



## Social standards in the context of employment and income Fact Sheet 3

### Effective Abolition of Child Labour – ILO Co 138 and 182

#### What does Child Labour mean?

- **Understanding what it means** – Because not all child work is detrimental to growth and well-being of children, it is important to distinguish the terms used in practice.

The ILO Minimum Age Convention (C. 138) and Convention on the Worst Forms of Child Labour (C. 182) distinguish between *Child Work* that may contribute to a child's healthy development and unacceptable *Child Labour*.

**Child Work** needs to be seen as happening along a continuum, with exploitative work at one end and beneficial work at another. Child work can indeed sometimes be positive, if it refers to an economic activity that enhances children's development without interfering with their schooling, recreation or rest.

Under C. 138, **Light Work** may be permitted from the age of 12 years. It is defined as work that is "not likely to be harmful to children's health, does not interfere with their education and is therefore not likely to have a negative impact on their development".

For instance, a 12 year old child who delivers newspapers before school might actually benefit from learning how to work, gaining responsibility and earn a bit of money. But if the child is not paid, he or she is being exploited and if the work does not allow him or her to go to school, then it is harmful work.

The duration of work, the conditions under which the work is done, and the effects on school or vocational training attendance, are some of the factors to be taken into account to define what light work is.

**Child Labour** refers generally to work that harms children or exploits them in some way (physically, mentally, socially, morally or by blocking access to education). There is however no universally accepted definition and Child Labour is often conventionally referred to as children working before they reach the lawful minimum age for employment in their country (often between 14 and 16, the cut-off age for compulsory school attendance).

Although C. 138 states that the general minimum age should not be less than the age for completing compulsory schooling (and in any event should not be less than 15 years of age), it offers flexibility for nations that are unable to meet this target by allowing them to set a minimum age of 14 until they are able to comply fully with the convention.

The ILO therefore refers to Child Labour as: all children below 12 years of age working in any economic activity; those aged 12 to 14 years engaged in harmful work; and all children or young people engaged in the Worst Forms of Child Labour (WFCL)<sup>1</sup>

Child and childhood are defined differently by different cultures and international conventions. Any worker with the age over what is defined a child but under 18 is often referred to as **Young Worker**. The European directive on Young Workers defines a “young person” as anyone under 18 and as “adolescents” anyone between 15 and 17 years of age, who are entitled by their country’s law to have left school. (UNICEF definitions<sup>2</sup>)

- **Understanding what it represents** - Between 240 and 350 millions children and young workers are employed worldwide (the discrepancy between these two figures is due to insufficient data and major definitional issue regarding the terms “child” and “work or labour”, as explained above).

Although, child Labour is found in industrialised countries (it is estimated that there are some 1.5 million working children in Europe), the phenomena is substantially located in non-industrialised ones, with the Asian and Pacific regions harbouring more than half of the world Child Labourers. Almost three quarters of them are employed in agriculture.

Working children are the object of extreme exploitation, in terms of long hours for minimal pay (the ILO reports that children work the longest hours and are the worst paid of all labourers). Their working conditions are often severe, not providing the stimulation for proper mental or physical development. Child labour therefore **depraves children** of their childhood, their schooling, their potential and their dignity.

In the short-run, child labour may increase households’ income and probability of survival but in the long run, it perpetuates **household poverty** through lower human capital. Through reduced human capital accumulation, child labour also slows down long run growth and social development. Further, to the extent that children compete with unskilled adults for the same jobs, child workers affect **adult employment or depress adult wages** (depending on the structure of the labour market).

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<sup>1</sup> **These forms have been defined as follow in the ILO Convention No. 182**

- (a) all forms of slavery or practices similar to slavery, such as: the sale and trafficking of children, debt bondage and serfdom (e.g. unpaid domestic servants) as well as forced or compulsory labour, including recruitment of children for use in armed conflict;
- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- (d) hazardous work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children (for example working in mines, working with chemicals and pesticides in agriculture or working with dangerous machinery)

The unconditional WFCL refer to the first three above.

