



## SEVEN REASONS WHY THE ILO SHOULD FOCUS ON ALL FORMS OF CHILD LABOUR IN ITS GLOBAL ACTION PLAN

### A reaction to the ILO Global Report 2006 'The end of child labour: Within reach'

This year's International Labour Conference of the ILO will be take place between the 31<sup>st</sup> of May and the 16<sup>th</sup> of June. One of the items on the agenda is the new ILO Global Report 'The end of child labour: Within reach'<sup>1</sup>. The report ends with a global action plan which proposes 'to pursue the goal of effective abolition of child labour by committing themselves to *the elimination of all worst forms of child labour by 2016*' [emphasis of ILO].

The ILO website tells us: 'During the International Labour Conference, the ILO will organize a plenary session with guest speakers/constituents of the organization on June 9th. The topic for the plenary will be focusing on progress in eliminating child labour and on the challenges ahead in eliminating the worst forms of child labour over the next decade. The plenary debate will be attended by high level authorities from governments, employers and workers organizations.'

*The campaign 'Stop Child Labour – School is the best place to work'\* urges the ILO and its constituents (governments, employers and trade unions) to adopt a comprehensive global action plan aiming to eradicate all forms of child labour according to ILO Conventions 138 and 182 and, in close co-operation with other agencies, ensure that all children up to at least 14 years of age will be able to receive free, full-time education.*

Our arguments - supported by a statement of a successful movement against all forms of child labour in India<sup>2</sup> - why the ILO should in its global action plan at the elimination of all forms of child labour and not to limit the global action plan to the worst forms, are the following:

1. Especially in the last few years both child labour conventions have been ratified by an unprecedented number of ILO member states. While C138 has now been ratified by 144 countries, C182 has been ratified by 160 countries. With a very large majority of all nations now having ratified both conventions, this should logically lead to a more comprehensive approach and programming of the ILO against child labour which is based on both Conventions. We therefore urge the ILO to devise a global action plan that helps to translate the international commitment of its member states into national policies and related activities. Actions focused on the worst forms of child labour should therefore take place in the broader framework of strategies and action programmes for the elimination of all forms of child labour in line with Conventions 138 and 182.
2. Examples in the Global Report itself (e.g. Brazil and China) but also the experiences of our partners in developing countries, e.g. in India, strongly indicate that it is much more effective to systematically address all forms of child labour that keep children out of (formal full-time) education and/or threatens their physical and mental health, than to focus on the elimination

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<sup>1</sup> <http://www.ilo.org/public/english/standards/ipecc/about/globalreport/2006/index.htm>

<sup>2</sup> Global Report – A response: <http://www.indianet.nl/globalreportresponse.html>

of the worst forms of child labour only. Many worst forms of child labour can only or more effectively be addressed if there is broader 'supporting environment'. Banning the 'worst forms', without having one group of exploited children replacing another, is therefore best achieved within a broader strategy which, including by social mobilization, creates and enforces a social norm that all children should be in school instead of work and follows this up by really creating access to education for all.

