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**EXPLORING ALTERNATIVE APPROACHES  
TO COMBATING CHILD LABOUR:  
CASE STUDIES FROM DEVELOPING COUNTRIES**

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This paper is the product of a special study jointly sponsored by the International Labour Organisation, Geneva; UNICEF, Programme Division, Section for Children in Especially Difficult Circumstances, New York; and UNICEF, International Child Development Centre, Florence.

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This *Occasional Paper* is one of several publications that mark the initiation of a new project at the UNICEF International Child Development Centre (ICDC) concerned with applied research and policy studies aimed at combating child labour. The initial studies on which it is based, however, predate this initiative, and result importantly from ideas developed by several colleagues of the International Labour Organisation (ILO - Interdepartmental Project on the Elimination of Child Labour) and UNICEF's Programme Division (Section for Children in Especially Difficult Circumstances). This ICDC initiative recognizes explicitly the close link between eliminating child labour and the goal adopted at the 1990 World Summit For Children of expanding basic and more relevant education, especially primary education, as a 'twin' political challenge, but representing, as well, a legally binding obligation for all nations that have ratified the Convention on the Rights of the Child. This project was first initiated in the Latin America and Caribbean Region, with partial support provided by the Government of Sweden and with the cooperation of ILO. The focus of that regional undertaking is described in *Innocenti Essay* No. 6: 'Child Labour and Basic Education in Latin America and the Caribbean: A Proposed UNICEF Initiative' (Florence, May 1994) by James R. Himes, Vicky Colbert de Arboleda and Emilio García Méndez.

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## EXECUTIVE SUMMARY

Child labour is difficult to control in developing countries because of poverty, the dispersion of most child work, and the limitations of traditional legal approaches. To learn from some of the ideas and activities now being advanced and tested in different parts of the world, this paper focuses on four different strategies to combat child labour, presenting them within specific country contexts:

1. **Public-sector initiative through child labour legislation and the establishment of universal, compulsory basic education.** In 1986, the Government of India adopted legislation and a national policy to remove children from hazardous occupations but not from all work. A 1990 task force, however, expressed its disappointment at the meagre accomplishments of this programme. Political commitment was lacking, resource allocations to the child labour sector were grossly insufficient, and provisions for universal education had not been made. Nevertheless, one of India's poorest States — Kerala — has managed to establish universal education which seems to prevent at least severe forms of child labour. Education has achieved a high level of public acceptance through state encouragement and awareness-raising, making compulsory attendance unnecessary. The Kerala experience shows that it is possible, despite poverty, to build cultural expectations for education over time and thus reduce the worst forms of child exploitation.

2. **Community and non-governmental organization (NGO) initiatives with government support.** In the Philippines in the early-1980s, in a climate of government indifference to child labour issues, a broad spectrum of society became directly involved in protecting children and pressing for the enforcement of child labour legislation. NGOs and church and community groups mobilized on behalf of the most at-risk children, such as child prostitutes, deep-sea divers, scavengers and street workers. Emphasis was on community self-monitoring, awareness-building through an aggressive use of the media and the provision of essential services. Early decentralized initiatives stimulated greater government activism. Today there is a favourable policy environment for expanding cooperation between NGOs and governmental child labour actions.

3. **Planned responsibility-sharing between government and civil society.** In Brazil, a systematic mechanism has been devised through which the public sector, in partnership with civil society, can take on more responsibility for protecting children. National standards are incorporated in the 1990 Statute on Children and Adolescents, whereas responsibility for child protection is formally decentralized to Municipal Councils. This solution was intended to resolve the question of how to obtain the concerned creativity of local initiative and the nationwide coverage of government. By 1994, Municipal Councils had taken first steps to reach working children with education, health care, adequate nutrition and protection at work. The success of this approach, which interestingly grew out of a national movement to protect child street workers, will depend in the long run largely on the social and political support it receives.

4. **Cross-national and private-sector initiatives against child labour.** In the late 1980s, the ethical trading movement, spearheaded by North American and European trade unions, diffused the principle that trading partners in the global market have a special responsibility to introduce and sustain internationally agreed standards with regard to workers' rights and working conditions. Child labour was a key issue. A proposed bill brought before the U.S. Congress prohibiting the importation of products made with child labour triggered mass and abrupt dismissals of children from the Bangladeshi garment industry. Initial research into the effects of dismissal on children showed that none of the dismissed children in the sample had returned to school and many had been forced to take up more hazardous, less secure and lower-status employment in the informal sector. This underscores the risks of applying simplistic solutions, such as the arbitrary imposition of a minimum-age criterion, without anticipating their effects.

All four cases suggest that combating child labour effectively depends on broad efforts attacking child labour at its cultural roots, especially by means of education, and enlisting the understanding and participation of society as a whole.



## PREFACE

Child labour today is mainly prevalent in the developing world where millions of children start working at a young age, usually to contribute to their own and their families' survival. They often work for long hours and receive little or no compensation for their labour. Many work in hazardous conditions. This kind of exploitative and dangerous work is difficult to combat because it is widely dispersed and frequently invisible. Children who work in the vast informal economies of sprawling cities, or in remote rural areas, or behind closed doors in households including their own, are largely beyond the practical reach of inspectors, sometimes intentionally so. Child labour is also hard to eliminate because of poverty, including a 'culture of poverty' that is often passed on from generation to generation and may lead families to value work more than schooling.

Both the International Labour Organisation (ILO) and the United Nations Children's Fund (UNICEF) are deeply concerned with the problem of child labour and are working together to combat it in a number of developing countries. As a result of their practical involvement, both organizations perceive the need to develop new approaches that include, but go beyond, legislation and legal enforcement, which are mainly effective in the formal sector, and that attack the problem on many fronts through economic, educational, cultural and social measures, especially at the community level. Both organizations are also aware that several countries have been led by a combination of factors to undertake innovations from which much can be learned. Therefore the two agencies have joined forces to compile and disseminate information and lessons from actual experiences relating to some of the more interesting current trends in child labour thinking and strategy.

Many staff members and consultants of both organizations collaborated in planning, supporting and conducting the research upon which this publication is primarily based. Recognition is owed in particular to four individuals who wrote specially commissioned studies forming the basis of the four case studies presented here. They are:

- Alec Fyfe, of the ILO International Programme on the Elimination of Child Labour (IPEC), who wrote on India;
- Sheila Coronel, a UNICEF consultant in the Philippines, who compiled information from various field studies for the Philippines case;
- Susan Gunn, formerly of IPEC, who oversaw the field studies and wrote a summary upon which most of the Bangladesh case is based; and
- Antonio Carlos Gomes da Costa, an ILO and UNICEF consultant, who supervised various field studies and wrote a technical paper that served as the basis of much of the Brazil case study.

Although the authors, Jo Boyden and William Myers, drew primarily on this information, they also supplemented it from many other sources. The responsibility for opinions expressed in this study rests solely with the authors, and publication does not necessarily constitute an endorsement by UNICEF or ILO of the opinions expressed.

We believe that the information contained in this study merits attention from organizations and individuals dedicated to combating child labour, and we hope that it will help stimulate the development of more effective measures to protect children against exploitation and abuse in the world of work.

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## I. INTRODUCTION

Recent years have witnessed growing international concern about child labour, especially in regard to developing countries, which is where it is today overwhelmingly concentrated. This new interest springs from various sources, including the perception that child labour problems are expanding, worries that some countries may employ child workers to compete unfairly with countries enforcing higher labour standards, and increasing public awareness of human rights matters in general.

This expanding concern has been accompanied by an important new development. In the last five years, nearly all the world's countries have formally committed themselves to combating child labour. They assumed this obligation upon ratifying the 1989 United Nations Convention on the Rights of the Child — 168 had done so by late 1994, making it the most widely subscribed international convention in history. Article 32 of this convention provides that:

1. States Parties recognize 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.
2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:
  - (a) Provide for a minimum age or minimum ages for admission to employment;
  - (b) Provide for appropriate regulation of the hours and conditions of employment;
  - (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

These provisions are quite general, but they point towards other international instruments establishing more detailed standards, in particular ILO Convention No. 138 of 1973, entitled 'Minimum Age for Admission to Employment'. This convention commits ratifying countries to seek "the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons". It sets a regular minimum age of not less than the age of compulsory schooling, and in any case of not less than 15 years, and a higher minimum age of 18 for work that can be considered hazardous. In recognition of socio-economic development inequalities between countries, it allows member countries "whose economy and administrative facilities are insufficiently developed" initially to limit the kinds of work covered and to permit work at a somewhat younger age. It is therefore possible in the poorest countries for children as young as 12 years of age to perform "light work" within the provisions of ILO Convention No. 138, as long as such work is not harmful to their health and development and does not prejudice their school attendance or performance. This convention furnishes a logical guide for countries revising their child

labour legislation to bring it in line with the commitments they have recently assumed under the Convention on the Rights of the Child.

One important effect of widespread adhesion to basic commitments against child labour is to bring the practical issues of implementation sharply to the fore. As governments and societies adopt international objectives and standards, their focus of attention moves naturally towards the eminently practical problems of how to extend the most effective protection to the most children at risk in the least time and with the most efficient use of resources. Strategic questions arise regarding how best to mobilize public support, how to divide responsibility between government and civil society, where to focus effort, and how to invest always scarce human and material resources for the best results. Operational challenges of this type demand thoroughly pragmatic responses.

Some general orientation is provided by international sources. Recommendation No. 146, a non-binding set of implementing suggestions that was issued jointly with ILO Convention No. 138, stressed that "high priority should be given to planning for and meeting the needs of children and youth in national development policies and programmes and to the progressive extension of the interrelated measures necessary to provide the best possible conditions of physical and mental growth for children and young persons". It calls attention to the need for full employment and poverty alleviation policies, as well as social security and family welfare measures and the development of adequate education facilities. From this basis, ILO has long suggested a 'multipronged' approach incorporating legal, educational, economic and welfare interventions that mobilize both public- and private-sector resources. Similarly, UNICEF emphasizes a holistic perspective on children's needs and child-related services.

Implementing a multisectoral approach to child labour requires addressing strategic questions about how, at the national level, to select, organize and balance those particular interventions likely to have the greatest beneficial impact on children. Poor countries able to concentrate effort and resources in but a few interventions need to know which are most likely to work and how to combine them for maximum effect. Unfortunately, little information is available about the relative effectiveness of different national child labour strategies in developing countries. This lack is critical, especially because of the expanded global commitment to eliminate child labour, which makes it urgent to identify implementation strategies that at least show promise of being effective. Child labour thus far has proved extremely resistant and difficult to control in developing countries for a number of reasons:

- **Poverty.** Many, perhaps most, developing-country children who work make crucial contributions to their families' and their own sustenance — in cash, in kind, or by freeing other household members for productive work, for example, by caring for younger siblings. Since these households are usually very poor, neither parents nor children may consider the economic benefits of child work dispensable unless substituted by some other income source. To the extent that families' basic needs are perceived to be at stake, attempts to remove children abruptly from any economic role whatsoever may be intensely resisted by children, their families and their communities. Because children often play an important economic role in poor households, it is sometimes assumed that any solution to child labour must necessarily await the elimination of poverty. This erroneous assumption overlooks a range of different methods that, all over the world, have been utilized to reduce child work and risk in the short term while aiming in the long run to eliminate the need for young children to help earn a living.

- **The dispersion of most child work in developing countries.** The vast majority of child work is found in agriculture, domestic service and the urban informal sector — on the whole, small and scattered workplaces with no more than a few children involved in each. Only a minor portion is to be found in more formally organized commerce and industry, such as in firms that produce for an export market. This dispersion makes it difficult to monitor which children are working, where and under what conditions. The fact that these children are in effect hidden from ready view poses a special challenge to programmes wishing to reach them.
- **The need to complement traditional strategies with others adapted to developing-country realities.** The most common social mechanism specifically intended for reducing or eliminating child labour is the law. Most countries have national legislation that sets a minimum age for entry to employment and regulates the conditions under which children may work. The enforcement of laws related to child labour is usually entrusted to a system of government labour inspectors who periodically monitor workplaces for compliance with the law and who can penalize violations by employers. This approach was developed in Europe during the last century to deal with textile mills and other industries where child workers were concentrated in large numbers, and it has proved difficult to transfer effectively to developing countries where child labour is widely dispersed and is popularly accepted as necessary for families living in poverty. Enforcement capacity is typically so thin that it seldom has practical reach beyond the urban formal sector; innovations will be necessary to extend the effective protection of law for most working children. Compulsory education policies in most countries stipulate an age below which all children are required to be in school. However, the limited educational infrastructure in many developing countries is unable to provide even rudimentary education to all children. The children of the poor are disproportionately excluded or discouraged, and flow into the labour market.

Developing countries now making serious efforts to deal effectively with their child labour problems face these implementation issues. Some have demonstrated remarkable energy and creativity in trying to deal with them; various approaches are being tried, occasionally even through actions not aimed primarily at child labour. Although it may still be too early to determine whether and how these innovations will ultimately be successful — most are less than ten years old — it is useful to observe some of the ideas and activities now being advanced and tested in order to learn what one can now.

To this end, the following sections present and discuss case studies from four countries. Each portrays a different implementation strategy, summarizing its origin and evolution, explaining the thinking behind it, showing how it operates, assessing its impact as far as is possible and reflecting on its apparent advantages and limitations. These cases seek to raise and clarify critical issues by presenting them within the context of real places. The focus of attention is therefore on the strategies under review and not on the particular countries, which serve as the lens through which to examine these strategies. Nor does highlighting a particular approach in a given country necessarily imply that it is the only strategy being applied there; real life presents more complexity than a short case study should try to encompass.

It will be noted that definitive judgements about the ultimate value and success of the approaches under discussion have been studiously avoided. Neither descriptions of what is

happening nor comments upon the practical implications of what is observed should be interpreted as approval or disapproval of the ideas and actions documented in this paper. Not only would an evaluation require more ambitious field research than has been possible, but some of the policies and activities reported upon are still too new and changeable to support rigorous evaluation at this time. That does not impede, however, interim observations about what seems at present to be working or not.