<sup>2</sup> **Definitions by UNICEF (Child labour today, 2005)**

Child/ children - Everyone under the age of 18, entitled to the rights proclaimed in the UN Convention on the Rights of the Child, including the right to be protected from economic exploitation.

Young person/ young people - sometimes used to refer to older children (teenagers) and sometimes to all children. A European Union Directive on young workers defines “young person” as anyone under 18.

Adolescent - Usually teenagers who have passed puberty (although 18-year-olds are considered to be adults rather than children). The EU Directive on young workers uses “adolescents” to refer to 15-, 16- and 17-year-olds who are entitled by their country’s law to have left school and to be in full-time employment, but who still have rights to special forms of protection.

Child labour - Conventionally referred to children working before they reached the lawful minimum age for employment in their country (nowadays usually 14, 15 or, as in the UK, 16), often the same as the cut-off age for compulsory attendance at school. Now redefined to refer to all young people engaged in harmful employment, whether they are school-age or older.

Since child labour occurs mostly in the informal sector and in small units with simple **technology and little capital equipment**, whether reducing child labour would speed up capital investment and technological change depends on the impact on adult wages. However, child labour can be expected to have an ambiguous impact on income inequality in the short run, and to **increase income inequality** in the long run.

- **Understanding what causes Child Labour - Children** perform work for a variety of reasons, but poverty -in its multi-dimensional form- emerges as the most compelling one. However, poverty does not always cause child labour. The Kerala State in India, for example, has virtually no child labour although being a poor state with high rates of unemployment and emigration. At the international level, countries with similar levels of poverty may have high or low levels of child labour.

Four of the most commonly identified root causes for Child Labour are: insufficient adult wages; a lack of adequate educational facilities; social attitudes and war. In this way poverty and child labour are mutually reinforcing and often passed on from generation to generation.

Put into a market framework, supply and demand factors can be summarised as follow:

a) Supply of Child Labour- Certain areas have a **tradition** of children following their parent's footsteps. Children often "help" other members of the family, where parents themselves worked as children. Where adults are paid wages lower than their consumption level needs, and where the **benefits of education** can not be perceived, children will be more easily sent to work. Some children are more vulnerable to exploitative labour than others (e.g. girls and members of ethnic minorities or marginal groups), especially more so if they belong to families whose low income allows them little margin to cope with injury, illness, or disruptions such as family breakdowns, migration, conflicts or the spread of endemics such as HIV/AIDS.

b) Demand for Child Labour- The supply of child labour must be accommodated by the demand of employers for cheap/free and flexible workforce. The most common explanation given by employers is the **lower cost** and the **irreplaceable skills**, or the misleading "nimble fingers" argument (comparative advantage of children to perform specific jobs, such as carpet weaving). Evidence suggests however that these arguments are deceptive and that a major reason for hiring children seems to be **non-economic**: children are easier to manage, they are more obedient, less aware of their rights and less likely to absent themselves from work.

In this context, with the absence of regulations and weak law enforcement the practice of Child Labour flourishes.

### **What does the law say about it?**

The Declaration on Fundamental Principles and Rights at Work which was adopted by the International Labour Conference in June 1998, declared the effective abolition of child labour a core labour standard. For its content, the core labour standard of "Effective Abolition of Child Labour" refers to:

- Convention 138: **Minimum Age Convention** (<http://www.ilo.org/ilolex/english/convdisp2.htm>)

- Convention 182: **Worst Forms of Child Labour Convention**

(<http://www.ilo.org/ilolex/english/convdisp2.htm>) and to the related Recommendation 190: **Worst Forms of Child Labour Recommendation** (<http://www.ilo.org/ilolex/english/convdisp2.htm>), which highlights the urgency for governments to take action for those 180 millions of children who work under intolerable conditions.

**Article 32** (<http://www.unhcr.ch/html/menu3/b/k2crc.htm>) of the UN Convention on the Rights of the Child (1989) recognizes children as active defenders of their rights, whatever circumstances they are in.

## **What is being done about it?**

International conventions and Recommendations relating to child labour have helped to create international awareness and influence Governments in the formulation of national legislation and policies.

