they have not been well enough briefed.

There are many reasons for this: a general problem of statistical definition of work-types; the difficulty in detecting illegal work-types (i.e. which employ children below the minimum age); low awareness of the phenomenon on the part of the statisticians, even those undertaking employment surveys.

Table 8.2 shows the percentages of ten- to fourteen-year-old children<sup>1</sup> at work in eighty-five countries, as compiled by the ILO from various national sources during the 1980s. The figures presented are not intended for general use. Quite the contrary. The intention is to put potential users on their guard, for the inconsistencies are plain to see.

TABLE 8.2 Work rates of children aged ten to fourteen years in various countries (per cent)

Region, country	Boys	Girls	Region, country	Boys	Girls
<b>Africa</b>			<b>Latin America</b>		
Algeria	0.6	0.1	Argentina	8.8	4.4
Angola	1.9	0.8	Bolivia	10.8	6.9
Benin	36.6	27.2	Brazil	25.0	11.6
Burkina-Faso*	—	—	Chile	—	—
Cameroon	10.4	9.6	Colombia	5.6	3.5
Chad	59.2	18.7	Costa Rica	11.9	2.2
Egypt	12.4	1.4	Cuba	—	—
Ethiopia	47.8	43.1	Dominican Republic	19.9	11.0
Guinea	35.9	28.4	Ecuador	—	—
Malawi	10.9	10.8	El Salvador	30.7	12.4
Mauritius	11.2	3.4	Guatemala	27.8	8.2
Morocco	16.5	11.9	Haiti	26.0	22.0
Nigeria	4.0	1.8	Honduras	26.8	2.7
Senegal	61.0	38.5	Jamaica	0.6	0.2
South Africa	—	—	Mexico	11.1	3.4
Sudan	39.0	25.3	Nicaragua	25.9	6.9
Togo	12.7	12.7	Panama	6.5	2.5
Tunisia	2.7	4.0	Paraguay	19.7	4.0
Zimbabwe	—	—	Peru	3.1	2.5
			Trinidad and Tobago	—	—
			Venezuela	—	—

TABLE 8.2 continued

Region, country	Boys	Girls	Region, country	Boys	Girls
<b>Asia, Oceania</b>			<b>North America</b>		
Australia	—	—	Canada	—	—
Bangladesh	39.4	30.4	United States	—	—
China	—	—	<b>Europe</b>		
Hong Kong	—	—	Austria	—	—
India	13.5	10.3	Bulgaria	0.1	0.1
Indonesia	12.4	9.2	Czech Republic	—	—
Iran	5.5	2.5	Denmark	—	—
Iraq	6.2	1.1	Finland	—	—
Japan	—	—	France	—	—
Jordan	3.2	0.2	Greece	—	—
Kuwait	—	—	Hungary	0.2	0.3
Malaysia	8.8	6.5	Ireland	—	—
Mongolia	0.4	0.2	Latvia	—	—
Myanmar	10.2	11.5	Netherlands	—	—
Nepal	—	—	Poland	—	—
New Zealand	—	—	Portugal	5.2	5.2
Pakistan	19.2	6.9	Romania	—	—
Philippines	—	—	Slovakia	—	—
Singapore	—	—	Sweden	—	—
South Korea	0.3	0.4	Switzerland	—	—
Sri Lanka	5.3	4.6	Turkey	—	—
Syria	6.2	4.2	United Kingdom	—	—
United Arab Emirates	—	—			
Vietnam	—	—			

Note \* — means zero or less than 0.05 per cent.

Source: BIT 1995

Let us take the thirty-seven countries claiming a zero rate of working children (including twenty-one of the twenty-four developed countries); considering some of their social realities and how they compare to one another, this appears surprising to say the least. In Africa, for instance, South Africa, Burkina Faso and Zimbabwe are all on zero, while very high rates are registered for Benin, Chad, Ethiopia (43 per cent of girls), Guinea, Senegal (61 per cent of boys), Sudan and Chad. Similar remarks can just as easily be made of the other continents. There is a very low rate in twenty countries for boys (less than 10 per cent) and in thirty-two countries for girls. Once again it is astonishing to find such low figures for Nigeria, Iran, Jamaica or Peru.

There does appear to be one common denominator nevertheless: with the exception of four countries (Myanmar, South Korea, Hungary and Tunisia), rates for boys are mostly higher than for girls. The main reason for this is without doubt the fact that the various sources fail to take account of housework.

In Europe, Portugal is the only country showing anything other than a zero rating, which makes one wonder about the reliability of figures from the other countries of southern Europe (e.g. Greece or Turkey).

Despite the great uncertainty surrounding the statistics, however, a recent ILO study (Ashagrie 1993: xi–xxvi) estimated that percentages of ten- to fourteen-year-old children working at world level in 1990 (or in the 124 countries monitored, at least) stood at 15.7 per cent of all boys belonging to that age group and 11.5 per cent of girls. Taking the developing countries of the sample in isolation, corresponding percentages come to 19.1 and 14.1 respectively. Notwithstanding the doubts about the decimal points, this still means that the phenomenon must be affecting between 100 and 200 million children world-wide.

### Perceptions of Child Labour

Whatever the scale of the phenomenon, it is perceived in a wide variety of differing ways depending on the times, the countries and the group in question.