The following cases are arranged in an order that provides the reader with a cumulative and widening perspective as they are read. The first one examines some practical implications of following the most traditionally prescribed approach against child labour — public-sector initiative through child labour legislation and the establishment of universal, compulsory primary education — as seen in India. The next case considers an almost inverse approach in which civil society in the Philippines has assumed a leadership role against child labour, recently with government support, imbuing the effort with a social change and mobilization perspective. The third case involves Brazil's attempt to formalize a partnership between government and civil society within a legal framework that sets national child protection standards but devolves implementing power and initiative to the local level. Finally, the newly emerging and hotly debated question of cross-national and private-sector initiatives against child labour is raised through an example from Bangladesh. The last section contains reflections on a few issues and implications arising from the case studies.

It is hoped that this case material will animate discussion among persons and groups interested in child labour. Progress towards more effective means to combat the workplace abuse of children necessarily involves constructive discussion and debate among the many groups and individuals of different perception and experience who are dedicated to achieving this objective.

## **II. GOVERNMENT INITIATIVES THROUGH CHILD LABOUR LEGISLATION AND EDUCATION: THE CASE OF INDIA**

According to recent estimates, there are anywhere from 13.6 million to 100 million child workers in India — the largest number of child workers of any country in the world, with the possible exception of China. Most of them are from very poor households and work to help sustain themselves and their families. Many of these children are involved in tasks that are intrinsically dangerous; many work in conditions damaging to their health and development; and some are even held in bondage. Large numbers fail to enrol in school, repeat grades or drop out for work or other reasons.

### **Child Labour Legislation and Policy**

In India, the largest efforts against child labour have been government initiatives. The country relies primarily on a combination of child labour laws and associated interventions, especially education. From the last century through most of this one, the majority of the approaches used by government to child labour legislation and enforcement have been based on British models. They are thus 'Western' in character but have been applied in a society very different from the one for which they were first developed. This has presented serious implementation challenges, which have been compounded by the failure of government to

mobilize public opinion against child labour and enlist popular support for its efforts to combat the problem.

Successive governments have formulated a strategy in which the removal of all children from work is only a distant aim, largely dependent upon national economic growth and development. At least in the short term, higher priority is given to the protection of children forced to work because of their poverty.

Historically, governmental action on behalf of working children was confined to legislative intervention. The first minimum-age legislation was introduced in 1881 as part of the Indian Factories Act, which prohibited the employment of children under 7 years of age in factories with 100 or more workers. Subsequent legislation raised the age threshold and extended protection to include mines.

The Employment of Child Act (1938) was the first instrument devoted exclusively to child labour and formed the central plank of government policy for a decade. It prohibited children under 15 years of age from engaging in certain occupations and practices defined as dangerous. The minimum age for employment in the formal sector was lowered to 14 years in 1948, and additional legislation over the next few decades prohibited children from working on plantations and in cigarette and cigar manufacture.

However, by the late 1970s the Government had realized that existing legislation was not being enforced and was therefore failing to provide for the safety and welfare of working children. In an ensuing reappraisal of government policy on child labour, the following conclusions emerged: (a) the conditions of work were more exploitative for children in waged employment than for those working in their own homes; (b) efforts were needed to protect children where it was not practicable to withdraw them from work; (c) children removed from prohibited occupations were likely to need some kind of rehabilitative intervention to compensate for loss of income; and (d) priority needed to be given to strengthening income and employment generation as well as education, health, nutrition and vocational-training schemes in areas with high concentrations of child labour.

The Seventh Five-Year Plan (1985–1990) took the position that the abolition of child labour was not feasible under prevailing economic conditions and that a greater priority was to improve the conditions of child workers. The 1986 Child Labour (Prohibition and Regulation) Act, which is the most recent legislation, represents the culmination of government thinking on the child labour issue to date.<sup>1</sup> It prohibits the employment of children under 15 years of age in specified hazardous occupations and processes, such as cigarette or match production, carpet weaving, tanning or construction. It also regulates the conditions of work of children engaged in activities permitted by law, stressing the importance of adequate health and safety measures.

Since it was apparent that legislation without associated implementing measures would not bring an end to child exploitation, the Government also decided to make a number of broad policy moves.<sup>2</sup> Responsibility for child labour policy formulation lies with the Ministry of Labour, and implementation is carried out in collaboration with or under the auspices of the state governments. A Central Advisory Board on Child Labour, made up of government representatives, trade unions, employers and non-governmental organizations (NGOs), assists the central government in policy matters. Complementing the 1986 Child Labour Act, a National Policy on Child Labour was defined in the same year to address the major socio-economic factors influencing child labour and to formulate a programme of action. It envisaged interventions in the fields of education, health, nutrition, integrated child development and employment.

Education was perhaps the most central component of the National Policy, which aimed to increase access to primary schooling through both the formal and non-formal



education systems. Funds were to be made available to open nearly 500,000 new non-formal education centres throughout the country, to be run by local NGOs and *Panchayati Raj* institutions (self-governing organizations made up of people's elected representatives). These centres were to provide targeted education programmes to enable working children to study even as they continued working. Education in this case was conceived as a protective measure to guard against the worst effects of children's work rather than as a means to discourage it.

The National Policy further provided for targeted financial assistance to encourage girls and children from especially deprived families to attend school; part-time classes and flexible school hours; compressed curricula to allow completion of the primary cycle in roughly half the normal time; medical examination of children in areas where child labour is concentrated; in-school health services for working children; and anti-poverty programmes focusing on the generation of adult income and employment in certain high-risk areas.

Priority was to be given to launching pilot action projects in a few designated geographical areas where children's involvement in hazardous work — specifically in match manufacturing, diamond polishing, glass making and carpet production — had been widely publicized. The goal of the pilot projects was to remove children gradually from these hazardous industries. First steps towards eventual removal would include the creation of a safer work environment, the provision of access to non-formal education and health care, nutritional supplementation and sanitation. Funding was to be made available by central and state governments, with additional contributions from employers.

### **Impact of the 1986 Child Labour Act and National Policy**

Because the Government so far has not fully implemented its ambitious programme, accomplishments under the National Policy on Child Labour have fallen far short of expectations. Disappointment at a lack of political commitment was evident in the 1990 report of a special task force established by the Central Advisory Board to evaluate the impact of the Child Labour Act and National Policy of 1986:

The Task Force views the 1986 Act as a special kind of protective and ameliorative transitional legislation in a very special area of human concern. We find, however, that the Act is cast in the customary, conventional mould. It does attempt to prohibit child labour in certain sectors and to regulate the conditions of work by children in certain other employments. It does not, however, embody mandatory provisions for education, for vocational training for working children, for health care, nutrition and other such welfare measures. The Central Advisory Board itself is not statutory. Nor are any status or progress reports submitted to the Parliament and State legislators regularly. There is no provision for Standing Committees either in the Rules and Procedures of the Houses of Parliament or State Legislatures. The Task Force is also of the view that the Act should articulate its commitment to the progressive reduction and the eventual elimination of child labour except where it is conducive as work experience that does not interfere with the normal growth and development of the child....

We find that the National Policy was framed in the most general terms and at best indicated that some benefits from general development programmes could be earmarked or specially canalized and allocated for the

benefit of child labour 'wherever possible'. Firstly, the size of the total resources for general development programmes remained the same, and they have always been so meagre that a small fraction out of those negligible resources could never be meaningful. Secondly, no specific allocations were carved out or earmarked. No proportions or percentages were prescribed. No weightage for child labour mandated. To crown the irony of it all, a time-tested bureaucratic escape route was provided by qualifying the promise by the words 'wherever possible'. In a situation of extreme paucity of resources and fiercely competing claims, there could never be much hope for the child labour sector to wrest any sizeable resources out of the allocations for ongoing general development programmes, particularly when there is no one to bargain on its behalf and no directly concerned Ministry in those developmental areas to take it as its protégé under its protective and promotional wings....Broadly and briefly, we feel that the Action Projects which were meant to be the testing ground for the implementation of the Act and the Policy have so far failed to yield any sizeable worthwhile results.

In his covering transmittal letter, the chairman of the Task Force suggested that the severe constraints under which the Task Force itself had operated were themselves another indication of the low priority accorded to child labour in the country.

Even though non-formal education formed the heart of the programme, by 1992 only one half the number of centres targeted for 1990 had been established, and these precariously. Funding has proved one of the biggest problems. There are major administrative and technical difficulties as well. Programme managers have no information on enrolments at the centres or on the quality of the education provided. Insufficient attention has been paid to developing materials and teaching methods that are both appropriate to the non-formal programme and suitable for use in a variety of cultural and linguistic settings. Perhaps most importantly, however, the population perceives non-formal education as being inferior to formal schooling, and this has affected the morale of pupils, parents and instructors.

Criticism of implementation of the Act and the National Policy has led to some action by the Government. The Ministry of Labour, with UNICEF support, has established a Child Labour Cell in the National Labour Institute. It is charged with disseminating research on the situation and conditions of children working in various industries in India, developing communication materials on child labour for use in public education and training, and undertaking public awareness and education. It is also expected to review the existing laws and enforcement machinery, train officials and NGOs concerned with child labour, and, by providing facilities for research and training, promote a better understanding of the subject generally.

The 1986 Child Labour Act recognized the widely accepted principle that child labour legislation is most likely to be effective when conceived and implemented as part of a broader commitment to the abolition of poverty, the development of human potential and the promotion of social justice. Policies influencing economic growth, distribution of income, choice of industrial technology, or the development of human resources may have child labour impacts as potent and far-reaching as those of specific legislation to regulate child work, and they should therefore be conceived of as parts of a concerted effort to protect children from workplace exploitation. Nevertheless, multisectoral interventions to resolve child labour problems have proved difficult to plan, finance and implement in India and are consequently still something of a rarity. Despite undeniable administrative and technical

problems in planning such programmes, however, it is clear that the most fundamental obstacle to implementation of child labour legislation and policies has been, as the Central Advisory Board Task Force suggested, political.

The problem is that child labour reform does not yet enjoy a powerful public constituency in India, a fact that has made it more difficult to raise implementation of the Child Labour Act and the National Policy to a high level of government interest and priority. If the current government programme cannot achieve the support necessary to make it work, what is needed is an approach that can. Some claim that the way out is through investment in primary education.

### **Education as a Weapon Against Child Labour**

Education is considered by many to be the single most important weapon governments can wield against child labour. The link between education and child labour was recognized in the 19th century when child labour laws in industrialized countries conditioned admission to employment on completion of school attendance up to a specified age. Some historians have suggested that the establishment of broadly based education was a more powerful instrument of child labour reform in Europe, North America and Japan than were child labour laws. Others sustain that no nation has successfully ended child labour without first making education mandatory.<sup>3</sup> The most certain and efficient way to eliminate child labour is, in their view, to retain all children in school up until an acceptable age for work (for instance, 15 years). It is also asserted that this approach is more cost-effective than, for instance, expanding the labour inspectorate. The underlying assumption is that children in school are not in the labour market.

India is a good place to test this thesis.<sup>4</sup> Education has always been perceived by government officials and politicians as a key element in the National Policy on Child Labour. However, they have opposed the introduction of compulsory education on the grounds that poor families have no choice but to rely on the labour and income of their children. They believe that school drop-outs and child labour are a consequence, not a cause, of poverty. Only as the most serious poverty is eradicated, they say, can education be made compulsory. The view that compulsory education must await the alleviation of poverty has been criticized by various authors and activists as inconsistent with world experience and as a dangerous apology for inaction.

### **Education and Child Labour in Kerala**

Developments in the southern coastal State of Kerala would seem to add ammunition to the pro-education argument. Kerala is the one State in India that has experienced spectacular successes on the education front, in addition, it would seem, to having a comparatively low incidence of child labour. With a school retention rate through grade five of almost 100 per cent of pupils entering grade one, Kerala has essentially achieved universal primary education. Moreover, the State has twice the national percentage of literate people — reaching more than 90 per cent in 1992 — as well as having India's lowest school drop-out rate. Access to education is unparalleled in India: there is one school for every 2,400 inhabitants; every *Panchayat* has more than one primary school; and it is even claimed that no pupil lives more than one kilometre from school.

Even more remarkable are the high female enrolment rates — 49 per cent of total school enrolment in 1991. This indicator corresponds with the considerable social equity that exists in Kerala between men and women, a pattern contrasting sharply with other parts of India; it is also linked with low birth rates.

Elsewhere in India, gender disparities in education are considerable, and this is reflected in differences in the labour burden. One reason that girls are sent out to work young is that females have poorer earning prospects as adults than do males, and therefore the returns from their education are low. In some populations, girls are secluded as they approach puberty; they are put to work early since they are retired early from the labour market. In Bangalore, 42 per cent of the girls in one sample had started working by 6-9 years of age, compared with 33 per cent of the boys.<sup>5</sup> Girls outnumber boys in many of the more dangerous occupations — there are twice as many girls as boys in mining, quarrying and factories, for example. Girls are also more likely than boys to work at household chores in addition to their money-earning activities. In both New Delhi<sup>6</sup> and Bangalore,<sup>7</sup> more than 90 per cent of the girls worked in the home as well as outside, compared in the latter case with only 18 per cent of the boys.

The government of Kerala, long committed to providing a universally accessible education system, certainly did not wait for poverty to be eradicated before introducing educational measures. Despite being tenth among Indian States in per capita income, Kerala has consistently spent more on education and targeted more expenditure at primary education than other States in India. Whereas 36-38 per cent of the budget in Kerala goes to education, the state average for India is only 25 per cent.

