

ECAS 2013

5th European Conference on African Studies (Lisbon)

June
27-29



African Dynamics in a Multipolar World

ISCTE - Lisbon University Institute

ECAS 2013

5th European Conference on African Studies

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ISBN: 978-989-732-364-5

AN AFRICAN PERSPECTIVE ON THE ILO CONVENTIONS ON MINIMUM AGE: THE CASE OF ETHIOPIA

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Short Abstract

This paper discusses the discrepancies between the international child labour regime, which has its historical roots in the Industrial Revolution, and the realities of working children in one of the poorest countries in the world, Ethiopia.

Long Abstract

The ILO Minimum Age Conventions, adopted from 1919 - 1973, got their form in the post World War I context of industrialization, urbanization, social instability and a growing trade union movement, and were modelled on the late 19th century European labour legislation. It was a time of heavy unemployment, and the workers perceived child labourers as competitors on the labour market.

Ethiopia is one of the poorest countries of the world with a population of 90 million and a median age of 17.5 years. Primary education has been expanded and now reaches about 75% of the relevant age-group, while only 15% continue into secondary education. The contribution of the younger generation to productivity is essential and child labour is the prevailing norm. In the Ethiopian Constitution adopted 1995, the rights of children were addressed: the right to life, to education and to protection from labour exploitation. Ethiopia is signatory to the ILO-Convention 138 and its national law has set the age-limit to 14 years. Ethiopia is a beneficiary of the World Bank's lending program to strengthen market economy, which has implications for children's employment and working conditions.

During 2012 we did a study interviewing children working in the agricultural sector to discern how the globalisation of economy and human rights norms affect their lives. The situation for child agricultural workers in Ethiopia is an illustration of how child workers as agents are finding ways to manage within the legal and economic structures based on experiences from the West.

Keywords : ILO-conventions, children's agency, child labour, child participation

Introduction and outline

In this paper, we will discuss the discrepancies between the international child labour regime, which has its historical roots in the Industrial Revolution, and the realities of working children in one of the poorest countries in the world, Ethiopia. The realities of childhood in Ethiopia are presented in a few figures, and contrasted to international conventions regulating children's rights, particularly children's work, as the Convention on the Rights of the Child (CRC, 1989), the ILO Minimum Age Convention (No. 138, 1973), and the ILO Convention on the Worst Forms of Child Labour (No. 182, 1999), all of them ratified by Ethiopia (in 1999 and 2003). After ratification, Ethiopia has passed laws corresponding to the international regimes. The modern childhood represented in international law, is however seriously challenged by the actual situation of a majority of poor children in Ethiopia.

We look at structures, both international and national that affect children's lives either by enhancing their possibilities or by creating obstacles, as well as at children's agency and their ability to overcome difficulties and mature and develop.

