



Preventing Child Labor in Developing Economies

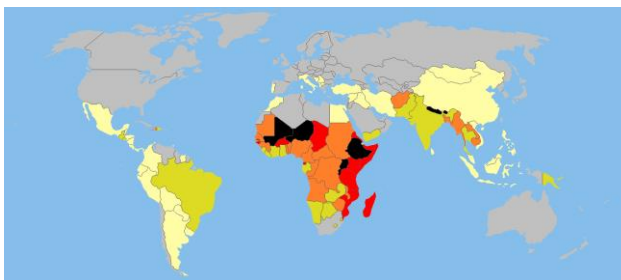
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Introduction

Child labor is not a new phenomenon. Historically it was an accepted stage of life for children too unfortunate to benefit from education. Especially since the European Enlightenment of the Eighteenth Century, children ceased being seen as miniature adults who were especially useful for their size and unable to demand wages equal to an adult. While children's domestic responsibilities within the family are often praised, child wage labor outside the home is increasingly viewed as a social pathology. Child labor went from being an integral part of life to something understood as dangerous to individual development. The practice survives because it provides cheap, unskilled labor in much of the world, associated with the most extreme forms of poverty. Where child labor continues, it is seen as a social pathology, denying children their rights and opportunities for advancement.

Figure 1. Incidence rates for child labor worldwide in the 10-14 age group



Source: World Bank data. The data is incomplete, as many countries do not collect or report child labor data (colored gray). The color code is as follows: yellow (<10% of children working), green (10–20%), orange (20–30%), red (30–40%) and black (>40%).

In Nineteenth Century Europe, political pressure to eliminate child labor first emerged as a major force, based on the presumption that all children should be free from exploitation and able to benefit from universal education. By the mid-Twentieth Century, the right to education had replaced the necessity of child labor throughout most of Europe and North America. These priorities are accepted by most governments around the world, but especially in poorer countries and regions, child labor remains far from unknown. Child labor exists everywhere, but in most countries it is illegal, making the problem largely one of enforcing existing laws. Other countries have not criminalized the process, or refuse to prosecute it because it serves important interests.

The United Nations strives to end child labor, with special emphasis on the worst forms of child labor such as hazardous work, prostitution, and slavery, which are also linked to human trafficking. It is the goal of the United Nations to ensure that children globally have their right to an education realized and their safety respected and ensured when they do legally work. But member states have the sovereign right to interpret treaty commitments and international mandates, and not all pursue the issue with equal alacrity.

Figure 2. Indian children shoveling mine ore



Source: Getty Images

Dimensions of the problem

Child labor is declining, but it is still prevalent. The numbers are encouraging: one third less children are believed to be working than in 2000. However, this leaves approximately 200 to 300 million children still working for a living, roughly 85 million doing hazardous work such as mining, tanning or unprotected industrial work. Child labor is often done informally: children working from home in some capacity such as in agricultural work or work off the books for companies where they are paid very little under the table. Informal work is hard to regulate, because records of it are rarely kept and as such children are not afforded the protection that legal restrictions and actions can provide them. In Bangladesh in 2013, an estimated 80% of child labor was conducted in non-formal settings. World-wide, roughly 70 percent of child labor is connected to agriculture

Child labor exists virtually everywhere. But it is a declining problem in much of the world, where domestic law, universal education, social services and greater wealth make it unnecessary, unproductive and undesirable. In developing countries, with high poverty and poor schooling opportunities, child labor is still prevalent. In 2010, sub-Saharan Africa had the highest incidence rates of child labor, with

several African nations witnessing over 50 percent of children aged 5–14 working. Worldwide agriculture is the largest employer of child labor. Vast majority of child labor is found in rural settings and informal urban economy; children are predominantly employed by their parents, rather than factories. Poverty and lack of schools are considered as the primary cause of child labor.

Made more public in recent years is the understanding that child labor is not a problem confined to countries with developing economies, and it is not simply an unavoidable symptom of poverty. Especially when considering *supply chains*, the way in which raw materials become finished products through the various companies and factories that work on the product until it is finished, the problem of child labor is far from isolated in developing economies. In 2012, Nestle, the multinational Swiss food company, was accused of failing to investigate claims of child labor being used at points in its supply chain, despite at least some of its suppliers agreeing to the code Nestle put in place that concerned, in part, child labor. Their supply chain was found to contain not only child labor, but dangerous child labor, with young workers sustaining serious injuries in order to produce the cocoa that Nestle uses in its products. Even when ignoring supply chains, developed economies are not free from child labor: The United States has laws in place for child labor but the laws concerning children's agricultural work are much more relaxed, leading the Human Rights Watch to campaign for more attention to be given to children in agricultural work, as the chemicals and pesticides used on crops can be highly dangerous to young people.

Which children are considered child laborers varies by country depending on that country's minimum legal age for work. This is as low as 12 years old in Egypt to 16 in many countries. Almost every country in the world has laws relating to and aimed at preventing child labor. The Geneva-based International Labor Organization (ILO) tries to regulate this through the *Convention concerning Minimum Age for Admission to Employment* of 1973. Under the

convention, child labor refers to any work performed by children under the age of 12, non-light work done by children aged 12–14, and hazardous work done by children aged 15–17. Light work was defined, under the convention, as any work that does not harm a child's health and development, and that does not interfere with attendance at school. The convention has been ratified by 135 countries.