Kerala did not achieve its success overnight, however. In fact, the great value that both government and the people put on education is the result of a long historical process. Education was first promoted in the State in the pre-colonial 19th century. Subsequently, British missionaries, drawn to the area by the presence of a community of Christian Syrians, created the first modern schools, and a number of rulers provided private schools with grants-in-aid. The foundation of modern mass education was laid in the 1860s when by government decree church schools were opened to all children, including those from poor communities and the lower Hindu castes. In 1904, the state government declared primary education free and announced plans to build primary schools throughout the State. In the 1930s, scholarship grants were made available to children from poor, low-caste communities; and, in the 1940s, a midday meal programme was established.

While government commitment has been essential to Kerala's success, popular demand for education has also run higher than in other parts of India. Demand for education was first boosted in the 19th century by the expansion of commercial agriculture, for which literacy and numeracy skills were needed, and by the growth of the state bureaucracy, which provided an incentive for white-collar employment. More recently, the impetus to achieve literacy and numeracy has been strong among highly politicized rural trade unions of coir workers and agricultural labourers. Union members led the radical social movements of the 1920s and 1930s and contributed powerfully to the long-term dominance of governments committed to both land and educational reform, as well as to greater equality for women.

Although the advances in education and social equity in Kerala are undeniable, the impact of universal education on child labour in the State is less clear, since systematic research on the subject is scarce. Concentrations of child waged employment do exist, such as in the cashew, cigarette, match-production and 'fast-foods' industries, although the problem is far less severe than in other parts of India and certainly less than one might expect given the modest per capita income. Official intervention in child labour has been less than intense; the state government has put little effort into enforcing child labour legislation

and has even failed to set State Rules for the implementation of the 1986 Child Labour Act. Moreover, staffing in the inspection division is entirely inadequate for the job. Ultimately, trade union activism has probably proved far more effective than government action at keeping children out of the organized sector. In fact, a recent study revealed no evidence that children in Kerala have ever been involved in formal employment on a large scale. Instead, they have been primarily employed as unpaid labour in home-based commodity production, which has formed much of the State's economic base.

A closer look at the education system in Kerala shows that, although school is compulsory, the law is not actively enforced. This is probably because educational demand is so firmly entrenched that virtually all families seek to educate their children. Also, schooling is not conceived as an alternative to work but is organized to allow children to attend school and continue working at the same time. The State stipulates that there should be 200 school days a year, but most schools are closed some 180 days, leaving many days free for seasonal or other work. Also, work can easily be coordinated with the school day, which lasts from 10 a.m. to 3.30 p.m. in villages and from 9.30 a.m. to 4 p.m. in urban areas.

Anthropological research in a Kerala fishing village confirms that school attendance does not necessarily eliminate child work.<sup>8</sup> Village children do indeed attend school, but at the same time many also continue to work. Their out-of-school activities typically include child minding, foraging, petty trading, making goods for sale in the market, domestic chores, fishing and coir making. The study notes that not only is children's work important to the local economy, but it has become more so in recent decades with the expansion of commercial fishing, without, however, taking children from their studies. While the very availability of schools and the high enrolment rates do place limits on the amount of work children do, these findings serve as a reminder that the restrictive view of child labour as full-time waged employment for a third party, which is inherited from the 19th century reform movement, is today inappropriate in many settings.

Despite the fact that children may still work around school hours, the achievement of universal education in Kerala seems at least to have prevented worse forms of child labour found elsewhere in India. It is difficult to see how children can be engaged in full-time work or bonded labour, or live at worksites away from their families, in a society that expects all of its children to be in school until they have completed primary education. While schooling in Kerala does not necessarily discourage child work, it must help prevent the kinds of abuses that transform child work into child labour. It may therefore be correct to predict that universal education, if made a reality in the rest of India, would contribute greatly to reducing the workplace abuse of children.

## Discussion

The case of India raises the question of whether government initiatives are necessarily the most effective when they attack child labour directly, especially if they do not have the support of a strong constituency for reform. A legislative approach emphasizing prohibitions and punitive measures creates natural enemies and can be exceptionally difficult to enforce. It also may require widespread political support in order to overcome opposition and to compete against other government priorities for resources. These problems seem to have afflicted implementation of the 1986 Child Labour Act and National Policy on Child Labour.

The Kerala experience suggests that investments in education might prove to be a particularly viable and productive route to the reduction and prevention of workplace abuse of children. Providing for universal primary education may not completely remove children

from economic participation, but it does appear to be a politically and economically realistic way to avoid serious child labour abuses while generating many human resource development benefits for children and society. Where there is popular resistance to measures that specifically prohibit child labour or protect children in their work, an active popular demand for universal education may be more easily generated and nurtured.

There is some doubt as to whether it is necessary to make education compulsory in order to make it universal, since the practical ability of the State to force education on an unwilling population is in most developing countries rather limited. As the Kerala experience implies, it is more realistic to enrol and retain children in school by making education an attractive service that families demand and expect. Putting adequate numbers of schools into place and assuring their quality, however, requires the political will to invest the substantial resources necessary. In many countries, it may be easier to raise political will for universal primary education, which enjoys wide support, than for the elimination of child labour, which may have more limited backing.

Some question the transferability of the Kerala experience to the rest of India, claiming that the State's exceptional school completion rates reflect unique historical processes that have infused its society with a respect and desire for education impossible to reproduce in other States. Others reject this argument, maintaining that Kerala's apparent uniqueness is more a result than a cause of its commitment to education, and that its achievement is equally possible in other parts of India. It is worth remembering that only a few decades ago, Kerala's inclination towards exploitation and violence was so well known that Gandhi referred to the State as "India's madhouse of caste". It also should be noted that the State of Punjab has recently taken up the challenge and devoted a greater portion of its budget to education than does Kerala. Even though universal primary education is not attainable overnight, under circumstances like those once faced in Kerala, it might in the long run prove the quickest and most effective avenue to massive change in child labour practices.

### **III. COMMUNITY AND NGO INITIATIVES WITH GOVERNMENT SUPPORT: THE CASE OF THE PHILIPPINES**

The Philippines presents an instructive example of civil society initiative that has managed to catalyze government interest and support. In the approach being taken there, effective child protection is regarded as ultimately dependent on popular understanding and participation, with the proper role of government being to encourage and undergird local action rather than to supplant it. Non-governmental action is perceived as essential because it is best able to influence the family concerns and values that control whether and where children work. The dynamics for stimulating changes in popular culture are considered mostly beyond the reach of government. Moreover, government is viewed as responsive primarily when it has a constituency, and NGOs provide that constituency by demanding and facilitating government action.

According to official estimates, there are about 2.2 million working children between 10 and 17 years of age in the Philippines. The real number is certainly much higher, though, because many tens of thousands of children are engaged in informal activities, which are not recorded officially. Also, a large proportion of children under 10 years of age also work; the Bureau of Women and Young Workers estimates that there could be 5 million children aged



from 5 to 14 years in the workforce. Some 2 million school-age children do not attend school. Although nearly all children enter grade one, only 70 per cent complete the primary cycle.

Recent assessments reveal that Philippine children are engaged in an alarming array of hazardous activities and occupations. From 400,000 to 1,600,000 children — or at least 20 per cent of all working children — may be involved in dangerous or servile work. Much hazardous child labour is hidden. For example, children work in home-based pyrotechnics enterprises in the Province of Negros Occidental. Boys from Cebu risk shark attacks, ruptured eardrums and even drowning in deep-sea fishing operations. As many as 60,000 children work as prostitutes, according to a 1991 study, and are therefore susceptible to sexually transmitted diseases, emotional damage, drug abuse, police brutality and injuries inflicted by sadistic clients.<sup>9</sup>

### **Origins and Development of Civil Society Activism**

The first attempts to combat child labour in the Philippines were largely confined to the development of legislation. The law now proscribes employment outside the family of children under 15 years of age, prohibits hazardous work for children under 18 and protects children working legally.

However, despite recently intensified government action against serious violators in the formal sector, child labour law enforcement has proved inadequate to the task, and throughout the country children continue to work in hazardous and coercive conditions. Only a modest number of inspectors are responsible for monitoring a large and diverse country spread across a number of islands, and even major improvements in their number and training would have only a marginal impact where children most work. A high official of the Department of Labor and Employment put the problem succinctly: "You can't inspect your way to the end of child labor."

Child exploitation issues first began to stir the public consciousness in the early 1980s, as the limited impact of the law became clear. It was evident that the situation would not improve unless a broad spectrum of society became directly involved in protecting children and pressing for enforcement of the law. From the beginning, the task of identifying at-risk groups of children in need of assistance and determining the most appropriate responses to their situation has been assumed primarily by NGOs and church and community groups. This was the result of the government practice, common until the late 1980s, of ignoring or denying the existence of social problems caused by poverty, inequality or injustice. For example, the Government chose to disregard hazardous child labour in the cases of prostitution and Muro-ami fishing for fear that efforts to combat the exploitation of children might affect the hard-currency income obtained from the tourist and fishing industries. In this situation, any leadership on child labour issues had to come from the non-governmental sector. Because NGOs faced official resistance, they began to work together for mutual reinforcement.

An example of civil society initiative can be illustrated through the fight against child prostitution in the resort town of Pagsanjan. This town became a centre of community activism in the 1980s when the townspeople rallied against the large influx of foreign paedophiles who had caused the child prostitution industry to burgeon in the area.<sup>10</sup> The Rural Organization and Assistance for Development (ROAD), an NGO operating locally, mobilized the national and foreign media to call attention to the problem, facilitating the production and dissemination of a series of television programmes and newspaper articles about child prostitution and the activities of paedophiles in Pagsanjan. These reports caused

a public stir not only in the Philippines but also in the foreign countries that were home to many of the tourist paedophiles causing the problem. ROAD also launched its own magazine, which carried supportive articles by prominent religious, social and professional leaders. This media advocacy played an important part in motivating the town citizens, law enforcement agents and others to take action. Creative, aggressive involvement of the media in advocacy has not been unique to Pagsanjan; it is a common hallmark of non-governmental action in the Philippines.

A local inter-agency committee, the Council for the Protection of the Children in Pagsanjan, was established to provide the focal point for the campaign. The Council sought to change the attitudes of parents who, because of the large payments they or their children often received, tended to see paedophiles as economic benefactors and knew little of what actually took place between the foreigners and their children. Posters were displayed throughout the town, and seminars were held informing local people about the activities of the foreigners. Recreational and cultural events were staged for children, and health workers taught them about the dangers of sexually transmitted diseases and drug abuse. Volunteer counsellors provided psychological assistance. These efforts substantially reduced the problem, although they could not completely eliminate it.<sup>11</sup>

The Pagsanjan project typifies the Philippine approach to child protection, which is decentralized, depends largely on local initiative, involves collaboration and consultation between the forces of civil society and government and, most important of all, builds community capacity to deal with its own problems. This approach is felt to have two main advantages. First, self-monitoring at the community level is considered to be an especially effective way to remove children from dangerous or coercive labour. Second, the emphasis on community recognizes that child labour is the product of families and communities unable to support their children adequately, and that high levels of community participation are necessary to address this crucial fact.

Both civil society and government observers often note that community-led activities tend to be imbued with more energy and creativity than could be expected from government interventions. Local ownership of a problem generally strengthens commitment to resolve it. Local knowledge and understanding can be extremely important in the development of appropriate and effective responses, and community workers generally have better access to the community than professional staff. Indeed, attempts to address the problem will have only temporary effect without the involvement of a coalition composed of working children, their families, local community leadership and even other children. It is they who must be convinced that child labour should end.

Bolstered by local experiences such as that of Pagsanjan, the Philippine approach to child protection has in the last decade been characterized by a widening circle of joint initiatives between civil society groups and organizations. These groups enhanced their social and political impact by also joining forces at the national level. As a first step in this direction, NGOs and civic and church groups came together to learn more about the children, share their experiences and seek solutions. Priority was originally given to helping the most visible groups of children — primarily those living or working on the street and those involved in the sex trade. The Council for the Welfare Agencies Foundation of the Philippines Incorporated (CWAFFPI),<sup>12</sup> a coalition of NGOs, together with a network of 30 social development, civic and religious agencies, formed a committee in 1984 to mobilize the private and public sectors to protect street children and sexually exploited children. During the same year, a national coalition, STOP (Stop Trafficking of Filipinas Foundation), was also founded, which carried out advocacy activities and offered legal protection and services to victims of prostitution and other forms of child exploitation or abuse.

There has since been an explosion in the number of organizations, movements and campaigns dedicated to improving the situation of children. Most are urban-based. They include a range of church groups, civic clubs such as the Rotarians and Jaycees, and a number of social development organizations engaged in research, advocacy, networking, training and service provision. Most groups are united under one of two major alliances: the National Council for Social Development Foundation (NCSD), the former CWAFPI, which now has about 157 member groups; and the Salinlahi Foundation, which has a much smaller membership, consisting mainly of women's organizations, human rights groups and community-based organizations.

Non-governmental networks have since their inception collaborated closely with and sought to influence major government bodies, in particular the Departments of Justice, Foreign Affairs, Tourism and Education. In the mid-1980s, official policy began to favour community-based development programmes implemented jointly with private groups and international agencies as the most practical way to deal with child labour problems.

The informal process through which cooperation between civil society and government gradually developed can be glimpsed in the example of action against child labour in the deep-sea fishing industry of Cebu, an occupation for which boys were hired in large numbers. Muro-ami fishing (an extremely dangerous and environmentally destructive technique using divers — the boys — to help set nets and drive fish into them) was raised as a public issue when conservationists, scuba divers and the tourist department joined forces with NGOs anxious about the hazards to children. Unlike the situation in Pagsanjan, action at the community level was conspicuously absent in Cebu; despite being aware of the dangers to their children, parents saw no other alternatives to sustain their families. Therefore, the initiative for change came from national, Manila-based civic groups who applied pressure on government and mobilized the community. These groups sparked the formation of a special inter-agency Muro-ami task force including both government and civil society organizations. This task force held a consultative workshop, attended by representatives of the Government, NGOs, ILO, UNICEF, other international organizations and the media. The workshop recommended an eventual ban on the industry and proposed a series of interim measures to reduce local dependence on fishing and to improve the terms and conditions of adult employment locally.