At international level, two apparently opposed perspectives to tackle child labour can be found. On one hand, the demand to **abolish all forms of child labour** has been backed mainly by unions within the tripartite structure of ILO, but also by several NGOs such as the Global March Against Child Labour. On the other, a movement to fight for the **rights of working children**, often child-led and managed, and supported by NGOs, especially in Latin America and Africa (see [African Movement of Working Children and Youth – AMWCY](http://www.enda.sn/eja), (<http://www.enda.sn/eja>))

Although these two approaches are based on different social and pedagogic interpretations of “childhood”, they often advocate for the same tools in designing action to mitigate the plight of Child Labour:

- Removal from Worst Forms of Child Labour
- Protection of working children
- Preventive measures
- Enforcement of children’s rights
- Improving national policies
- Consumers’ Pressure
- Provision of educational services
- Awareness building
- Social Programmes

### **1. Removal from Worst Forms of Child Labour**

Over the past few years, interest has grown toward focusing on the Worst Forms of Child Labour (WFCL) and priority is more and more given for action focused on children in hazardous and intolerable situations.

The rescue of children from hazardous and forced labour, which includes trafficking, sexual exploitation, illicit activities, and health hazards has to be combined with rehabilitative measures such as the provision of shelter, psycho-social counselling, and formal or non-formal education. In a second step, viable economic alternatives have to be developed through vocational training.

There is consensus however that to be effective, such targeted programs need to do more than remove children from work. Removal alone without ensuring children’s access to education and other services can be harmful.

### **2. Protection of working children**

Where children cannot be removed physically from work, government agencies and NGOs intervene at work places to reduce work hazards and working hours, to improve remuneration and benefits, and to provide part-time education and vocational training. In some countries, employers of working children have to register for a better monitoring.

### **3. Preventive measures**

Effective solutions to child labour must include strategies that address underlying cultural, social and economic conditions that contribute to Child Labour, which also prioritise the rights of children to education and to be part of the long-term strategy to eliminate child labour:

**§ Enforcement of children's rights:** The ILO with its specific International Programme on the Elimination of Child Labour (IPEC) monitors the implementation of the conventions relating to child labour. Legislation has been able to control Child Labour in the formal sector to some degree; but Child Labour is most prevalent in the highly unmonitored, informal and rural sectors.

**§ Provision of educational services:** Although education and employment for children are not mutually exclusive, it is recognised that compulsory, affordable, accessible and relevant education reinforces Child Labour legislation. School represent indeed the most important means of drawing children away from the labour market - every full-time student is one less full-time worker. However, many countries have adopted compulsory education laws without creating the conditions in which schooling is a viable option for children (education services of quality in place and access to compulsory education insured) or a real choice for parents.

International donors such as UNICEF assist governments to build free and relevant schools; also many NGOs are actively promoting legislation and policies for free and compulsory education. IPEC also offers non formal education, and in some countries bridge schools to transfer working children into formal schools.

**§ Economic and Social Programmes:** The Parents of child labourers are often unemployed or underemployed, and desperate for secure employment and income. Economic development that raises family income and living standards, via income generation and employment creation for adults, helps to reduce Child Labour. Programmes aimed at improving shelter, health and nutrition can also prevent Child Labour.

**§ Improving national policies:** Within [time-bound programmes](http://www.ilo.org/public/english/standards/ipecc/timebound) (<http://www.ilo.org/public/english/standards/ipecc/timebound>), IPEC supports the governments of participating countries in their efforts to eliminate child labour. A co-operation with World Bank and UNICEF aims to strengthen the global information base and to mainstream the protection of children into other strategies such as Poverty Reduction Strategies.

**§ Consumers' Pressure:** The use of child labour in highly visible industries has, in some cases, attracted media attention and ultimately leads to successful public campaigns for government to legislate "phasing out" of the use of child labour. NGOs such as the [Clean Cloth Campaign](http://www.cleanclothes.org/) (<http://www.cleanclothes.org/>) or the [STEP-Foundation](http://www.label-step.org/) (<http://www.label-step.org/>) are also active in sensitising Northern consumers about the labour conditions under which imported goods have been produced. They promote social labels which guarantee that no child labour was involved in the production of a particular carpet or agricultural commodity. In developing countries however, this type of consumer pressure is still lacking and some of the Worst Forms of Child Labour are found in sectors which produce for the domestic market (e.g. the firecracker industry in Asia).