The worst aspects of child labor include sexual exploitation, trafficking (sometimes for sexual exploitation), and use of child soldiers, especially in Africa and Southeast Asia. In Europe, the United States and Central Asia, in addition to harsh agricultural work, children are trafficked into the sex trade, often by criminal gangs.

These problems are so serious they tend to be treated through separate international legal processes, but they remain closely related to less pathological and more routine but still serious issues of child labor. They are addressed legally in protocols (addenda) to the 1990 *Convention on the Rights of the Child*, including

- *Optional Protocol on the Involvement of Children in Armed Conflict* (entered into force in 2002, 155 states party), requires parties to ensure that children under the age of eighteen are not recruited compulsorily into their armed forces, and calls on governments to do everything feasible to ensure that members of their armed forces who are under eighteen years of age do not take part in hostilities.
- *Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography* (entered into force 2002, with 167 states are party).

What Are The Issues?

In part, the millennium development goal of all children receiving primary education by 2015 aids the cause of preventing child labor, because child labor contributes to children being denied

schooling. It may seem obvious, but when a child is in school that child cannot also be laboring in a factory or as a domestic worker at the same time. Children without educations are more likely to be forced into the labor market at an earlier age, working more dangerous jobs than their educated contemporaries. However, it can be extremely difficult to track how many children should be in school and are not, particularly when child laborers are not enrolled at a school at all. UNICEF pushes for universal birth registration, claiming that it would help keep track of how many children were unaccounted for in schools, as without accurate and complete birth records officials cannot be sure how many children they are missing in their classrooms.

Another issue the United Nations faces when creating resolutions restricting child labor is the distinction between child labor and child employment. The International Labor Organization defines child employment as work that does not interfere with a child's schooling and is not detrimental to their health or personal development. For many families in developing economies children must work to supplement the family's income, either in a formal setting of factory and domestic work or in more informal settings such as the family's own farm or home. Some countries, such as Peru and regions of the United States, consider child employment in the form of helping tend to crops to be a rite of passage for those growing up in rural communities. To completely do away with all forms of child employment could spell disaster for families that rely on the additional income that their children are able to bring home. For those that view child employment as a rite of passage, doing away with child employment completely would deny children part of their cultural heritage.

In connection with the supply chain issues surrounding child labor mentioned earlier, it is essential for the United Nations to keep in mind that eliminating child labor cannot be done by targeting only developing economies. Companies that are situated in developed economies often perpetuate child labor, intentionally or unintentionally, in the pursuit of

the greatest profit margin. By paying their suppliers unfair wages, those suppliers then seek cheaper means of production- which often means employing children. The Fair Labor Association examines supply chains of participating companies to find if workers' rights are being violated, which includes if the participating companies are using child labor at some point in their supply chain. Nestlé's use of child labor was found through involvement with the Fair Labor Association, and checks like these are necessary to help protect children from illegal child employment.

However, child labor is a large enterprise, and those in charge of employing children in dangerous work environments do not want to face the consequences of their actions. With advanced knowledge of inspections, companies and factories that force children to work long hours in unsafe conditions can train their employees on the 'correct' responses to the inspector's questions, and force employees to sign documents saying that they received non-existent safety training, as was done at the Vase Apparel factory in Bangladesh and many other factories that have not yet been discovered to employ children in hazardous environments.

Factory workers are not the only child laborers the United Nations needs to be concerned about: children can be, and are, sold into indentured servitude as housemaids. Employers lure parents into contracting their children's labor as maids or nannies by promising the child will be able to go to school and giving the family monetary compensation, but these promises often go unfulfilled. Children suffer a range of abuses from simple overworking to cases of extreme abuse. In 2012 in India, a 13 year old maid was rescued by firefighters from the home where she was employed when her employers went on a trip to Thailand- and left her locked in the apartment. This case is by no means unique, and children involved in this type of labor are sometimes taken far away from their homes- trafficked to other areas of the country or the world to perform labor in dangerous or abusive situations. UNICEF reported in 2003 that fighting human trafficking would help prevent the worst forms

of child labor like prostitution, involuntary marriage, and domestic servitude, and it is estimated that 1.2 million children are trafficked each year.

It is also worth noting that many countries have laws in place concerning child labor and do little to nothing to enforce them. Authorities- governments, police, and employers- are largely unwilling or unable to accurately police companies to root out child labor. In India, the Juvenile Justice Act of 2000 reportedly protects young domestic workers by requiring their employers to document the children's break hours and provide children with daily education, but few families follow through with this due to the lack of law enforcement. To compound this problem, raids to check for illegal child workers cannot be carried out by the Indian government due to a lack of staff, and it is thought that if it were possible to conduct these raids that, according to Raj Mangal Prasad in a 2012 New York Times article, several thousand cases of child labor would be found in India's capital alone.