3. The ILO Global Report rightly states that 'perhaps the greatest progress has been made in recognizing the link between child labour elimination and Education for All (EFA). As all children have the right to education it would therefore be logical to focus on all forms of child labour that prevent children from benefiting from full-time education. A strategy based on both Conventions is needed for that. An important argument to focus on all forms of child labour needs to be added here. The minimum age for employment according to ILO Convention 138 is 15 year (developing countries can choose 14). Millennium Development Goal 2 (MDG 2) is stating that by 2015 all children should have access to at least four years of education. Therefore it is expected that many children leave school when they are 10 or 11 and enter the labour market much too young of age where they compete with adults. This definitely undermines the implementation of C138. A strong focus on its mandate regarding C138 as part of its global action plan and international advocacy by the ILO to extend MDG 2 to at least 8 years of education would therefore be required.
4. The eradication of child labour is, as also the Global Report clearly states, closely linked to the implementation of other ILO Conventions (in particular the fundamental labour rights) and other employment-related policies which can be summarized as 'decent work'. Experiences of governments, NGOs and unions in developing countries prove that child labour undermines the employment, bargaining position wages and labour conditions of adults. By organizing workers (especially in the informal sector) and social mobilization it is possible to tackle all forms of child labour. In sectors or regions where child labour is banned, the result is a better bargaining position of adults resulting in improved labour conditions and more decent employment.
5. Focussing mainly on the worst forms of child labour sends the wrong signal to companies that also for them it is enough if they deal with the worst forms of child labour only, including in their supply chain. A recent example is agro-multinational Monsanto.
6. Another argument that supports a comprehensive approach to tackling child labour can be seen in the figures presented in the report. It is positive that there is a decrease in the number of child labourers (from 245.5 million to 217.7 million). Closer look into the figures shows that there has been significant decrease in the worst forms of child labour (from 170.5 million in 2000 to 126.3 million in 2004). At the same time we see an alarming rise of other forms of child labour from 75 million in 2000 to 91.4 million in 2004. An explanation for this is not given in the report. A further analysis, also into the unknown number of children presently not counted as child labour as they work at home, is required. We feel that this worrying trend supports our view that that all forms of child labour should be focused on instead of only the worst forms.
7. Finally: we do of course recognize that the ILO pursues the goal of the effective abolition of all forms of child labour. However focusing so strongly on the elimination of the worst forms by 2016, means that strategies targeting all forms will receive much less attention. The risk is that the efforts to reach this 'short-term' goal is not only less effective than it could be, but also jeopardizes reaching the long-term goal to eradicate all forms of child labour.

## BACKGROUND TO THE SEVEN REASONS

### *I. On the Global report: 'The end of child labour: Within reach'*

The ILO Global Report 'The end of child labour: Within reach' provides new estimates of the number of child labourers worldwide and regionally, and analyzes progress to date in the struggle against child labour. The ILO data shows that there is a reduction in child labour - especially its worst forms. The number of child labourers globally fell by 11 per cent over the last four years, most sharply in the area of hazardous work done by children. The number of children in hazardous work decreased overall by 26 per cent, and by 33 per cent in the 5-14 age group. The global picture presented by the ILO is that child labour is declining. However the decline is spectacular in Latin America with a drop in child labour of over two-thirds over four years, but only marginal in Africa and Asia

The ILO therefore draws the conclusion that they and their constituents should continue to pursue the goal of the effective abolition of child labour by committing themselves to the elimination of all *worst forms* of child labour by 2016. It is argued that priority must be given to the fight against the worst forms of child labour, in accordance with ILO convention 182. The ILO also states that Convention 182 provides the much-needed focus without abandoning the overarching goal of tackling all forms of child labour as laid down in Convention 138.

### *II. An overall response to the ILO Global Report*

Our submission is that combating child labour requires an integrated approach based on both Convention 138 and Convention 182. When only or mainly addressing the worst forms of child labour, which C182 is dealing with, the problem tends to shift from one group of children to another group. As the ICFTU states in its press release in reaction to the report, the number of child labourers *not* working in the worst forms has gone up with more than 15 million. The resulting 'competition in harm' furthermore denies groups of children equal opportunities compared to others in their entitlement to human rights. In fact, the numbers provided by ILO support this position: in the past years, ILO work and international advocacy focused on the worst forms. We now see the greatest decrease in the sector of worst forms. "Invisible children", especially girls, working in the informal sector or in their own or others households, doing unpaid work and not being registered as working, are normally not covered by such action. The result is that those children fall through the cracks and the problem of child labour will manifest in that area. Strategies to eliminate child labour must therefore tackle all forms of child labour in order to reach all working children and out- of-school children.

Beyond doubt there is an inextricable link between child labour, education for all and poverty. The ILO-Report mentions poverty reduction as a strategy to eliminate child labour. Although ILO argues that child labour perpetuates poverty, the report does not draw the conclusion that child labour is far more a cause than an effect of poverty; or in other words that: ending child labour does not depend on ending poverty first. On the contrary, to fight poverty one needs to address child labour. While poverty can complicate the situation of a family wanting to put their children into school, research and practical experience show that poor children are able to go to full-time schools if education is free, of sufficient quality and a social norm is built that children should not work but must be in school. Social and cultural norms, prejudice, exclusion and discrimination of girls and certain population groups present important obstacles for children to go out of work and into school. They can however be overcome by mobilisation around such a norm and practical strategies that build on it.