The Muro-ami task force did not adopt the workshop's suggestion that a total ban be placed on this kind of fishing, but instead opted to prioritize enforcement of a minimum age of 18 for employment in the industry, improvements in the conditions of adult employment and the introduction of alternative income opportunities. Employers agreed not to recruit children under 18, but monitoring of compliance was hampered by the lack of government vessels for the purpose. There was also serious local resistance to removing children from the industry. Mothers of children employed as divers insisted on the need to find alternative income in order to end their dependence on child labour. Priority was given to establishing alternative income sources locally, with the creation of soap-making, weaving and pig-rearing projects and extension of 'soft' loans and training in production in the hope that this would provide a viable economic alternative to child labour. Subsequently, talks were held with local government officials with a view to adopting a regional development policy that combined improved services and new employment opportunities. These interventions had varied success, but follow-up inspections and press reports indicated that the participation of children in the industry had declined to a relative handful.<sup>13</sup>

In Cebu, an added problem was that the local communities were, and still are, highly dependent on ties of patronage binding them to the main Muro-ami employer, a prominent local family, which owns not only a fishing enterprise, bus and ferry lines and a large

coconut farm, but also runs general stores, clinics, banks and the government-assigned rice and cotton outlets. Because wages are paid only at the end of the fishing season, fishermen live on credit from the employer-owned stores, and end-of-season debts often exceed total income, leaving the families in a situation of debt bondage. The case of Cebu serves as a reminder that, in some situations, effective child labour interventions must go beyond strong local advocacy campaigns to include structural actions involving high levels of government.

### **First Efforts at Cooperation between NGOs and Government**

The first formal venture bringing government together with NGOs nationally was the Joint Project on Street Children, developed in 1985 by the Department of Social Welfare and Development, NCSD (its NGO counterpart) and the National Economic and Development Authority (the government planning body), with the support and sponsorship of UNICEF. The initial aim was to reach 10,000 street children in eight cities in the first year. In those cities, Joint Project members conducted research on street children, mobilized and organized local communities, and provided street- and community-based services.

The Joint Project sponsored two major studies. The first, *The Faces of Child Labour in the Philippines*, completed in 1986, examined the broad context of child labour nationally.<sup>14</sup> The analysis centred on such issues as children's productive contribution to family and society, the role of work in the socialization of children, the relationship between schooling and employment, the impact of work on child welfare, and the socio-economic determinants of children's participation in the workforce. The second study, *Children under Especially Difficult Circumstances: the Philippine Scenario*, identified the groups most at risk nationally — such as sexually exploited children, working children and children in armed conflicts — and located them by city and province so that they, their families and communities could be more directly targeted by programmes. As part of this project, the government Bureau of Women and Young Workers completed a special study of children in Muro-ami fishing.

Influenced by the results of these studies, and especially by alarming information about the extent of child prostitution, the President in 1986 declared a Year of the Protection of Filipino Exploited Children. An inter-agency task force composed of governmental and non-governmental members was formed, with the Ministry of Social Services and Development providing the Secretariat. Building on the two Joint Project studies, this task force published a National Plan of Action for preventing, protecting and rehabilitating exploited children. Implementation was decentralized to local task forces or councils, including both NGO and government participation.

A programme of intensive advocacy was undertaken to help village leaders, schools, church and parish groups, law enforcement agents, the media and professional organizations understand and mobilize against the problem. Residential care, temporary shelter and general outreach for sexually exploited children were given priority. Activities with children and their parents aimed at attitudinal and value change, spiritual formation, improved parent effectiveness and parenting skills, alternative education adapted to special needs, vocational training and the generation of family income. Emergency relief was made available by encouraging existing child-care agencies and parish and village groups to set up 24-hour crisis and drop-in centres. Volunteer consultants were mobilized to give technical and professional assistance to groups working with sexually exploited children. Foster parents were licensed to provide temporary shelter. Awareness-raising seminars were held with law enforcement agencies, and campaigns were mounted to secure the passage of legislation protecting children against exploitation and abuse. Emphasis was given to penalizing people

who exploit children, and especially to tracing, arresting and deporting suspected paedophile tourists.

### **Evolving Cooperation**

Successful cooperation through the task force led to the most ambitious joint child labour initiative thus far undertaken in the Philippines, the Breaking Ground for Community Action on Child Labor Project. Its purpose is to combat the employment of children in work hazardous to their health and development. Funded by the Department of Labor and Employment, and Norway and the United States through UNICEF, the project is overseen by a committee which in 1991 was expanded to include representatives of seven government organizations, NCSD, trade unions and employers' groups. Twelve technical officers from the various bureaus of the Department of Labor and Employment form the project's management staff and are responsible for national coordination of policy development and legal protection for working children. Programme implementation, though, is decentralized to regional and local committees, which receive management and technical support from the central staff.

Influenced heavily by lessons learned from the Joint Project on Street Children, the Breaking Ground Project has established pilot schemes in several locations and among children in various economic sectors. Project sites include the vegetable farms of Benguet, Northern Philippines; two provinces near Manila where children are involved in garment manufacture; and the limestone quarries of Lapu-Lapu, in the suburbs of Cebu City. Initial research clarified children's problems and needs, and was used for advocacy with community leaders, government officials and the general public.

Programme activities have emphasized mobilization of key government agencies to provide working children with basic health and education services, avoiding the duplicative creation of private institutions for the purpose. In communities where the project is being implemented, government-sponsored associations monitor children's work, and efforts are made to convince parents and employers to remove children from heavy or dangerous work, allowing them to attend school instead. In impoverished areas where dependence on children's earnings is particularly strong, the aim is to protect working children from coercion and work dangers.

### **Growing Government Activism**

The Government has responded to NGO activism by becoming itself more active. One form of increased activity has been through the sponsorship of its own project initiatives. As the key government agency concerned with child labour, the Bureau of Women and Youth Workers has an important part to play in monitoring, in the development of protective measures and in law enforcement. With ILO support, the Bureau in 1988 undertook studies of child workers in different occupations and industries in the Metro Manila area in order to plan an appropriate programme of action. In its effort to strengthen enforcement of labour legislation and standards, the Bureau conducted a series of regional-level consultative meetings with workers, together with representatives of different economic sectors. These meetings were convened to work out more efficient methods for monitoring compliance with labour laws through cooperation of employers and local offices.

In 1989, the Bureau collaborated with ILO in piloting an innovative programme for 500 child scavengers working on Manila's notorious Smokey Mountain rubbish dump. The rationale behind this project was that occupations such as scavenging or prostitution, which

are highly lucrative and yet extremely hazardous and proscribed by law, pose a particularly serious challenge to policy since existing child labour approaches are not adequate for dealing with them. The project therefore aimed to pioneer new approaches to the protection and rehabilitation of child scavengers and to their removal from the occupation. The intention was to develop a child-centred model in which programme content was defined by the needs of the children. This put an emphasis on research, since only by investigating the children's conditions and circumstances could their needs be established. At the project's Drop-In Centre, children were provided immediate care and protection, subsidized meals and first aid. The longer-term goal of removing them from scavenging and rehabilitating them was addressed through vocational training, non-formal basic education, health care and income-generation components. In three years of activity, the project provided about 1,200 child workers with services required to protect them from further harm, and it helped 160 to leave scavenging and return to school.<sup>15</sup>

While advocacy and community mobilization may be the central feature of much activity against child exploitation in the Philippines, there remains a need for an adequate service response to meet the basic needs of targeted children, families and communities. The question is who should provide that response. Even though the Smokey Mountain project began as a public-sector initiative, the experience there demonstrated how difficult it is for government to maintain the intense community contact and mix of flexible services required to reach a particularly problematic target group of working children. The most workable solution consisted in entrusting the project to local NGO management with government financial and technical support, but subsequent cuts in the level of government support raised questions about the sustainability of this approach.

The development of services is not an easy task at best. In the Smokey Mountain Project, it was found to be a labour-intensive, painstaking, trial-and-error process. The idea was to attract children away from scavenging by providing them with a substitute for each of the perceived benefits of their work. This involved not only offering them education and safer sources of income, but also making the alternatives attractive, for children indicated that one reward of scavenging was a certain amount of fun or excitement. Consequently, it was easier to provide for the children's immediate needs for health care and nutritional supplement than for their rehabilitation and permanent removal from work. Providing income generation, credit and training for adult relatives of working children, although considered decisive to a successful programme outcome, proved particularly difficult in practice. It became apparent that increasing the incomes of the very poor is an arduous task; and even when achieved, higher family incomes do not guarantee a reduction in child work. This emphasizes the importance of combining economic interventions with social and cultural measures, avoiding the assumption that child labour cases have a primarily economic origin.

The intensity of effort concentrated on the child scavengers at Smokey Mountain raises the question of whether such targeted, comprehensive activities can realistically be extended to a wide variety of other situations in which large numbers of young workers require protection or removal from serious hazards. Despite the considerable energy and commitment invested over some years in various local child protection projects such as this one, coverage is still very limited and patchy in the Philippines. Large areas and groups of child workers are left relatively unattended. While the Philippine approach, with its emphasis on local action projects, has done much to address problems of programme content and quality, it has yet to resolve the issue of achieving large-scale coverage.

There seems to be a growing awareness among persons and groups involved in child labour activities that NGO initiative may be only the essential first step towards a broader social mobilization, which needs to include government, industry and workers' organizations.



Ultimately, for the sake of sustainability and adequate coverage, the public sector above all has to assume its proper responsibility. Government resource commitment to backing NGOs and communities in their child labour initiatives is often still uncertain and varied, however. An assessment of the Breaking Ground Project, for example, shows that the education sector has undertaken a number of measures benefiting working children, whereas the health sector has been far less involved. Nevertheless, increasing government interest in child protection issues provides a favourable policy environment for improving and expanding child labour actions.

Growing government initiative can be seen in greater readiness to execute its assigned child labour responsibilities. For instance, the Department of Labor and Employment has recently begun to take vigorous punitive action against severe violators of child labour rights in the formal sector. It regards this new activism as one necessary element, communicating seriousness of intent, in a 'gradualist' child labour programme which seeks to educate and persuade employers to move away from reliance on child workers in steps. The Department's field staff places its immediate priority on working with industry, labour and communities to get children out of hazardous and exploitative working conditions, an objective that can enjoy popular support. This gentle-but-firm strategy is considered to be the only one with good prospects for success. Non-governmental groups are still expected to take the lead and set the pace of change, however; and in most cases, civil society prescribes the general course of government action. The next challenge in the Philippine approach may be further institutionalization of child protection measures within the public sector.

## Discussion

The Philippine approach to child labour clearly reflects its origins in the thinking and actions of civil society rather than government, and its various elements are closely intertwined. Its objectives are focused on children's concrete needs as defined in a holistic view of their development and welfare. Such a perspective places great importance on the relationship of children to their families and communities, which in turn provides an intimate understanding of why children are working and what can be done to protect them without undermining these essential supportive ties. This viewpoint tends to conceive of child labour as that work which places children at risk, and it therefore moves naturally to measures that protect children from workplace dangers without necessarily discouraging them from all work.

This is not to suggest, however, that the position on child labour is uniform throughout the child protection community. Members of the Salinlahi Foundation hold the fairly radical view that unless child work is officially recognized and tolerated, it is impossible to protect working children and guarantee their rights. The Ministry of Labor and NCSD, on the other hand, are concerned that legitimization of child work could be interpreted as tacit acceptance of a morally reprehensible situation. The apparent contradiction between laws proscribing child labour and a pragmatic programme strategy protecting working children has never been fully resolved and is perhaps unresolvable; but both seem to have found a useful place and justification within a Philippine approach prioritizing children at risk.

Actions that focus on eliminating risk to children rather than on ending children's involvement in all forms of work tend to accommodate the poverty element in child labour pragmatically, leaving flexibility for families to maintain their essential survival mechanisms while protecting the children involved. Activities incline towards integrated programmes

offering a cluster of services whose provision and management require close collaboration between different groups. Hence the need for extensive social mobilization and networking.

A social mobilization approach works best for causes and actions enjoying broad popular acceptance and support; it can neglect 'hidden' child labourers, unless care is taken to ensure that they are included. There is reason to ask whether depending too much on this kind of strategy might not tend to concentrate assistance on only those child workers who are highly visible or whose conditions provoke the most public outrage. For example, more Filipino children may be imperilled by working as domestics in private homes — where physical, mental and sexual abuse are known to be common — than are drawn into prostitution. Rural children, known to constitute a majority of child workers and to be often engaged in hazardous work, may merit as much attention as urban street workers. But neither of these groups seems to have elicited much public attention. Experience also warns about the susceptibility of the community approach to local political forces, and the limited time and energy that poor people working long hours can devote to voluntary activities. In places where voluntary action does not occur, children may remain unassisted. Even if it is possible to mobilize communities for short-term action, it can be hard to sustain their enthusiasm in the longer term.

Despite such limitations, an approach founded on civil society initiative and creativity and supported by government still retains distinct advantages, especially the ability to achieve social consensus that will lead to action. The fact that child labour in developing countries is so widespread and affects so many people suggests that the locally based, non-punitive, educative and protective strategy adopted in the Philippines is perhaps an especially realistic one, for it can penetrate to the level where most decisions about the work of children are made. A cultural-change approach that works with employers, parents, children and the community in researching the problem, raising awareness, advocating change and providing for critical services is held by Filipino activists to be the most effective means of removing children from workplace risks.

#### **IV. PLANNED SHARING OF RESPONSIBILITY BETWEEN GOVERNMENT AND CIVIL SOCIETY: THE CASE OF BRAZIL**

A large and economically advanced developing country containing half the population of South America, Brazil boasts dynamic industries, a successful export sector and a gross national product (GNP) of \$2,770 per capita. Nonetheless, because income disparities within the country are among the most pronounced in the world, the country ranks far below its expected level of performance in the areas of child survival and education and must grapple with the many other social problems connected with extreme poverty.