Many non-governmental organizations (NGOs) are involved in promoting the rights of children and ending child labor. Prominent examples include: Plan International, the Fairtrade Foundation, the Fair Labor Association, Defense for Children International, and the International Human Rights Association.

Role of the UN

The International Labor Organization (ILO) is the specialized UN agency that encourages a system of child labor monitoring that includes a referral system that connects local authorities with resources for former child laborers. This connection is especially important to provide support for former child laborers, who without assistance may feel they have no alternative than to return to child laborer. The ILO also pushes for vocational training as an alternative to child labor and call for strong workers' and employers' unions to facilitate social dialogue to help end child labor.

The United Nations Children's Fund (UNICEF) is another UN agency with a major

role in these issues, leading UN fund raising and awareness building in over 180 countries.

Landmark UN Resolutions

Action on child labor began in the International Labor Organization, but the UN General Assembly gradually became more directly engaged too. The most important action by the United Nations came in 1990, with General Assembly adoption of the *Convention on the Rights of the Child*.¹ Subsequently ratified by 193 countries, the 1990 Convention requires countries that accept its term to insure concrete measure to protect children from economic exploitation. Key articles include:

29. Further calls upon all States to translate into concrete action their commitment to the progressive and effective elimination of child labor that is likely to be hazardous or to interfere with the child's education or to be harmful to the child's health or physical, mental, spiritual, moral or social development, to eliminate immediately the worst forms of child labor, to promote education as a key strategy in this regard, including the creation of vocational training and apprenticeship programs and the integration of working children into the formal education system, and to examine and devise economic policies, where necessary, in cooperation with the international community, that address factors contributing to these forms of child labor;

30. Urges all States that have not yet signed and ratified or acceded to the Convention concerning Minimum Age for Admission to Employment, 1973

(Convention No. 138) and the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor, 1999 (Convention No. 182) of the International Labor Organization to consider doing so;

32. Also calls upon all States to ensure that no child in detention is sentenced to forced labor or any form of cruel or degrading punishment, or deprived of access to and provision of health-care services, hygiene and environmental sanitation, education, basic instruction and vocational training...

The most recent countries to ratify are Somalia and South Sudan. In Somalia, parliamentary approval was obtained in December 2014, "without the articles of 14, 20 and 21 due to Somali culture, religion and the provisional constitution."

The Convention is not without critics. Many countries ratified the Convention only after legislating national provisos and exceptions, often to protect particular social groups, cultural and religious minorities to whom child labor has a special place, or to protect specific economic interests. In a few countries, notably the United States and parts of the Middle East, the Convention is criticized as an infringement of national sovereignty and the freedom of parents. Some American home schooling advocates, led by the Home School Legal Defense Association (HSLDA) have criticized the Convention as a possible barrier to parental freedom.²

¹ Convention on the Rights of the Child (1990), <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx> Also see the Wikipedia article, http://en.wikipedia.org/wiki/Convention_on_the_Rights_of_the_Child

² "Why does HSLDA oppose the treaty?", Home School Legal Defense Association (n.d.), <http://hsllda.org/landingpages/crpd/default.aspx>

Figure 4. Filipino child laborers work in a charcoal dump, Manila, Philippines, 9 July 2012



Source: ABC news

Country Positions

The Millennium Development Goals of 2001-2015, soon to be replaced with the Sustainable Development Goals, are the basic framework for international action, emphasizing the need to insure all children receive primary education by 2015. But elimination of child labor is understood to require broader action, both by the international community and the most affected countries.

The Non-Aligned Movement (NAM) with 120 member countries, the UN's most powerful voting block and the center of action on child labor issues, since its members are the scene of the most serious problems. Most NAM member states are committed to eliminating child labor, but lack the resources to do to the job. Except for those with oil wealth, they rely on donor governments for financial support and international organizations and NGOs for leadership. Many rely on NGOs for action on the ground as well.

An important group of NAM members, led by Cuba, Nicaragua, South Africa, Venezuela and others, insist that solving child labor requires *structural economic change*, facilitating much faster economic development in developing

economies, reducing their dependence on the kinds of products child labor produces.

The European Union plays a vital role setting moral standards for action. Countries like Germany, Sweden and the United Kingdom are outspoken on the need for collective international action to eliminate all child labor. The issue is prominent in their foreign policy goals.

Many governments, including some NAM members and powerful countries like China, Russia and the United States, are supportive of greater activism, but wary of new commitments. They are especially suspicious of changes to international law that might affect their domestic sovereignty.

Some possible paths for further international action:

- Support and strengthen existing international conventions and the work of international organizations and NGOs.
- Create mechanisms to monitor child labor around the world, possibly with reporting to national governments and international intuitions. Domestic law enforcement, social workers, or NGOs might be involved in systematic monitoring or work places around the world.
- Require foreign purchasers of products associated with child labor to certify their purchases were not made with child labor.
- Identify countries with especially serious problems of child labor and focus on encouraging them to change their domestic law and build institutions

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to suppress child labor and make it easier to educate children.

- Establish new funds or support old funds designed to support the incomes of impoverished families in risky regions who insure the education of their children.
- End the demand for child labor through structural adjustment, helping developing countries industrialize and modernize their economies and infrastructure.

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