Rosilene Alvim demonstrates this very clearly when she talks about childhood in Brazil gradually becoming a 'social problem', leading to the 1990 Children and Adolescents Act passed thanks to the influence of the new actors (educators, NGOs) emerging to work alongside the more traditional ones (journalists, lawyers etc.). These new actors have managed to gain children and adolescents recognition as 'subjects of law' (Fukui). However, Lia Fukui uses studies of the press of the 1970s and early 1980s to point out how 'the popular press does not consider child labour to be a topic for public debate'. When newspapers do actually talk about it, they and public opinion largely tend to regard poverty as the chief cause: putting children to work is part of family survival strategies. So there is no systematic campaign to combat child labour as such. Some see it as a means of introducing children to the world of work. Others take the analysis further and seek to root out the causes of poverty, which may be regarded as the product of the capitalist system and/or the inequalities between North and South (in the shape of structural adjustment programmes, for example).

Other suggestions as to the causes of child labour include the breakdown of the family (leading to the emergence of street children) or, very often, the lack of schools (or the mediocrity and cost of those that do exist). But there are also children who work *and* attend school: they, then, are working in order to be able to afford to go to school.

Finally, child labour is often regarded as a lesser evil than marginality, delinquency and crime (Alvim).

The debates focus above all on street children. Street children seem to be accepted by the inhabitants of Mexico City in so far as they provide services; and yet 'the press presents them as individuals who are worthless to society, beggars' and is 'naturally too quick to associate child street-workers with delinquency and drugs' (Taracena). Indeed, 'the media portrayal of street children consists of stereotypical pictures of dirty kids in rags, for ever sniffing glue, loitering and sleeping on the streets. Despite being nowhere near true, it is none the less an image that sticks' (Mérienne).

The authorities for their part often turn a blind eye to child labour (Anwar). This can result in a number of objective constraints (poor means of intervention, red tape). They choose to ignore it either because they are corrupt or because child labour is quite simply part of a widely accepted 'system' underpinning the power and survival of the ruling classes and the upper ranks of the civil service, and the source of numerous advantages: 'It is a manifestation of the logic and rationality of the (capitalist) system' (Schibotto and Cussianovitch 1994: 223). When the authorities do take an interest in tackling child labour, it is ultimately above all through measures of a legislative order.

### Child Labour Legislation

The above-mentioned laws on the minimum age for admission to employment are based on the idea that no one is seeking to eradicate child labour (not for the time being, at least), but to improve legislation in such a way as to make it 'more humane' via special regulations covering medical examinations, night work, mine work, working hours, weekly rest periods, annual holidays etc. and to have them enforced (a problem of general underadministration, particularly the shortage of inspectors). This means 'an implicit acceptance of the inevitability of child labour' (Ramanathan).

As Michel Bonnet recalls in his work on Africa, however, it often happens that 'legislation benefits industry in a country that is essentially agricultural; focuses on the structured sector whereas it is relatively rare to find children working there; and excludes from its field of application so-called family firms and domestic or farming work, i.e. the very areas where child labour is at its most widespread' (Bonnet 1993: 411-30). What is more, many people, sometimes including the children themselves, believe that 'the appealing to and application of the law may well assume more froward than educational aspects', with the danger that 'those practices will be driven further underground and therefore rendered more dangerous' (D. Bonnet).

Finally, if it certainly is necessary to draft and progressively improve the laws, three types of approaches can be adopted (Ramanathan): realism (accepting reality), pragmatism (the art of the possible) and idealism

(imagination). Yet legislative intervention alone is not enough. Other action needs to be taken.

### Action to Combat Child Labour

It is not enough simply to denounce child labour and call for its immediate eradication. Action may be taken according to a reformist approach. Experience acquired in the matter allows one to suggest two lines of thought:

- there has been a lot of indirect action which, in addressing specific population groups (refugees, migrants, abandoned children, etc.), inevitably takes account of child labour but has done little to tackle it head-on
- the diversity of situations faced by working children makes them a highly complex group which is difficult to cater to in a single, all-purpose policy (Banpasirichote)

So direct action must be planned within the framework of a global approach, with diversified measures applied at central and local levels addressing high-risk environments as a priority (the most hazardous occupations and branches of industry), and backed up with on-the-ground initiatives (organizing the children, street educators, NGOs). The programmes to be put in place certainly ought to include two important aspects in particular: awareness-raising to awaken public opinion to the problem and services for the children themselves (information, hygiene and health, nutrition; school support etc).

What really needs to be done, however, is to clarify perceptions of working children. All too often, as 'children they are not really workers and as workers they are not really children'. And 'the child continues to be perceived as a social object which, because of the supposed nature of its condition, is incapable of asserting itself and contributing to the community', rather than as a social actor or subject. As a result, NGO action is increasingly becoming geared towards 'restoring children's true identity' and relying upon them to assume a responsible role in bringing about the necessary changes to their working and living conditions. This new identity must be 'not just individual, but also collective, social and political', so that the children become the actors of social change (Schibotto and Cussianovitch 1994: 223).

Finally, percentages of children in education must be raised because 'unschooled children form a reserve army for the world of labour' (Bonnet 1993), even if 'school activities do not (necessarily) prevent children from working' (Fukui). Education sometimes comes up against 'a child labour-friendly attitude on the part of the community: i.e. a work ethic, an outlook on life that puts work before school' (Céspedes Sastre et al.). And even if the education systems come in for a good deal of criticism and are subjected to in-depth reform, Lia Fukui sees school as the only 'institution able to give children a minimum of training and allow them to prepare for employment



and life in adult society'. Having said that, many countries are making no headway with regard to schooling and one even observes a trend of children 'dropping out' as structural adjustment programmes are implemented and state support is withdrawn as a result (Lange, Ravololomanga, Toto).

These are just some of the difficulties faced in the struggle to protect working children, to combat and abolish child labour, and quite simply to allow them access to 'childhood rights'.

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