In this context, it is hardly surprising that, depending on definitions and sources, Brazil has 4-7 million working children. According to a 1985 household survey of metropolitan areas, approximately one fifth of the children 10-14 years of age worked, and the majority of these also attended school.<sup>16</sup> Even though Brazil is well known for its large and visible contingent of urban 'street children', the majority of school drop-outs work elsewhere: many more, for instance, take care of siblings and do household chores.<sup>17</sup> Half the 0-18 population lives in rural areas, where working children are probably more numerous than in cities and where many are engaged in especially heavy and hazardous work such as cutting sugar cane, making charcoal, applying pesticides and working in mines.

Until recently, children of the poor were expected to contribute to the support of their families even at the cost of dropping out of school, efforts that traditionally gained them the respect of their relatives and the community. Relatively little thought has been given to the long-term costs of child labour to the child, the family and the wider community. Children work primarily in unregulated and uncontrolled occupations in the informal sector, in domestic service and in agriculture. Although child labour is rare in the industrialized formal sector, which has long been regulated by minimum-age and other child labour laws, many children work in informal-sector activities subcontracted from the formal sector.

Until the 1980s, child workers came to public notice primarily when considered by authorities to be a social welfare or public security problem. Self-employed children working on the streets and other public places — where typically they polished shoes, sold snack foods or small articles and carried packs for shoppers — were often pursued by authorities as vagrants ‘abandoned’ by their families and in the process of becoming incorrigible delinquents. Consequently, in most cities they were periodically rounded up in police sweeps and at least temporarily interned in institutions without being informed of specific charges. Only in the 1980s did the Government finally realize that most of these street children were simply young workers with family ties and little inclination towards crime.

### **Beginning the Change Process**

Some NGOs, mainly connected with religious organizations, had long understood that most of these street children were workers, and they had consistently opposed government policies and practices that treated street children as welfare cases or potential criminals. From the early 1970s, NGOs began looking for constructive ways to work with these children. A number of different approaches were attempted, with the following among the most noteworthy of that period:

- In Belem, the *Republica do Pequeno Vendedor* (Republic of Young Vendors) trained adolescents and young adults to befriend child workers on the streets and gradually involve them in discussion groups organized by trade. The group leaders, known as ‘street educators’, gave advice to the children, strictly respecting their right to work and to make decisions about their own lives.
- In Belo Horizonte, CESAM (the Salesian Centre for Minors) provided alternative off-the-street work for children, who were placed in jobs under controlled and monitored conditions. They were therefore protected against exploitation while encouraged to continue studying.
- In Betim, *Salao do Encontro* (The Meeting Place) ran a sheltered workshop where children produced quality furniture in a congenial, learning-oriented atmosphere. The centre provided for the children’s nutritional, medical and other needs.

In 1982, the Government and UNICEF launched a joint programme called the Alternative Services for Street Children Project. Its aim was to mobilize, learn from and build upon NGO and community initiatives to protect and meet the needs of children working in urban streets. This strategy stemmed from the observation that local communities, close to the problems of their own children, tended to devise programmes that were more creative,

better targeted, less expensive and more effective in dealing with working and street children than were centrally standardized and controlled government measures. As the Minister of Social Welfare and Assistance stated at the time:

We know that even when Government has good intentions, it cannot escape the bureaucracy. It is too slow, rigid and impersonal to deal with this sort of problem. So what is being developed ... is a set of alternatives based on a more open approach, based on the participation and initiative of communities.<sup>18</sup>

This community-based strategy sought to create a strong national infrastructure of voluntary local initiatives that would assume leadership in protecting children, and to which government could contribute technical and financial support, rather than itself assuming direct responsibility.

Systematic observation and documentation of community programmes produced a wealth of creative ideas and information on successful experience. This information was disseminated via publications and regional workshops in order to spark improvements in existing programmes and inspire new ones. A few principles emerging from the review of successful experience came to be so widely adopted that they formed the basis of a new social perspective on the protection of children at risk. They included the following:

- Policies and activities relating to working and street children should be child-centred, giving priority to the protection and needs of the children involved.
- Children should be treated as whole persons still in the phase of formation, whose physical, mental and social development needs to be assured. Programmes serving them should reflect this human development objective.
- Working and street children should be regarded not as passive victims or as objects but as active and responsible agents of their own destinies. They thus have a moral right, which must be respected, to seek their own and their families' advancement, including through work. Programmes should provide opportunities for them to participate in decisions and actions related to their own problems.
- Because local communities have the most direct interest in the well-being of their children, and the most specific understanding of the problems their children face, they are the most appropriate deliverers of child-related services. National and state governments should be supportive of communities, empowering them to carry out this role.

These principles reflected the view that many children had no choice but to work, and that they would best be protected not by being taken out of the workplace, but by having access to improved services — including education, nutrition and health care — and benefiting from safe conditions and limited hours of work.

Through the Project, which was advised by an informal group of highly experienced NGO leaders, up to several hundred community programmes serving working and street children were gradually linked into a network that provided organizations with information, training and technical assistance.<sup>19</sup> The most basic networking occurred at the municipal

level, where the various government and NGO groups involved with working and street children began to meet and collaborate in informal councils, known as 'commissions'. These were established ad hoc outside formal institutional structures and processes so as not to be afflicted by the more negative aspects of inter-agency politics. People participated as individuals rather than organizational representatives, which allowed them to speak frankly, reach consensus and coordinate their actions in ways not otherwise possible. Because they met a real need for open contact and cooperation among agencies, such 'commissions' proliferated quickly. By the mid-1980s, they had been created in most major and many smaller cities, and some were influential in determining local policies and programmes for working and street children. This successful experience of cooperation between government and community organizations through ad hoc councils set a precedent that, only a few years later, would bear unexpected fruit not only for street children, but also for the future of Brazilian child protection policy and structure.

With time, much network activity was formalized in a variety of child advocacy groups and organizations. A national advocacy organization growing directly out of the network, known as the National Street Children Movement, has attracted the attention of the Government and civil society to the problems of working and street children through a skilful use of the media and planned events. Among its most successful and widely publicized endeavours are well-attended national conferences of street children held every few years in Brasilia, the capital. At these conferences, under avid interest from the media, young workers (not all of them street children) discuss their many problems and draw up requests and recommendations, which are personally submitted to government representatives.

Despite these advocacy and mobilization achievements, it became apparent by the late 1980s that the human and financial resources available for purely local initiatives were more limited than had been hoped. It was clear that, in the absence of more systematic governmental encouragement and assistance, such voluntary initiatives would never reach more than a small percentage of the children needing assistance. For example, a 1987 UNICEF evaluation concluded that only about 500 community programmes currently existed, whereas some 25,000 of similar average size would be required to serve just one half of the estimated number of target-group children.<sup>20</sup>

Even these several hundred community programmes were, by the late 1980s, straining the capacity of governmental and international agencies to provide the training, technical assistance and other support necessary to ensure reasonable programme quality. Moreover, in some quarters there was a growing worry that institutionalizing this 'alternative' approach, based entirely on community initiative and resourcefulness, would have the unintended effect of excusing the public sector from its proper responsibility, shifting the burden too heavily to NGOs, who lacked the money and people necessary to carry it. In assessing the impact of the Alternative Services for Street Children Project, a Ministry of Education official expressed the concern this way:

The great question for government is how to absorb the inheritance of the Project, which proposed parallel alternative services as a way to overcome the failures of government, especially in education. As an end in themselves, these alternative services in substitution of government would bring chaos, and further legitimize a dual system having one quality of services for the rich and another for the poor. But as a means to provoke change, these alternatives pose a healthy challenge that government should meet. Now we must develop serious public alternatives to the alternatives.<sup>21</sup>

This perspective highlighted the need for more systematic mechanisms through which the public sector, in partnership with civil society, could take on more responsibility for protecting Brazilian children — not just working children, but all children. The experience of the 1980s had demonstrated both the advantages and the limitations of depending on community initiatives, which had proved to be at once necessary and inadequate. A new approach, building on this experience, was needed for the 1990s.

### **Brazil's New Approach**

The return of democracy in Brazil after more than 20 years of military rule provided a favourable context for developing a new approach to child protection, for the country decided to produce a new constitution. There was great public pressure to include in it provisions guaranteeing the political and social rights denied during previous decades, and the rights of children became a focus of particular interest.

As early as 1986, child advocates — including many individuals and institutions that had taken an active part in the Alternative Services for Street Children Project and the network that grew up around it — joined forces to demand that a chapter devoted to children's rights be included in the new constitution. Thanks to their efforts, the government established a national commission, composed of both governmental and non-governmental representatives, to draft a constitutional article providing for the rights of children. The commission, working through the network of child rights activists, undertook a massive public information and mobilization campaign to generate support for strong constitutional provisions. Highly visible events included a large demonstration by children in the national Congress, and the presentation of a petition, signed by over 1.4 million children and adolescents, demanding that their rights be recognized in the new constitution. Even the business sector became involved; the National Advertising Council offered free services to the campaign, as did ABRINQ, an association of toy manufacturers. Other major social groups, such as the Brazilian Bar Association, the Brazilian Paediatric Society and the main religious organizations, were also deeply and actively involved in this public campaign.

The degree of public mobilization in favour of strong constitutional guarantees of the rights of children was such that two 'grass-roots' texts, backed by the necessary 200,000 signatures, were successfully presented to the constituent congress. Their main points were incorporated into the final version, Article 227, which was resoundingly passed by Congress in October 1988. The article anticipated the basic elements of the United Nations Convention on the Rights of the Child adopted a year later:

It is the duty of the family, of society and of the State to assure children and adolescents, with absolute priority, the right to life, health, nutrition, education, recreation, vocational preparation, culture, dignity, respect, liberty and family and community solidarity, over and beyond making them safe from neglect, discrimination, exploitation, cruelty and oppression.<sup>22</sup>

The implementation of this new policy for children was provided for in the Statute on Children and Adolescents (henceforth ECA, as popularly known in Portuguese), enacted in July 1990.<sup>23</sup> This legislation is founded on three legislative principles new to Brazilian child protection policy. Together, they represent an evolution and formal institutionalization



in law of the principles earlier articulated and disseminated through the Alternative Services for Street Children Project:

- Children and adolescents are regarded as full citizens; they therefore enjoy all the rights of citizens and should not be considered merely passive objects of interventions undertaken on their behalf.
- Children and adolescents are recognized to be in a special condition of physical and mental development, and may therefore claim exclusive rights appropriate to their age. This means that, beyond all the rights enjoyed by adults that are applicable to their age, children have additional rights because of their inability, varying in degree according to age, to have access to knowledge about their full rights, to defend their rights against violations of omission or commission, to provide for their own basic needs and to carry out all the obligations and duties of citizenship normal for adults.
- The interests of children and adolescents are granted absolute priority in the delivery of public services, in the formulation and execution of public policies and in the allocation of public resources.

### **Institutionalization and Administration of the New Approach**

ECA makes two major changes in how public policies and programmes to protect children are devised: it devolves most responsibility to the municipal level; and it guarantees popular participation in the decision-making process. Decentralization occurs through a system of Municipal Councils for Child and Adolescent Rights, which are responsible for planning and overseeing the delivery of services to children in each municipality. These councils are in essence a more formalized elaboration of the earlier local 'commissions' described previously. They are intended to meld the power and resources of government with the concern, creativity and detailed local knowledge of civil society in a legally mandated partnership to ensure the protection of children and their rights. That partnership is regulated by a 'parity' rule which stipulates that every Municipal Council must have an equal number of government and non-governmental members.

Municipal Councils are not optional: every municipality is required by law to form one. Those members appointed by the municipal government are usually from the Departments of Education, Health and Social Welfare. The civil society elects the other half of the members, normally in an open public assembly attended by NGOs from groups involved in social welfare and community education programmes. Municipalities are free to establish the size and procedures of their Municipal Councils as long as the principle of parity between government and non-governmental members is observed. Municipal Councils are responsible for formulating a municipal policy for the protection of children and the promotion of their welfare, monitoring both governmental and non-governmental activities for children, and drafting and coordinating a municipal plan for child services. Municipal Councils also evaluate and publicly report on the quality and effectiveness of all child-related services, whether provided by government or NGOs. They work with the municipal government and NGOs to improve those services, where necessary.

Since the regular budget for community services to children legally remains under the discretion of the municipal government, the Municipal Council's role, although politically influential, is mainly advisory. However, ECA also mandates a Municipal Fund for Children

and Adolescents, which derives its income from taxes as well as private sources. The Municipal Council is directly responsible for raising and allocating these resources. It also has authority over an associated Guardianship Council, which handles the cases of children in 'an irregular situation' — children who, for example, have been abandoned, economically exploited or charged with petty delinquency.

Four years after the promulgation of ECA, Municipal Councils operate in nearly all major urban centres, but have not yet been established in all municipalities. This is mainly because they are a completely new mechanism which is not fully understood and which cuts across the traditional powers and prerogatives of both the municipal government and the juvenile justice system. Time will be needed to sort out the respective responsibilities and powers of the Municipal Councils and the municipal governments. Not all municipal governments have accepted the Municipal Councils as valuable and legitimate instruments for deciding and overseeing child-related services. It is increasingly clear that the importance of the Municipal Councils as a mechanism of social consensus will, in the long run, depend largely on the political support they receive from NGOs. Unless the NGO constituency counterbalances the government, the parity objectives of ECA are unlikely to be realized.

The recognition of children's rights implicit in ECA has generated a great deal of political *furor* because of the limitations imposed on previous strongholds of arbitrary power over children. One particularly emblematic incident involved a juvenile court judge who ordered a police sweep of city streets to remove and intern *en masse* all street children found on them — a typical operation in the past, but in violation of ECA, which was at the time being considered by Congress. The public outcry was so great that the judge was forced to rescind his orders.<sup>24</sup> This hints at why some judges whose scope of personal discretion was reduced by ECA became implacable foes of the law.