We fear that the majority of working children will not benefit from the global action plan that is part of the ILO report. It has little to offer to the majority of children doing other work than the worst forms. These include 92 million children involved in so-called non-hazardous work and roughly 100 million children who are 'economically active' (see table 1.1) who are working at least one hour on any day during a seven-day reference period. This definition 'excludes chores undertaken in the child's own household'. Even though the good news is that child labour presently counted has decreased by 11% to 218 million, the total number of working children would go up sharply if all working children would be counted. We are of the opinion that the promises made by many countries on the right to education and the elimination of child labour should now be shaped into a global action plan to get *all* working children out of work and into full-time education.

In the Global Report the ILO proposes a plan that aims to eliminate all worst forms of child labour by 2016. These worst forms include slavery, the use of children for prostitution, pornography and activities like drugs trafficking and work that can harm the health, safety or morals of children. These forms of child labour are prohibited under ILO Convention 182 ratified by 160 countries. However, the other ILO Convention against child labour - the Minimum Age Convention 138 - also prohibits all forms of child labour that keep children out of school, at least until they are 14. This Convention has been ratified by 144 countries. Both Conventions should guide the future child labour policy of the ILO.

The ILO itself came up with a more inclusive strategy in 2004. The ILO study 'Investing in every child' says that the benefits of eliminating child labour will be nearly seven times greater than the costs, or an estimated US\$ 5.1 billion in the developing and transitional economies, where most child labourers are found. *What is more, the study says child labour - which involves one in every six children in the world - can be eliminated and replaced by universal education by the year 2020 at an estimated total cost of US\$ 760 milliard.* According to the study, eliminating child labour would be a "generational investment" and a sustained commitment to children, both today and tomorrow.

If we want to achieve the international goal implied by this report we - this is the worldwide movement against child labour should - start working on it now. This would also imply that the focus of the global action plan should be broadened to the eradication of all forms of child labour.

### ***III. The crucial link: child labour and education***

The Global report recognizes the enormous important link between child labour elimination and Education for All in unambiguous terms e.g. by saying that 'perhaps the greatest progress has been made in recognizing the link between child labour elimination and Education for All'. Also it is stated that action will have to be taken against child labour to reach many MDG targets, especially those related to education. More concretely it states that 'On the one hand, education – and in particular, free and compulsory education of good quality up to the minimum age for entering employment as defined by ILO Convention no. 138 – is a key element in preventing child labour. Education contributes to building a protective environment for all children and is *the* mechanism for opening up choice, which lies at the heart of the definition of development. In turn, child labour is one of the main obstacles to full-time school attendance and, in the case of part time work, prevents children from fully benefiting from their time at school'. Even more specifically the Report offers a very pertinent and important remark on the role of non-formal education which is seen by a large part of the public and many policy makers as a 'solution' for children that 'have to combine work and education'. The Global Report however rightly states in contradiction to this widely held view: 'Properly designed and implemented, NFE can be a crucial means of providing a transition for working children from work back into formal education. Too often, though, NFE has turned out to be second-class education for second-class children, and at worst it has become a parallel system competing against the formal education system.'

At the same time the report says that eliminating child labour and Education for All in the 1990s' 'inhabited segregated worlds, moving in parallel directions - much like two ships passing in the night'. As an important reason for this segregation it is mentioned that the child labour movement failed to develop a language and strategy to engage successfully with the movement for EFA. It is than categorically and rightly stated: 'What the worldwide movement against child labour has to do is convince the education mainstream that the concern for child labour is part and parcel of their concerns, and that enrolment, retention and attainment concerns addressing both in-school and out-of-schools factors that constrain families and working children'.