**§ Awareness building:** When it comes to changing traditions, attitudes and expectations of parents in different cultures and layers of society, international donor agencies frequently co-operate with local NGOs or grassroots organisations in order to raise awareness on the negative impacts of child labour and the benefits of enrolling children in school and family planning.

## Where to learn more from?

### Links to main actors

#### *International organisations:*

- § UNICEF – End Child Exploitation: [http://www.unicef.org/protection/index\\_childlabour.html](http://www.unicef.org/protection/index_childlabour.html)
- § ILO International programme on the elimination of child labour: <http://www.ilo.org/public/english/standards/ipec/>
- § World Bank - Global Child Labour Program: [www.worldbank.org/childlabor](http://www.worldbank.org/childlabor)
- § World Tourism Organisation: Protect Children from Sexual Exploitation in Tourism: [http://www.world-tourism.org/protect\\_children/index.htm](http://www.world-tourism.org/protect_children/index.htm)
- § ILO, UNICEF, World Bank: Understanding Children's Work: an interagency research project: <http://www.ucw-project.org/>
- § ICFTU about child labour: <http://www.icftu.org/focus.asp?Issue=childlabour&Language=EN>

#### *Civil society organisations and NGOs:*

- § Global March against Child Work: <http://globalmarch.org/>
- § Stop Child Labour (alliance of European NGOs): <http://www.schoolisthebestplacetowork.org/publish/index.php/index.php>
- § Child Workers in Asia: <http://www.cwa.tnet.co.th/>
- § Self organisation of working children: <http://www.tu-berlin.de/fak1/gsw/pronats/pronatsverein/main.htm>
- § The concerned for working children (India): <http://www.workingchild.org/>
- § Child Rights Information Network: <http://www.crin.org/>
- § Child Labor Coalition, USA: <http://www.stopchildlabor.org/>
- § The Swiss Foundation Terre des Hommes campaign against child trafficking: <http://www.childtrafficking.com>
- § Terre des Hommes, Germany: <http://www.tdh.de/content/themen/schwerpunkte/kinderarbeit/>
- § Save the Children, UK: <http://www.savethechildren.org.uk/scuk/jsp/index.jsp?flash=true>
- § Anti-Slavery International : [www.antislavery.org](http://www.antislavery.org)

#### *Social labelling initiatives:*

- § Rugmark – global non profit organisation working to end child labour in the carpet production: [www.rugmark.org](http://www.rugmark.org)
- § Flower Label Program (FLP): [www.flower-label-program.org](http://www.flower-label-program.org)
- § International Fairtrade Certification Mark: <http://www.fairtrade.net/sites/aboutflo/logo.html>

### Links to other related documents

- § UNICEF UK (2005), Child Labour Today: [http://www.unicef.org.uk/publications/pdf/ECECHILD2\\_A4.pdf](http://www.unicef.org.uk/publications/pdf/ECECHILD2_A4.pdf)
- § ILO (2002), [A future without child labour](http://www.ilo.org/dyn/declaris/DECLARATIONWEB.DOWNLOAD_BLOB?Var_DocumentID=1566) – global report under the follow-up to the ILO declaration on Fundamental Principles and Rights at work: [http://www.ilo.org/dyn/declaris/DECLARATIONWEB.DOWNLOAD\\_BLOB?Var\\_DocumentID=1566](http://www.ilo.org/dyn/declaris/DECLARATIONWEB.DOWNLOAD_BLOB?Var_DocumentID=1566)
- § ILO – IPEC International Programme on the Elimination of Child Labour (2004), [Investing in every child](http://www.ilo.org/iloroot/public/english/standards/ipec/doc-view.cfm?id=175). An economic study of the costs and benefits of eliminating child labour: <http://www.ilo.org/iloroot/public/english/standards/ipec/doc-view.cfm?id=175>