Many Brazilians, including some police, ascribe a recent vertiginous rise in juvenile delinquency to 'coddling' of young 'criminals' under ECA, even though there is little evidence of this. Actually, the new law clearly provides for the detention of juvenile offenders, but only after due processes that authorities can no longer arbitrarily abridge. Unsympathetic authorities have in some places been prone to neglect enforcement of any laws at all against minors, falsely claiming that ECA ties their hands, an obvious ploy to generate public antipathy towards the new law. Similarly, some traditional employers of children have complained that ECA unfairly interferes with the 'right' of children to help their families economically.

Such reactions may suggest that ECA was in fact badly needed as a corrective to the way children were being treated. They are also a measure of the vigorous, sustained and potentially lethal political assault being made upon this statute. It remains to be seen whether ECA can command the political support needed to put into practice the noble principles it advocates. The most high-minded legislative principles are not always the most practical strategies for reaching even the most deserving social objectives. The fate of ECA, some have observed, may hinge less on what Brazilian society will espouse in principle than on what it will accept in practice.

Similar to questions about ECA's political sustainability are those concerning the political viability of the innovative structure it has created to implement its provisions. It is interesting to note that ECA formalizes a consensual partnership between the government and civil society which the earlier 'commissions' had deliberately left informal precisely to avoid some of the political and institutional problems that Municipal Councils now confront. Traditional political élites and institutions have in some places received Municipal Councils with antipathy, recalling the body's immune response to foreign antigens. It has also been observed that, especially in smaller and less organized municipalities, the non-governmental

side of the parity equation is frequently too weak and isolated to maintain its position vis-à-vis the political and economic power of local government. Local authorities, who have been known to solidify their political bases with patronage and other benefits requiring that they alone control municipal expenditures, sometimes refuse to establish the Municipal Councils mandated by ECA, or cleverly neutralize or co-opt those that exist. This is widely recognized as a serious long-term problem whose only solution may lie in the greater democratization of Brazilian society and the reinforcement of non-governmental initiatives and coalitions.

Supporters of the statute, who have by no means ceded the offensive to its detractors, have rallied to the defence of ECA a network of political support formed by child advocates from government, religious organizations, trade unions, private-sector business associations and foundations, among many others. A number of NGOs and government agencies supporting ECA have undertaken training and organization activities to strengthen the non-governmental constituency in the Municipal Councils. Although ECA continues to be heatedly debated and some adjustments are to be expected, most observers feel that the overall policy and form of Brazil's new child protection approach is now planted and is likely to take root and grow.

### **ECA and Child Labour**

Ten articles of ECA are devoted specifically to child labour. Minimum-age provisions prohibit children under 14 years of age from working, except in the case of apprenticeship, which may begin at 12 and is regulated. From age 14, working adolescents have the right to protection and vocational training. Explanations of ECA by its main authors and supporters stress the incompatibility of working with education, and the minimum-age provision is intended to remove children younger than 14 from the workplace altogether and ensure that they are in school. While this goal may not rest easily with the fact that a large portion of working children of school age also study, it does reflect a strong desire to reverse Brazil's extraordinarily low rates of school completion by getting all the country's children into school and keeping them there. Hence the often-seen motto: "The place of children is in school."

ECA is important for child labour primarily because it sets the issue within a framework of child rights, which transforms the meaning of child work in Brazilian society. Whereas previously the impact of working on the child had been ignored in favour of the short-term income benefits to the family, ECA clearly states that the welfare of the child must now take precedence over all other competing interests, including those of the family: the rule is 'Children first'. As a practical matter, this standard does not necessarily prohibit a child from all work — it is not in the best interests of the child to go hungry — but it does demand that other factors be considered as well, such as the right to education that is denied children forced to work rather than study.

One article provides for 'educational' work — that is, work carried out inside governmental or non-governmental institutions that have programmes of 'education with production'. These may, for example, be shop-based, cooperative-based or farm-based, and may offer either formal or non-formal education. This article fills an important need because it establishes a criterion for evaluating the large number of programmes that claim to provide 'safe' child work as part of an educational process. Charges have been made that a significant portion of these programmes, though well intentioned, may actually be exploitative.<sup>25</sup> ECA stipulates that the educational objectives of such programmes must clearly take precedence over their production and earning aspects.

Under ECA, the degree to which children are in practice protected from workplace abuse ultimately depends on the performance of municipalities — and especially their Municipal Councils — in establishing and implementing appropriate policies and activities. It is difficult to assess how well that is being done, for ECA has been implemented for too short a time to be evaluable. Even official data concerning the target groups, priorities and activities of the Municipal Councils are scarce. Nevertheless, observations of experience in a few municipalities may suggest how the Municipal Councils perceive and approach child labour issues, and perhaps with what success.

The first observation is that most Municipal Councils are less likely to initiate action than to act as public forums in which organizations and individuals can air questions and complaints. Because of their high visibility, they can influence the policies and programmes of government and non-governmental institutions. Their influence seems to exist regardless of the particular decisions they take. For example, in the municipality of Franca, where children are often involved in shoe production, the trade union activists from the United Workers Confederation (CUT), with funding from ILO's International Programme on the Elimination of Child Labour (IPEC), conducted a study on the child labour problem and presented their findings and recommendations in the Municipal Council. Although the Municipal Council did not take immediate action on the problems brought to light by the study, public airing of the issue set a number of processes in motion. Municipal Council members began to mobilize, seeking a common meeting ground with employers. This in turn created a constituency for subsequent municipal action. The trade unions maintain that their initiative was made viable because a Municipal Council existed and could act as a responsible authority to which they could take the study results, gain public exposure and put the issue of child labour on the public policy agenda. The unions also benefited from being part of the alliance of NGOs, which ensured that the issue would have representation within the Municipal Council itself.

Municipal Councils also have an indirect influence as a publicly visible and accessible watchdog over children's issues, stimulating municipal government to take greater interest in the welfare of children. In the municipality of Campos, for example, the municipal government (with ILO/IPEC funding assistance) has created an aggressive programme targeting the many out-of-school children working in the sugar cane fields. The children and their families are offered a variety of municipal services — such as schooling, health care and welfare assistance — that provide a compelling alternative to child labour and help to remove children from work. Although the programme was designed and is implemented by the municipal government, the political support provided by the Municipal Council has helped to mobilize public support for this effort.

Municipal Councils can also be valuable vehicles for the dissemination of ideas. In Salvador, a local NGO called AXE has developed a successful approach to reintegrating street children into the school system. Having found that children often work on the street after a negative experience in school, AXE decided to deal with both the income and educational aspects of the problem, adapting practices that had proved successful elsewhere to the specific cultural milieu and institutions of the city. At AXE, children can work part time in a safe environment, participate in cultural activities and receive remedial education that prepares them to enter and succeed in the state schools. As AXE's achievements became known, various Municipal Councils in the region turned to it to provide technical assistance and training to their own governmental and non-governmental organizations working with street children. Impressed with the popular acclaim for the AXE model, which has received considerable international support (for instance, from the Italian NGO Terra Nuova, UNICEF and ILO), the state government made more resources available to the programme. This

experience reveals what various observers have noted: Municipal Councils often depend on innovative local organizations to deal directly with problems. Their role is not to replace NGOs and the government, but rather to learn from them, foster cooperation between them and mobilize political and financial support for their initiatives. It is this mobilizing and coordinating function, together with the watchdog role, that provides much of the Municipal Councils' impact.

Municipal Councils can also take direct action when needed. In some small municipalities, where human and organizational resources are limited, they have taken on the direct sponsorship of activities, commonly for street children, deciding the programme content and how it will be delivered. It is unclear at this time whether most Municipal Councils will assume a more direct role as they gain experience and public credibility. They are still in the process of clarifying a number of legal ambiguities relating to their relationship with municipal authorities and defining the extent of their decisional power. Since Municipal Councils will not be quick to compete with the NGO and governmental programmes that form an important part of their constituency, they are likely to adopt approaches that strengthen rather than weaken popular initiatives.

In order to obtain a better understanding of the Municipal Councils' role in child labour, ILO in early 1994 invited representatives from 27 Municipal Councils to a three-day meeting to discuss how they perceived the child labour problem, how they dealt with it and what they needed to become more effective. Participants were chosen from selected regions and municipalities known to have important child labour problems.

Nearly all the participating Municipal Councils recognized that their municipalities had child labour problems. Most had initiated action towards addressing them, even if only preliminary studies. However, many representatives were uncertain about how to define child labour and devise strategies for dealing with it. Generally speaking, they felt that the main issue was not that children work, but rather that they are subjected by their work to physical, mental or moral hazards, or denied schooling. Although agreeing with the objective of providing a basic education to all children, they did not feel that this necessarily implicated removing children from work altogether. Activities on behalf of working children that Municipal Councils commonly support included, in order of frequency: (a) special services for the protection of working children, such as health and dental care, feeding programmes, non-formal education, and job and psychological counselling; (b) job-placement services to steer children away from 'inappropriate' employment and towards 'safe' work; (c) vocational training, often as an attempt to retain working children in school; and only occasionally (d) programmes to remove children from the workplace.

The representatives acknowledged various difficulties in dealing with child labour. One was obtaining the cooperation needed from municipal government to carry out their tasks. Another was a lack of public awareness to provide needed political support. Finally, virtually all representatives felt that they required more information and technical assistance to design appropriate programmes. In particular, they called for publications and workshops that would prepare them to deal with child labour issues more effectively. ILO's IPEC programme in Brazil took note of these concerns, and its workplan for 1995-1996 includes the preparation of the requested information materials and the provision of training.

## **Discussion**

Brazil has presented in action a concrete proposal for systematizing cooperation between government and civil society in the protection of children. Its approach incorporates both

legal standards, which are spelt out in the national legislation, and their implementation through the devolution of authority to the local level, which is considered to be best able to devise appropriate activities. This combination of national standards and formally decentralized action is intended to be an answer to the question, raised by the experiences of the 1980s, of how to obtain both the concerned creativity of local initiative and the nationwide coverage of government. By specifying the legal, institutional and budgetary obligations of government and civil society within a national framework, this approach progresses beyond the uneven volunteer initiatives and unreliable government support of an earlier era. Perhaps only so structured a mobilization of social resources can successfully deal with the magnitude and dispersion of most child labour in developing countries.

The case suggests, however, that the connection between national guidelines and local action is not always seamless, for the two levels may have different perspectives on the problems being considered. This variety of viewpoint is a useful creative tension built into ECA, for while advocates at the national level may fix their gaze on the ultimate social objectives, practitioners working directly with children at the local level tend to focus on what can be done now for the particular individuals involved. Both viewpoints are valid, but they may imply very different actions. Many child advocates who promote national standards seem to emphasize the importance of removing children from work altogether, arguing that allowing children to work invites abuse and undermines education objectives. They call for a clear break with past acceptance of child work. The Municipal Councils, like many of the local organizations they support, apparently place greater priority on protecting working children against immediate dangers to their health and development. They claim that, under current economic and social circumstances, it is not realistic to think children will abandon work entirely; before they can do so, changes in cultural attitudes and resource distribution must take place, and these take time. The more modest but practical first step of reaching working children with education, health care, adequate nutrition and protection at work is seen as achievable now, opening the way to expanded future action.

Finally, it is interesting to note that Brazil's comprehensive approach to children's rights is historically founded on values, ideas and principles growing out of an original concern to protect working children. It is hard to see how consensus about the revolutionary, sophisticated ideas and values underlying ECA could have been formed without benefit of the prior experience from which they emerged. This suggests that the best solutions to major problems such as child labour may be grown from seminal experience rather than designed like a machine, and that the flower does not stand apart from the processes through which it has evolved. The Brazil case also implies that social mobilization against child labour can, with audacity and imagination, yield social benefits far beyond the direct protection of the young workers involved.

## **V. PRIVATE-SECTOR INITIATIVES AGAINST CHILD LABOUR: THE CASE OF BANGLADESH**

In recent years, there has been growing attention to what the private sector — especially employer, trade union and consumer groups — might do to reduce and progressively eliminate child labour. For the most part, this discussion has been centred on developing countries that produce goods for export through multinational firms, the issue being whether trading partners and subsidiaries in the global market have a special responsibility to

introduce and sustain internationally agreed standards with regard to workers' rights and working conditions. There are growing numbers of private-sector initiatives globally in favour of socially responsible trading, several focusing on the issue of child labour. This case briefly summarizes some of these measures and examines their effects on child labour and working children in one country, Bangladesh.

With a massive concentration of some of the world's poorest people, Bangladesh is heavily reliant on child work. Almost all children there work to some extent. Most children in rural areas engage in unpaid work for their families, whereas urban children work more frequently outside the family.<sup>26</sup> Many of these city children work in garment manufacture.

In Bangladesh, garment manufacture is one of the country's main modern industries and formal-sector employers, and its most important source of export income. Bangladesh is now one of the world's major garment exporters and the largest supplier of shirts to the European Community. In 1993, sales reached \$1.4 billion, with more than 50 per cent of Bangladesh's total export earnings coming from trade with the United States alone. According to end-1992 estimates, there were some 1,500 factories manufacturing garments for export, employing more than 750,000 people, over 10 per cent of whom were children under 14 years of age.<sup>27</sup> These young workers have recently been the centre of much controversy.

Their story begins not in Bangladesh, however, but in North America and Europe, where consumer groups and labour unions increasingly question the ethics of trading in countries and with partners who are routinely abusive of the environment or workers' rights. The charge is that some companies compete unfairly by importing goods whose cost is low because the foreign workers producing them are denied decent working conditions, proper wages and other basic rights. Industrialized-country companies are facing stiff pressure to revise their marketing and sourcing practices, examining and guaranteeing the conditions under which the products they import are produced.