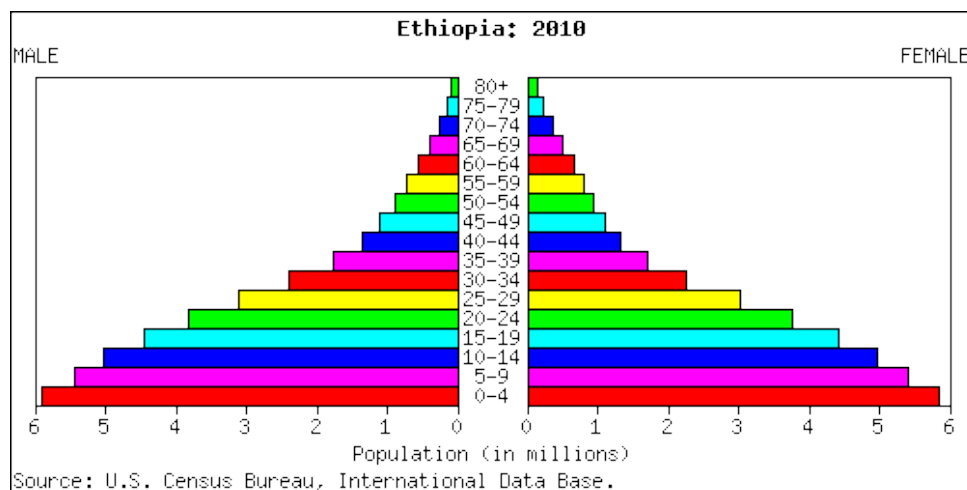
Structure

Ethiopian Childhood

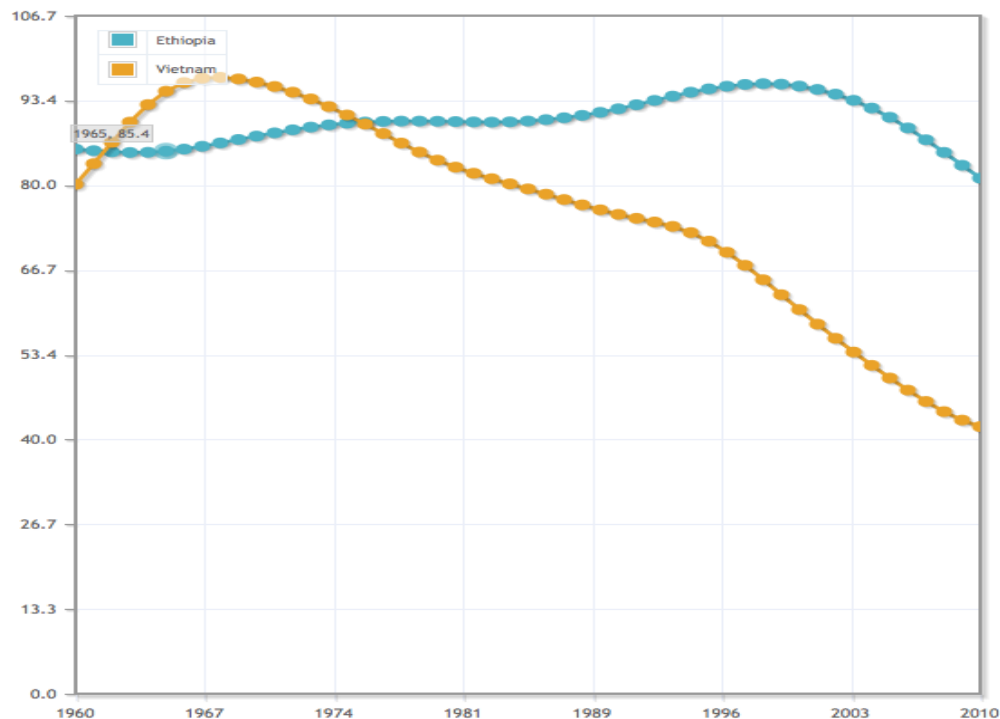
Too old for school and too young for work is a dilemma for many children in the poor countries of the world. Even though most countries are achieving well on Millennium Development Goal number two and are showing high enrolment rates in primary education, a majority of the children leave school after six to eight years, with few chances for any more formal education. Their parents have no funds to pay for any further schooling and often the work input of the child is needed for the survival of the family. Also for many governments the

investment in universal primary education is all they can manage and access to secondary and higher education remains limited. This is especially true in countries with young populations, such as many African and South Asian countries with around 50% of their population under 18 years. Children here find themselves in a ‘vacuum’ the day they finish primary school at age 12 to 14. For many of them continued schooling is not an option for financial, geographic or socio-cultural reasons. As a working girl explains: *“In my hometown, old people say that girls do not need to learn a lot. They only need a few classes and then they can stay home”*. At the same time the 12 – 16 year old child is considered too young for work, at least for any formal employment. What is left is the informal and unregulated sector. This leaves many of them vulnerable to abuse and exploitation by unjust employers, or without meaningful activities and exposed to harmful and risky behaviour (Rubenson et al, 2005).

Ethiopia is Africa’s second most populous country with about 90 million inhabitants of which more than 50% are children. Birth rates are still high (TFR 5.39) as are infant and child mortality rates and the median age in the population is only 17.5 years (CIA, 2013).



This means that the burden of productivity, both in agriculture, industry and service falls heavily also on the young: Ethiopia's dependency ratio of 81,2 (World Bank, 2011) is among the highest in the world and even if it is going down it still means that nearly every adult has to also produce for one dependent – a child younger than 15 or an elderly above 65. This can be compared to the situation in e.g. Vietnam, a country of similar population size and economic growth with a dependency ratio of 42,1 (World Bank 2011). Vietnam had its peak in dependency ratio already 1967 and has since shown a fast decline. It has promoted small families, access to contraceptives and liberal abortion laws.



Data source: [World Bank, World Development Indicators](#) - Last updated March 2, 2011

Ethiopia has had an economic growth of 8% - 12% over the last years (World Bank, 2012), it is, however, still one of the poorest countries in the world, with 40% of the population below

the poverty line (UNICEF, 2010) and placed as number 157 of 169 countries on the UNDP Human Development Index 2010.