We have to disagree however that no such language has been developed before. In a Common Position Paper on child labour and education drafted by the campaign STOP Child Labour, a wide range of unions and NGOs from South and North agreed on 7 guiding principles of which 3 are directly dealing with the link between education and child labour.<sup>3</sup> These are:

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<sup>3</sup> <http://www.indianet.nl/recomcl.html>

1. **Child labour and education are interrelated**
2. **Every child has a right to quality education**
3. **Non-formal education is to aim at integration with formal education**
4. **All forms of child labour are unacceptable, for any child**
5. **Eradication of child labour and realisation of labour standards are closely linked**
6. **Child labour causes and sustains poverty**
7. **Companies have a responsibility to eradicate child labour in their operations**

The position paper includes a number of recommendations aimed at the European Parliament when it was considering its report on 'Child labour in developing countries' in 2004. In its resolution the European Parliament comes up with 17 recommendations under the heading 'link between education, poverty and child labour', including the following:

- *'recommends that the Commission support mobilization programmes and transitional education programmes with a particular focus on the effectiveness of strategies to get working children into formal daytime education, such as bridge schools and classes, that help children who have never had formal school education to adjust to the school environment with the assistance of specially trained teachers;*
- *Points out that the requirement of universal full-time education is an education system which includes strategies for bringing all children who work (or who do not go to school for some other reason) into a full-time school system.'*

Similarly the ILO itself in a publication called 'Combating child labour ... through education' has even earlier used similar language mentioning that some of the preventive measures which can be used to combat child labour through basic education are:

- *'institutional arrangements in the formal school system such as transitional classes for older students, bridging courses and active efforts to enrol children who are not in school through monitoring and home visits.'* and *'Awareness raising among communities and especially parents, including community enrolment drives.'*

The before mentioned Common Position Paper has also been informed by an earlier position paper of STOP Child Labour called 'Child labour, basic education and international donor policies: A challenge to conventional wisdom' (2004).<sup>4</sup> This paper describes in detail the relation between education (policies) and child labour (policies). It describes the problem of present day policies on child labour and education as follows: 'Although most countries have ratified the Covenant on Economic, Social and Cultural Rights, the Convention for the Right of the Child, both ILO Conventions and have subscribed to the Millennium Development Goals, the policy of international donors with regard to education in developing countries and the policy against child labour is generally not based on a comprehensive and integrated view of these instruments.

The problem is that:

- The policy of international donors with regard to education in developing countries has no explicit vision and approach that aims at the integration of approximately 246 million working children around the globe into formal, full-time basic education. As far as there is a vision, it is based on the presumption that part-time education for many working children is the 'utmost achievable'.
- The present policy against child labour is largely based on Convention 182 to combat the worst forms of child labour. While children in these worst forms do need special attention, this can only be done effectively while also building a norm that condemns all forms all child labour. In the absence of such a norm, it will be difficult to abolish even the worst forms of child labour. Child labour policies of donors must therefore be linked to providing full-time basic education for *all* children, with specific strategies for reaching out to specific groups.'

The position paper than comes up with 12 elaborate recommendations that provide the basis for an integrated policy on child labour and education. But much more important is where the language comes from: long-tested experiences and results in the field in thousands of villages in Indian states like Andhra Pradesh and Madhya Pradesh by the NGO MV Foundation which have been taken up and multiplied by

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<sup>4</sup> <http://www.indianet.nl/beclou.html>

many others. This is amply documented in a range of external evaluations, the latest of which also involving an IPEC official.<sup>5</sup> Similar approaches were used in Kenya<sup>6</sup> (the East African Plantation Pilot Project) and in Albania<sup>7</sup>. The example of Brazil described in the Global Report shows how education and other measures can be linked to the eradication of child labour. Undoubtedly there are many more practices that should be analysed and documented as to their contribution to link the 'education mainstream' to efforts to eradicate all forms of child labour.

In the above context the Global Report fails to discuss a very important international policy issue. UN Millennium Goal 2 aims to provide every child with four years of basic education. ILO Convention 138 however does not allow children to work until they are 14 or 15. After four years of education a child is only 10 and would officially have to wait four or five years before it is allowed to work. Many working children fall into that age group. In order for the MDG's to be consistent with existing international obligations, we therefore should appeal to the UN and its member states to aim at providing at least 8 years of education for every child by 2015.