### **International Child Labour Initiatives**

Child labour is a key issue in the ethical trading movement. The employment of children is challenged because, whether or not their labour is illegal according to local laws, their use as workers, often in conditions hazardous to their health and development, is deemed an abuse of workers' rights. Further, children are considered to have a fundamental right to be in school rather than in the workforce. The participation of child workers, who generally earn significantly less than adults, is also perceived by workers in industrialized countries as an unfair competitive threat to their own economic welfare.

Using a variety of strategies, a diverse lobby for social responsibility in trade is seeking a radical change in the global trading system. They are working to convince companies to apply high labour standards to all their business partners.<sup>28</sup> At the heart of this movement are worker organizations and religious groups, several governments, and some employers and their organizations.

A number of trade union organizations have taken a strong position on the child labour issue, including at the international level. At its 15th World Congress in Caracas in March of 1992, and in a subsequent meeting of its Asian and Pacific membership, the International Confederation of Free Trade Unions pronounced child labour an alarming practice and initiated a worldwide campaign to advocate its elimination. The Asian-American Free Labour Institute (AAFLI) has documented violations in Asia and promoted the application of trade restrictions on countries routinely employing child labour. Present in



Bangladesh for some time, AAFLI has lobbied local exporters to avoid international sanctions by the early removal of children from their workforces and has promoted awareness in industry and government of growing international impatience with child labour.

A number of other workers' bodies, such as the International Metalworkers Federation and the International Textile, Garment and Leather Workers Federation, have also begun to address the issue, largely within the context of a wider recognition for workers' rights. In fact, it was union concern that first brought the Bangladesh case to international attention. In May 1991, the women's network of the United Food and Commercial Workers Union launched a nationwide campaign in the United States, charging the country's largest discount retailer with purchasing Bangladeshi garments made with the widespread use of child labour. This elicited considerable public attention, in part because the company's advertising had led consumers to believe its goods were produced domestically.

Such actions, and strong support from AFL-CIO, the largest U.S. trade union federation, were an important force leading in 1992 to proposed U.S. legislation banning the importation of products from foreign industries in which children under 15 years of age are employed. This bill is understood by many to put pressure not only on firms employing children directly but also on all businesses involved in the same industry. This encourages exporters to look not only to their own workforce, but to that of competitors as well. Even though the eventual content and passage of such a bill was far from certain, it had by 1993 caused shock waves throughout the developing world and was the subject of heated discussion in many regions. This same concern for child labour in international trade surfaced among other workers' issues in the 1994 conclusion of the Uruguay Round of the General Agreement on Tariffs and Trades.<sup>29</sup>

Mindful of the importance of maintaining a socially responsible image or concerned by threats of market closure by governments, a number of companies have pursued their own initiatives. Others — notably including certain firms active in Bangladesh — have set for themselves higher standards of employment and working conditions as a means of creating a more efficient, better-trained workforce and of reducing labour turnover. Such activities include the development of guidelines for conduct, the establishment of welfare projects to benefit children of workers or working children, improvements in worksite conditions and the reduction or removal of child workers from their employ.

Some multinationals have established their own standards for sourcing and marketing. For example, Levi-Strauss, a major garment manufacturer with production facilities in many developing countries, was one of the earliest companies to act on the question of social responsibility in trading, and it has invested considerable effort in grounding employees in corporate values and ethics. The company has long cherished its reputation for quality, self-reliance and fair play. When Levi-Strauss began to expand its network of overseas suppliers in the 1980s, human and workers' rights were included as important criteria in the selection of national partners. The company eventually drew up a set of sourcing guidelines known as the 'Business Partner Terms of Engagement'.<sup>30</sup>

The guidelines cover environmental conditions, ethical standards, health and safety and legal requirements, as well as child labour and other employment practices. They state that the employment of children under 14 years, or below the age of compulsory schooling, is not permissible and that Levi-Strauss will not use partners who do not observe this standard. However, they do favour the development of legitimate workplace apprenticeship schemes for the educational benefit of young people. The company is keen to emphasize that these are indeed guidelines and not laws, and that their aim is to achieve the best possible outcome both from a business point of view and for the welfare of children and employees. Aware that the company's policy could be seen as ethnocentric, management has attempted

to encompass multicultural values in the Terms of Engagement and to leave sufficient flexibility to adapt to local customs, laws, values and ways of doing business.<sup>31</sup>

It is instructive to see how such a balance between company and local values was struck in Bangladesh.<sup>32</sup> Two local suppliers were found to be employing children under the age of 14, violating the Levi-Strauss sourcing guidelines. The suppliers argued that child labour was a normal and acceptable practice in Bangladesh and that to discharge the children would in any case cause severe hardship to their families, who desperately needed the income. They were also concerned that the use of more expensive adult labour in place of children would make their products uncompetitive. Levi-Strauss worked with the suppliers and some local NGOs to explore a compromise whereby the children would be removed from the factories and paid their wages and benefits (by supplier and importer) while receiving an education and other services, to be re-employed at age 14. Although Levi-Strauss did not view this as a perfect solution to the problem, it did seem a reasonable effort to reconcile corporate ideals with developing-country realities.

Several other multinational corporations and importers with suppliers in Asia and elsewhere have developed their own strategies to improve employment practices. The footwear manufacturer Reebok has drawn up guidelines similar to those of Levi-Strauss. Others have adopted even more rigorous measures, requiring contractors and subsidiaries to sign agreements giving importers the right to cancel without compensation consignments in which child labour has been used.

Considering the intensity of international debate about children working in the export sector, remarkably little attention has been devoted to the question of what happens to children who are dismissed from their jobs. It seems to have been tacitly assumed that at least most of them would go to school. In order to determine whether it is appropriate to make such an assumption, and to learn more about how children fare both before and after separation, ILO, with informal assistance from UNICEF, undertook to study the Bangladesh experience in dealing with child labour in the garment industry.

### **National Initiatives**

The Bangladeshi garment industry cannot ignore international efforts to improve social conditions in industries contributing to world trade. The effects of these efforts are felt not only by employers, but reverberate throughout the society, right down to the level of individual children. That is because the industry is so central to the economy and so exposed to fierce international competition.

Garment exports have given a much-needed boost to the Bangladesh economy, but if the climate for production in Bangladesh were to deteriorate or a cheaper labour market were to emerge elsewhere, foreign owners and buyers could pull out at short notice with relatively little cost to themselves. Several garment factories are joint ventures with much of their capital coming from overseas. In effect, an abundant supply of cheap labour is Bangladesh's main asset in this industry; the technical know-how, management expertise, capital equipment, fabric, thread, buttons and rivets, and even the stones used in finishing stone-washed denim, come from outside the country.<sup>33</sup> Dependence on the U.S. market is particularly marked, and therefore susceptibility to policy change in the United States is acute.

On the whole, the garment industry workforce has been relatively unskilled. About 80 per cent of the workers are women, the majority of whom have little education. A number of children have also been employed, largely for comparatively light finishing tasks, but the

industry is not highly dependent on their labour. In 1990, it was estimated that children under 15 years of age represented 13 per cent of the total workforce; by 1993, it was agreed that this figure had fallen, some claimed to as low as 5 per cent, although this could not be confirmed. This decline can be seen to reflect the industry's fears of international criticism of the use of child labour, as well as a trend towards greater capitalization and a more skilled labour force.

Recent research on child labour in Dhaka, sponsored by ILO, revealed many important facets of children's involvement in garment manufacture, the impact of their work and the effect of leaving it. The investigation studied and compared three categories of children: those currently working in garment factories; those currently working elsewhere; and those neither working nor going to school. It was planned to study a fourth category, consisting of former garment workers who were now non-working school children, but the sample turned up no case of a child who had left the industry and returned to school.

Over 70 per cent of the children in the garment industry are girls. The mean age of children working in this industry is slightly above 13 years for girls and slightly below that for boys. The children begin working on average at 11.6 years of age, with less than a fifth taking their first job below the age of 10. Whereas half the boys commence their work life in occupations other than garment manufacture, the great majority of girls have only experienced employment in this sector. Prior to taking up employment in the factories, most girls did only unpaid domestic work within the home. Only 26 per cent of the children — mostly boys — have ever attended school, which is lower than the proportion for children employed in the informal sector.

A full 77 per cent of the garment-industry children surveyed said that their economic contribution is essential for meeting family basic expenses, and a further 12 per cent thought their family could manage without their work earnings only with great difficulty. Many of the children's fathers are unemployed or are engaged in poorly paid occupations such as rickshaw pulling or day labour. In many cases the father is absent, frequently because he has taken other wives leaving his first wife without support. In 18 per cent of the families, working children are the sole breadwinners. Some of the children are persuaded by their parents to seek jobs, while others make this decision themselves. Many acquire their jobs through contacts among factory workers.

The recruitment patterns in the garment industry seem to suit employees and employers alike. Employers frequently end up hiring members of the same family through an informal system of referral. They view the employment of children as providing them with the opportunity to gain a foothold in what is considered prestigious and well-paid employment. They are also happy that children are brought to the factories, believing the adult workforce — mainly women and mothers — to be more efficient when relieved of worries about their children's safety. Once inside, younger children take up odd jobs on a casual basis to while away the time, and with experience they move towards more-structured work. The most exigent tasks, involving sewing machines and irons, are carried out by older workers. Children are typically involved in finishing work such as cutting loose threads from the garments, turning collars and passing garment parts from one operator to another. They work the same hours as adults — which makes school attendance impossible — but earn considerably less. Children share the same conditions as other workers in the sector, many of whom are hired on a piece-rate basis (especially among sub-contracting firms.) It is also not uncommon for all employees to work round the clock when orders are due for shipment.

The almost casual way in which children often enter into the workplace suggests that economic necessity is only one of the reasons that children seek employment in the garment sector. Children emphasize that they are keen to learn a skill that facilitates secure

employment in adulthood, and they feel that garment-industry work provides this. This points to the fact that a significant number of children enter garment manufacture for lack of adequate educational opportunities, looking to work to provide training not available elsewhere. Part of the reason is that the direct and opportunity costs of even basic education are comparatively high in Bangladesh, especially for children living in rural areas or in urban slums, home to most young workers. Families routinely claim that they cannot meet the costs necessary to educate all their children. Although the proportion of children enrolling in primary education is rising nationally, attendance is still no more than 50 per cent and completion only 40 per cent.<sup>34</sup> When family finances do not permit all children to attend school, preference is usually given to boys; and several girls in the ILO sample stated that they were working to finance a brother's schooling.

Garment-sector work has special significance for the status of women in Bangladesh. It is the only formal-sector occupation in which girls and women predominate over men and boys and provides women outside the professional or administrative occupations with a rare opportunity for relatively secure waged employment, some of which is skilled. However, females are concentrated disproportionately among the unskilled and semi-skilled workers in the industry, in that relative to their overall numbers they are not well represented among the more skilled workers — such as those running the more complex sewing machines — and are almost entirely absent from management.

Work in the garment factories is also looked to by women as a unique way to gain experience and income with relative safety and social acceptability. As Bangladesh is a predominantly Muslim country, women are traditionally expected to remain in seclusion from puberty. For girls or women to venture unaccompanied outside the home is to invite censure or even physical assault. Parents who are protective towards their daughters and concerned about threats to their honour often will not even allow them to attend school, either because schools are coeducational or because they are too distant from the home, leaving girls at risk in transit. It is precisely because of these attitudes that so many girls are drawn into garment manufacture. It is also safer and more socially acceptable for mothers or women guardians to bring the young girls in their charge to the factory than it is to leave them alone at home. Factory security is tight; premises are closely guarded; and most women travel to and from work in large groups for safety.

Most children in garment production perceive work as beneficial and identify no negative impacts. They consider paid factory employment as being far more useful, productive and prestigious than is the drudgery of work within the home. Children working in the garment industry also report significantly higher nutritional intake and better health care than do those outside it. Since educational expectations are low among children in Dhaka's slums, children tend not to view lack of schooling as a serious disadvantage.

Many employers argue that in an economy of severely restricted formal employment, providing children with job opportunities is a social service in itself. It is certainly the case that employers receive requests from adult workers to hire their children and that former child workers remain in the industry as adults.<sup>35</sup>

Even though few garment manufacturers have provided social services to their employees and most make no special provisions for children on their premises, there are some exceptions. Some schemes have been instituted as a means of reducing labour turnover and retaining good adult workers, but some also reflect earlier practice in the jute industry and elsewhere, which in many cases had religious roots. In one such initiative, general education and vocational training is available to workers, and technical training at a separate facility for supervisors. Free medical care is also given. In addition, since most of the workers come from the same rural area, transportation has been arranged to convey them to and from

work. At another factory, 80 workers a day are given one hour of training. Recreational facilities and bonuses for festival days are provided and annual picnics arranged. An incentive scheme awards cash bonuses for perfect work attendance, meeting line-production targets and special production.

One firm has made a particular effort to provide suitable employment conditions for young unmarried female workers in compliance with the demands of a Muslim society. In addition to a training unit, a workers' hostel and meals are provided; girls who wish to leave the premises are chaperoned by a supervisor; and none may receive visitors other than their guardians. In an experimental programme, young girls working for another firm attend a local school between 8 and 11 a.m., followed by an hour's homework at the factory in a room specially designated for the purpose. After lunch they take up job training. All school costs are covered by the employer, who also pays them a stipend. The employer has expressed satisfaction with the scheme, finding the girls particularly attentive at work and keen to learn new skills.

Another factory, which employs no children, has set aside an area for the education of workers' children. Part-time schooling is provided at lunchtime for some 60 children with funds from a foundation established by the company. There are proposals to expand the curriculum to include vocational training. Both workers and management are happy with the scheme because, in addition to educating the children, it provides them with a secure environment while their parents are working.