Educational levels are low, as neither the state nor the parents can afford to give children more than six to seven years of education (Woldehanna & Jones, 2009) and more than 40% of the population is illiterate (CIA Factbook 2013). Primary school enrolment is high in Ethiopia with 81% of boys and 75% of girls attending school until the age 10 to 12 years of age, but only 50% continue into junior secondary school. Many school children combine work with unpaid domestic work at home and/or with paid work outside the home (CSA, 2002). This for many impacts negatively on their education and is a common reason for dropping out of school early (CSA, 2004). Working may also mean coming late to class, or not having the necessary time for doing home-work (Woldehanna & Jones, 2009). That children work is a prevailing norm in the Ethiopian context and both children and their parents see work as a natural part of children's growth and development, with a majority of children involved in agricultural and domestic work with their parents (Bourdillon et al, 2010). It is seen as an important means of socialization for adulthood and it is culturally and socially expected that children participate in chores adequate for their age. With low levels of educational opportunities and with severe rates of poverty, it is also seen as a necessary means for family survival (Tafere & Camfield 2009). Their contribution is necessary for the family's production, there are no alternative activities and schools with a decent quality of education are rare (CSA, 2002). Studies from several other countries show the same pattern (Bourdillon et al, 2010).

Changing structures with economic growth

In Ethiopia agriculture is the main area of production, with more than 85% of the population involved in farming, while only 10% work in the service sector and 5% in industry (CIA, 2013). The distribution of labour between the sectors is the same for children as for adults and work mainly in agriculture and domestic services with the extended family. Children working outside their families work within the informal sector often as self-employed entrepreneurs (CSA, 2002). With the development of market oriented, growth-generating activities more and more children are involved in paid employment producing mainly for the home-market. With a more market-oriented economy land is becoming more of a commodity and many small farmers start vegetable production through irrigation schemes. Also both Ethiopian and foreign investors buy or lease land for more large-scale production of e.g. roses for export. This on one hand increases the income for the families, but on the other exposes children to greater risks than work within the traditional family setting.

The Convention on the Rights of the Child and Child Work

Against this background, it is noteworthy that the I Committee on the Rights of the Child in its Concluding Observations to Ethiopia in 2006, expressed deep concern about “the high prevalence of child labour among young children, including as young as 5 years” and that Ethiopia has not taken “comprehensive measures to prevent and combat this large-scale economic exploitation of children” (CRC/Ethiopia, 2006). It is problematic that there is no discussion of which types of child work should be prohibited and no reference to the actual situation of the children involved, particularly considering the Committee’s concern about the

widespread poverty and its effects on children or the demographic reality of the country. This is a striking example of the conflict between adhering to the concept of protecting the child from work and the concept of protecting the child from the poverty.

There is today a broad acceptance that children have human rights as shown in the almost universal ratification of the *Convention on the Rights of the Child* (CRC). The early international instruments on children's rights (1924 and 1959) had a focus on the rights to protection and care of children grounded in a view of the child as inherently vulnerable, as in the *Charter on the Rights and Welfare of the Child* (1959). In contrast, in the CRC, as well as in the *African Charter on the Rights and Welfare of the Child* which came in force 1999, the rights to autonomy and self-identity are highlighted and political and civil rights are included together with the social, economic and cultural rights. The inherent conflict in how we understand childhood is thus built into international law, seeing the child both as the dependent passive receiver and as the independent actor contributing to his/her own development. This conflict has yielded extensive academic discussion e.g. in law, psychology and pedagogics (Hafen & Hafen, 1996). A group of children often targeted in the discussions are the working children. Either work is seen so harmful that children should be protected from it, or as a human right for children as for everyone else (Boyden et al, 1998; Rubenson 2005; Dahlén 2007; Bourdillon et al, 2010). Child protectors want to prohibit most forms of child work before the age of 15, with the International Labour Organisation (ILO) as a leading actor, while others underline the developmental aspects of work as well as the right to and need for work to survive, and the lack of adequate alternatives (Anker 2001). Ever since its founding in 1919, ILO has strived to limit children's work through the introduction of 14 years as a minimum age limit in different branches, increased to 15 years during the depression in the 1930's. The ILO Minimum Age Convention from 1973

(No. 138) state that the aim is “to achieve the total abolition of child labour”. The Convention builds on earlier conventions on minimum age, starting in 1919, which in turn were the ‘lowest common denominator’ of European labour law at the time, and thus an expression of how child labour was perceived in Western industrialist countries around the turn of the century 1900 (Dahlén 2007). One aspect that contributed to the adoption of the conventions, and later to the increased minimum age, was that children competed with adult male workers (Dahlén 2007).

The CRC states the conditions for when child work is accepted: *that it is not hazardous or interferes with the child's education, or is harmful to the child's health or physical, mental, spiritual, moral or social development*. The CRC also refers to other international instruments, i.e. the ILO Convention, as a guide for national legislation. ILO (2011) estimates that at least 215 million children under the age of 15 are working. For these children their right to protection as well as participation is mostly lacking. Ethiopia has ratified the ILO conventions as well as the CRC in 1999 and 2003. The Ethiopian government has adopted a National Plan of Action for Children 2003-2010 (ref.) and passed regulations stipulating a minimum age of 14 years for admission to formal employment and designated specific criteria regarding permissible types of work, working conditions and environments in which children between the ages of 14-18 can participate (Labour Proclamation No. 42/1993).