#### **IV. Moving away from child labour: from a high to a low child labour equilibrium society**

A few crucial paragraphs (92-95) in the Report relate to the examination 'how a society can be tipped from one where there is a high prevalence of child labour, to one where the right of children not to work becomes fully recognized and the social norm'. The report first describes a situation of mass poverty where child labour is part of the survival strategy of poor families, in turn increasing the pool of workers, which in turn drives wage rates down, further convincing families that their children should work rather than go to school. The 'economic' value placed on children keeps fertility rates high, thereby increasing labour supply and acting as disincentive to invest in new technology. In this situation demand for education is low, it is difficult to enforce child labour and compulsory education laws and as the child labourers become adults they will rather send their children to work than to school.

Against this vicious circle of child labour and poverty, the report paints a scenario that also could become self-reinforcing: a child labour ban is enforced, education is made compulsory and more attractive, the demand for education rises, the supply of child labourers is reduced and employers seek adults to fill the gap and wages will go up. Earning more, parents will invest in their future by sending to school. In this new situation, the report says 'families who send their children to work rather than school face social disapproval. The right of children not to work will be the social norm'.

The scenario described here is very interesting but it remains a bit of a 'blueprint'. It could however have been complemented with systematic analyses of successful intervention strategies which have dealt with one or more elements that have been able to 'tip' the balance. Several such positive examples are available. What in other words is lacking is an analysis along the lines described of how national or local movements have been able to tackle child labour successfully. The Brazilian movement against child labour is such an example. The most well-known example from India, though not described in the report, is the work of the MV Foundation in India which has worked on at least three important elements of the described 'model': building a social norm against child labour (even before parents 'earned 'enough') but indeed leading to more work and higher wages when children were removed' and putting pressure on the education system to perform better, thereby providing a good alternative to work. The third element has to do with the broad mobilization needed to involve all sections of society for the goal to eradicate child labour and get all children to school. In the case of the MV Foundation working in Andhra Pradesh this included with government, local village bodies, teachers, parents, unions, children, thousands of youth volunteers and many others.

Another convincing example of this approach is the program carried out by Building and Woodworkers International (BWI) and its Indian Affiliates in the brick kiln industry with support of FNV Mondiaal. The BWI set up schools for child labourers among the brick kiln workers in the 1990s. The strategic thinking behind the trade union policies and 'child labour schools' was that such schools are an important service for children and informal workers and can thus be focal points for the extension basic labour/trade

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<sup>5</sup> [http://www.mvfindia.org/MVF\\_evaluation\\_final%20.pdf](http://www.mvfindia.org/MVF_evaluation_final%20.pdf)

<sup>6</sup> <http://www.iccle.org/case2.php3>

<sup>7</sup> <http://www.iccle.org/albania.php3>

union/human/child rights and trade union development. The experiences show these schools were important in:

- \* Transition from child labour schools to mainstream education
- \* Increase in trade union membership
- \* Increase in wages for workers
- \* More involvement of workers in tripartite negotiations

## **V. Child labour, decent work and the role of corporate social responsibility**

The Global Report makes a strong point of the need to integrate the elimination of child labour with the decent work agenda and the issue of youth employment. This is of course of tremendous importance but the report provides only limited examples where the agenda's of child labour elimination, decent work and youth employment have effectively been combined and produced results.

With regard to the more specific issue of Corporate Social Responsibility (CSR) the Report points at the growing pressure on large business concerns to seriously address the impact of their activities on the environment, the human rights of their workforce and on other affected by their activities. It is stated that the corporate social responsibility movement is a response by employers to the concerns raised by civil society.