The Convention of the Rights of the Child (CRC) recognises the right of the child to be protected from “economic exploitation and from performing any work 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” (CRC, Art. 32) has provisions similar to the CRC concerning child work (OAU, 1999). The ILO Minimum Age Convention stipulates that member states should specify a minimum age for admission to employment or work “in any

occupation” (ILO 138, 1973), and the Worst Forms of Child Labour Convention defines the worst forms of child labour as all forms of slavery or practices similar to slavery, the use of children for prostitution or pornography, section the use of children for illicit activities as trafficking or drugs, and hazardous work (ILO 1999).

Agency

Childhood and a Child-centred Perspective

The Convention on the Rights of the Child is double-faced; on one hand it underlines the vulnerability and dependency of children, on the other it stipulates that children have rights to freedom of association, thought and conscience, and to express their views and be listened to. The implementation has to a large extent focused on their need for care and support to grow and mature, and the adult perspective is dominant. The adults/the State have the responsibility to nurture the child and protect it from risks, which are at the same time results of adult actions and decisions, e.g. economic and sexual exploitation and violence. However, the imagined child and childhood in the convention, the ILO-conventions and in the field of children’s rights in general may be very distant from the realities and social practices of children.

This is particularly evident in developing countries as Ethiopia. How can we bridge the gap between rights formulated by international organisations with an abstract child in view to the realities and practices of children in their social, spatial and personal context? To be able to translate children’s rights as formulated in Geneva into the local context, we need to look at children’s rights as a living practice shaped by children’s everyday concerns. This ‘translation’ is now at the centre of the children’s rights discourse (Hansson 2013). A child-centred perspective is necessary to understand how the rights can be implemented to improve the lives of the

children. Such a perspective focuses on the child's own experiences and includes the question of agency.

In relation to working children, the solution in the Convention on the Rights of the Child and in the ILO minimum age conventions has been to restrict and ultimately abolish work to protect children from its possible hazards. The views and experiences of the children in relation to work have been given little consideration in the international regime, as has the reality in which they live (Hanson, 2013, Dahlén 2007, Bordillon et.al. 2010). Working children's organisations in Latin America, Asia and Africa claim children's right to work, starting with the Kundapur Declaration in 1996 and followed by mini-summits in Peru, Senegal and Italy 1997, 1998 and 2006 (Humampaní, Dakkar and Siena). The declarations and statements resulting from these meetings express the children's own analysis – after compromises across continents - of what rights they think should be prioritized. In contrast to the Convention on the Rights of the Child and the ILO minimum age conventions, the declarations are underpinned by the right to work as a means for their development and integration in society, ultimately for the sake of human dignity. These children speak about the need to work to survive and pay for costs such as health care, about their wish to be treated with respect for what they contribute to their families and to society, decent working conditions and a possibility to get a good and relevant education (Kundapur Declaration 1996). Furthermore they claim their right to decide whether to work or not, and that there should be no minimum age limit for work or employment. In contrast to the ILO conventions on minimum age, they are against policies to abolish child labour, which they state undermine the working children's dignity, and constitute a threat to their rights. A difference should be made between children's work and crimes against children; the worst forms of child labour as defined in the ILO Convention 182 are crimes (Liebel 2013).

Conclusion

We would like to end with a quote from a boy working in the agricultural sector in Ethiopia stated during an interview in a study we are presently conducting:

“Paid labour is good because sometimes it resolves the problems of the family. Both paid labour and family labour are good. Children should help their parents. At the same time they have to follow up their education. Education helps them to get knowledge. Work helps them to learn varied kinds of work. So, children should work in their free time, and also study by having plan.”

For the children in the study working as well as studying were important contributions to the development of their agency and also signs of their growing independence and ability to make their own decisions and take responsibility for their own and for family members lives. They all agreed that education was important for their future and had the support from their parents in this, but to achieve this funds were needed, which were not always available in their poor families.

In spite of its high economic growth rate Ethiopia still is among the poorest countries in the world. The demographic profile – half of the population under 17 years – does not permit expansion without including children in the labour force. Still Ethiopia has signed the Convention on the Rights of the Child and the ILO conventions on child labour, and agreed to prohibit work or employment of children under the age of 14. As a consequence, millions of Ethiopian child workers exist in a vacuum: their working conditions are unregulated and they have no access to trade unions to represent them. Their activities are considered as a problem and as against the law which leaves them basically without any rights. Instead, we argue, they should

be given agency to find ways to manage their situation. Children's own experiences and ways to manage should be included in the design, translation and implementation of children's rights. If not there is a risk that children are harmed and not protected and empowered. As the international child labour regime is modelled on an imagined child from a different social, spatial and personal childhood, it does not translate well into poor countries such as Ethiopia.

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