One form of CSR is indeed a 'one-sided' response by companies to the growing concerns of society about their impact in view of the fact that many governments are partly or fully failing to address these concerns effectively. However CSR is not only the response of companies to social pressure but much more a multi-stakeholder approach of e.g. unions, NGOs and companies to make companies accountable for their impact on society on the basis of agreed international standards. This is often a response to the absence of proper regulation or non-implementation of regulation, whether it is national law or international agreements like the ILO standards. While CSR can never replace government's authority and the established role of trade and employers' organizations, it has to be recognized that CSR on many different levels has become an effort in which governments, unions, NGOs, employers organizations and individual companies are participating. Calling CSR only a response of business to social pressure, does not do justice to a number of important international initiatives like the OECD Guidelines for Multinational Companies and the Global Compact that - apart from weaknesses in implementation - bring together a number of different stakeholders around commonly agreed norms on the basis of international agreements like the ILO Conventions.

The above is especially relevant because issues like combating child labour and fighting for labour rights are increasingly tackled outside the 'traditional arena' of government regulation and collective bargaining between employer's and unions. The role of NGOs for example in this field has grown and, despite differences of opinion about the mandate, also increasingly recognized by governments, unions and employers. We feel that it is the role of the ILO to make sure that existing Conventions, including both ILO Conventions on child labour, are strongly 'embedded' in CSR initiatives of individual companies and multi-stakeholder initiatives. We support ILO's involvement in sectoral CSR initiatives, especially to make sure there is no weakening of ILO Conventions in the process. In addition it would be important that the ILO, not only on child labour but also other ILO standards, would take a much more pro-active role in screening the large number of codes of labour practice of individual companies and multi-stakeholders initiatives on their compatibility and completeness regarding ILO norms. For example: the fact that many companies, a recent one is Monsanto, in their (human rights) policy are only referring to Convention 182 is not acceptable

## **VI. Towards a revised global action plan**

The main target of the global action plan is to eliminate the worst forms of child labour by 2016 and 'eventually all its forms'. At a time when ILO Convention nr. 182 has been ratified by 160 countries and Convention nr.138 by only slightly fewer countries (144) is absolutely not clear why the global action is only focused on the elimination of the worst forms of child labour in the coming ten years. One would expect that, now that Conventions 182 and 138 have been ratified by 87% and 79% of all countries, the time would be ripe for an integrated approach to tackle all forms of child labour under both Conventions.

It is hardly encouraging that the report is adding that 'eventually' all forms of child labour should be eliminated or that it would contribute to the effective abolition of all forms of child labour. Stating that something 'eventually' should happen means that it is not the target nor an integrated part of the strategy that guides the interventions in the coming years. It would also imply that MDG 2 will not be feasible in 2015. A big group of child labourers that are not classified as doing 'hazardous work' but do work which keeps them out of school, will largely be left to themselves.

A lot of what is said in the Global Report militates against the concluding chapter which has an almost exclusive focus on the worst forms of child labour. The report rightly focuses on mainstreaming child labour concerns in national and international development and policy frameworks like the Millennium Development Goals, the Poverty Reduction Strategies and the Education for All Framework. This is largely incompatible with only or mainly integration of the abolition of the worst of child labour into such strategies. It would be a travesty of rights and very impractical to help a child engaged in hazardous labour to go to school and not a child doing other work preventing participation in full-time education. Based on both C138 which calls for a national policy against child labour and C138 which calls for 'a programme of action' the ILO should support the national governments, unions, employers and NGO in order to devise and implement effective approach against all forms of child labour, based on both Conventions, that is also integrated with a policy to get every child to school. It will be easier to eliminate the worst forms of child labour if all forms of child labour are tackled in an integrated approach. The line between the worst forms and all other forms of child labour is often thin and/or arbitrarily defined. Children might sometimes be working in what is defined as the worst forms and sometimes in other forms. The examples given of the progress in countries like Brazil and China as well as the example given above about a movement in eastern India indicate that a much broader approach than looking at the worst forms only has been very successful.

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\* The campaign 'Stop Child Labour - School is the best place to work' is a campaign of Hivos (The Netherlands), Concern (Ireland), German Agro Action (Germany), CESVI (Italy), IBIS (Denmark) and People in Need (Czech Republic), the Federation of Dutch Trade Unions (FNV), the Dutch Teachers' Union (AOB) and the India Committee of The Netherlands (ICN).