This incipient and fragile trend towards increased private-sector attention to social needs, including those of children, was from 1992 interrupted by a drive to squeeze children out of the sector altogether. The previously described draft legislation in the U.S. Congress to prohibit the importation of products made with child labour landed in Bangladesh like a bombshell. It raised acute fears that a ban on exports to the United States of garments made in factories in Bangladesh using child labour might be imminent. With government support, the Bangladesh Garment Manufacturers and Exporters Association (BGMEA), which was formed in 1992 to promote and protect employers' interests, urged its members to divest themselves of underage workers, in conformity with the Bangladesh Factories Act. As BGMEA is responsible for arranging export licences, it wields considerable influence on employers in the industry. Talk of the possibility of a large fine being imposed for every child found working provided an added incentive for employers to commence mass and abrupt dismissals, which began in January 1993.

The exact number of children removed from the industry is not known, although it was at one point estimated by BGMEA officials that some 55,000 may have been affected. Subsequently, BGMEA conceded that there were still between 8,000 and 10,000 mostly older children (aged 12-14 years) still employed in the industry in July 1994 and indicated that these children would be removed from the factories by 31 October.

One major area of concern for all parties was the issue of compensation for the displaced underage workers and the impact the lack of any such measures would have on these children, especially in terms of school attendance. This was a particularly difficult issue when working with an industry as opposed to individual employers.

### **The Impact of Dismissal of Children from the Garment Industry**

Concerned about the fate of the dismissed children, trade unions, UNICEF and NGOs soon began discussions with BGMEA and the Ministry of Labour. It was generally agreed that although the removal of children from labour was desirable in the long term, abrupt

dismissal was likely to lead to destitution — especially since no mechanisms for compensating the children had been foreseen. More worrying still was the probability that dismissal would not automatically cause children to enrol in school as some had predicted, but rather would force them into jobs less secure, less well paid and far more servile or hazardous than garment manufacture. Because so many of the young garment workers are girls and because job opportunities for girls in Bangladesh are so restricted, the alternatives are dismal and include domestic service, brick chipping, rickshaw pulling, selling flowers on the streets and prostitution.

Following up on these worries, the ILO study demonstrated at least some of the effects of sudden dismissal of children working in the garment sector. A significant number of children below 15 years of age have been dismissed, and the numbers of child garment workers are continuing to fall. In-depth discussions with the children revealed that not all the departures were due to external pressures, however, and not all the children are being replaced by adults, since the introduction of labour-saving technologies is making children's unskilled contribution increasingly redundant. Surprisingly, only 34 per cent of the former child workers surveyed had been dismissed because of their age. Of the remainder, the majority had left of their own accord. These were mainly younger, uneducated children, little accustomed to the demands of work and with a low tolerance for spending long periods of time in one place. They claimed that they had quit because of undesirable employment conditions, including irregular pay, particularly of overtime wages, and a lack of opportunity for promotion.

None of the former child workers returned to school. Few had ever attended in the first place, so on dismissal at roughly 12 to 15 years of age they were too old to enter the formal system, both because of official age restrictions and because they had fallen too far behind their age-group. Besides, given family poverty, most had no choice but to work. Half of the dismissed children found a job immediately and half were actively seeking work at the time of the investigation.

The research also showed that children working in other industries or engaged in domestic work at home were worse off on several accounts than the child garment workers, suggesting that dismissal has probably had a negative impact on child welfare. For example, children outside the garment sector experienced both acute and chronic illness rates four times those of the child garment workers. In the garment sector, the factory environment is comparatively hygienic, because the cloth and garments must be kept as clean as possible. Accidents at work are few since children do light finishing work which involves no machinery. Work-related illnesses among the children were mainly due to exhaustion resulting from the length of the working day.

The child garment workers were also better off nutritionally than other groups. Their food consumption was greater than that of children working in other occupations, and was greater for children working outside the home than for those within. Half the child garment workers, for example, had rice for lunch, whereas none of those working elsewhere did, and only one child at home did. Similarly, the quality of food, in terms of the proportion of meat or fish in the diet, was much higher among child garment workers than among children working elsewhere or at home.

But given that garment manufacture is the sole industry in Bangladesh offering comparatively secure and high-status employment to women and girls, it is possibly the social disadvantage engendered by dismissal that has had the most serious and long-term consequences. Women and girls have had to fight social stigma to be in garment production, and the work brings them both money and status. Leaving the home and working with others enables them for the first time to establish firm friendships: for many girls this is as



important a consequence of their employment as their earnings. They are also proud to be able to contribute financially to the domestic economy, paying the rent, assisting with a sister's wedding and dowry, or paying for a brother's schooling.

These changing roles and attitudes threaten conservative values, and one quarter of the girls who had ceased working in the factories without dismissal did so not by choice but because of family pressure. Many parents were worried that factory work would tarnish their daughter's reputation, especially if she had to work night shifts. In effect, the dismissals merely strengthen the hand of those opposed to women working outside the home.

Confirming these concerns, the research shows that the proportion of females in garment work is falling, from 79 per cent of the total in 1990 to 61 per cent in 1993. This decline could be partly the result of growing employer preference for men as the industry matures and the demand for skilled labour increases: gender preference in Bangladesh identifies men as more effective at skilled work. It could also be due to the particularly high concentrations of girls among the dismissed children. Another likely factor is that the children's removal from the worksite has forced their mothers to depart as well because they cannot leave their young daughters unattended at home.

As the rapid dismissals began to affect many thousands of children and their families, both national and international reactions were ignited by concern for what the social impact would be of so abrupt and massive a change. It was clear that some sort of ameliorative action would be required, but what should it be, and who should be responsible for it? Discussions between BGMEA, the Rotary Club, UNICEF and NGOs generated the idea of a social fund — capitalized from a small percentage of profits earned by both exporters and importers — to benefit both the children who had been dismissed and the children of adult garment workers. Because of formidable operational problems that became evident when the idea was explored, progress on it was slow. However, a national Child Labour Working Group was formed, involving BGMEA, the Department of Labour, key NGOs, ILO and UNICEF, among others. It had the aim of developing an appropriate and coordinated response to the issue of child labour nationally, and one of its committees began looking into pertinent issues such as non-formal education for working children, data and statistics on child labour, monitoring and regulation of child labour, and the identification of underutilized private and public facilities that could be accessed by working children.

In thinking through what can and should be done, Bangladesh was fortunate to enjoy the singular advantage of successful and well-developed NGO experience. One example is the Underprivileged Children's Educational Programme, among the world's largest schemes for urban child workers, catering to the educational and vocational training needs of some 16,000 children. One of the most internationally known and acclaimed basic education and anti-poverty programmes run by NGOs anywhere is the Bangladesh Rural Advancement Committee (BRAC), which began in the rural areas of Bangladesh and has recently expanded to include urban activities as well. The open question is how well and how quickly the unique private-sector resources of NGOs, industry and trade unions can be mobilized, together with government interest and investment, for dealing with the problem.

BGMEA had earlier committed itself to have dismissed all child workers from the garment sector by the end of October 1994. However, growing concern by it and other organizations for the welfare of the children involved led to a general agreement to substitute rapid dismissal with a phased programme aiming to ease children into more suitable activities. This effort received some incentive from a petition, signed by approximately 100 child garment workers and published in the press, pleading for alternatives more humane



than mere dismissal from work, upon which they relied for survival. That petition said, in part:

Our fellow young workers who were terminated from the garments industry in the previous months have either become child prostitutes or brick breakers or garbage collectors and so on ... . Now it is our humanitarian appeal to all of you to allow us to continue our light work for 5-6 hours a day and give us an opportunity to attend school for 2-3 hours a day. If you find child workers in any hazardous/heavy work, you may bring them back to light work and you may even stop new recruitment of young workers in the garment industry, but don't throw away on the street those of us who are already involved in some kind of light work ... .

BGMEA and two large NGOs agreed on the general outlines of a joint programme to provide basic education for younger children, and a combination of training and limited work for older children, in accordance with international standards. BGMEA pledged to re-hire all displaced underage workers provided that they had (a) received a minimum basic level of education and (b) were of the legal age (this is, 15 years and above) for employment. This approach effectively linked education with future employment prospects. The consensus was that the combination of giving children access to quality and relevant basic education through an NGO-run, non-formal school and the promise of re-employment would be sufficient incentive to keep children in school. This programme, which sets concrete milestones for a two-year process, gained the adhesion of organized labour groups who had pressed for dismissal of child workers by October 31, and it received promises of support from UNICEF and ILO. The announcement of this accord was widely publicized in Bangladesh and internationally.

### **Discussion**

The Bangladesh case clearly indicates the power that trade sanctions can have in effecting change and how quickly the private sector can take action on child labour issues when it is so motivated. One can legitimately wonder how much would have been done to deal with the problem had negative incentives not been present. Perhaps the key question raised by the use, or threat, of sanctions is how to apply and respond to them in positive, well-planned ways that benefit the children involved.

The case of Bangladesh clearly warns against simplistic, a priori assumptions about children in the workplace, and against taking action without anticipating its effects on the children involved. It also cautions against treating child labour too narrowly — merely as a violation of labour standards — rather than as a complex problem having various facets that must be treated simultaneously. The cost of excessive narrowness, this case suggests, can be needless injury of the very children that national or international action against child labour is intended to protect. This happened in Bangladesh because the child employees were perceived simply as underage workers, their special needs and circumstances as children being disregarded by both the international and Bangladeshi actors who orchestrated their abrupt dismissal. It is interesting to note from this case that creative, humane employer and NGO efforts to deal with the child labour issue already existed and could have been built upon, easing children in a sensitive way from child labour to education. The precipitous rush

to action, born out of fear of losing a major export market, neglected these gentler and longer-term solutions so near at hand.

Radical solutions may not be the best ones. The Bangladesh experience suggests, for example, that one viable transitional option might be to reorganize some work now done by children into limited light work that can become an integral part of an educational and vocational training programme consistent with national and international standards. Such an approach might address the poverty problem seriously while also promoting the protection and development of the children. It is also in line with what firms and NGOs already have tried with some success.

The Bangladesh experience strongly suggests that abolishing child labour in the export sector alone will have no effect on the far larger problem of children working for the domestic market or in services. It may, rather, simply push the problem into other areas of the economy, including some even less suitable for children and less visible to outside monitoring. To deal effectively with child labour, a nationwide rather than a sectoral approach is necessary.

A nationwide approach requires, however, a firm social commitment to establishing viable economic, educational and cultural alternatives to child labour. It is likely to be successful only if it is conceived and implemented within the context of a general social commitment to the overall protection and development of the nation's children, making use of the various services thereby implied. It would appear, for example, that the reduction of child labour in Bangladesh is necessarily contingent on the expansion and reinforcement of the education system, whose defects clearly fuel the flow of children into the workplace. Certainly one of the first steps would be to make basic education financially accessible to all children of the poor. Likewise, serious gender discrepancies have to be addressed. More appropriate means than garment factory work are needed to facilitate the traditionally acceptable socialization of girls into modern life, and young girls should not have to work in order to pay for the education of their brothers.

## **VI. CONCLUDING REFLECTIONS**

Although the four country cases described in the preceding sections are too partial and preliminary to generate firm conclusions about the most practical strategies for attacking child labour, they do open a valuable window on important current experience. Through that window, it is possible to perceive certain trends and issues, and to reflect on some of their broader implications. The following discussion raises a few selected points for further consideration. These are issues that may deserve increased attention through follow-up research into the above programmes or assessments of other experiences.

The introduction to this paper posed three critical issues that must be addressed by any country wishing to eliminate the workplace abuse of its children: how to confront the poverty element in child labour without using it as an excuse for inaction; how to deal with the dispersion of child workers so as to reach those most needing assistance, no matter where they are; and how to choose and implement strategies that will most help the children they reach. This section revisits those questions in the light of the preceding case studies, noting a few implications of the country experiences described.

### **Confronting the Poverty Issue in Child Labour**

The main strategic question here is how to deal realistically with the fact that most working children are from very poor families, and that simply removing the economic contribution of children can in many cases leave the family and the children themselves in worsened straits. The case studies suggest that developing countries can achieve significant progress against child labour even while accepting and operating within this reality. Accordingly, they focus their action on those children at significant risk and on kinds of work known to imperil child welfare and development; they simply do not waste time and effort pursuing child work that is innocuous or socializing. The prevailing view seems to be that, although poverty might dictate the need for some children to make an economic contribution to their family, it cannot justify placing them in kinds of work that jeopardize their lives, safety, or physical and psychosocial development. That is where the line is drawn and action is mobilized. This strategy has the advantage of making investments against child labour more efficient by concentrating scarce resources on the most urgent and serious cases.

Field workers tend to cite another advantage to this approach, one that is of considerable concern to governments and others who must maintain public trust. Focusing effort on those kinds of child work that entail significant risk avoids erosion of public credibility that can result from enforcing prohibitions on work whose detriment to children cannot be demonstrated. Public credibility must be cherished because it is essential for any agency hoping to make progress against child labour. The way in which child labour is presented and explained to the public often determines popular response to it. Many have found it more productive to persuade families and communities to protect their children against work-related dangers than to try convincing them of the comparatively abstract proposition — in various societies contrary to social norms of good parenting and family solidarity — that all work below an arbitrary age is wrong. Because it allows some flexibility for the household struggle against poverty while insisting on the elimination of work detrimental to children, the practical differentiation between harmless and detrimental child work has become common; for purposes of setting policy and programme priorities, ILO has made such a distinction since at least 1979.

The Bangladesh experience illustrates another reason for approaching the work of children within its broader economic and social context. In that case, defining child labour narrowly as only a minimum-age violation elicited a simplistic response — abrupt dismissal from work — that only increased the exposure of children because it ignored the vital links between their work and their economic and social welfare. When a broader perspective was subsequently applied, attention was immediately drawn to specific actions that would support the permanent elimination of child labour in ways that were good for children and that would change the economic and social conditions feeding the child labour problem. The case also suggests that creative solutions acceptable to children, families, workers' and employers' organizations, government, and child advocacy and service groups can indeed be found. This seems a fertile third option to either ignoring child labour on one hand or, on the other, to draconian measures that can leave children at even greater risk.

### **Achieving Coverage**

The Kerala case convincingly illustrates the unequalled capacity of school systems, when well structured, to reach virtually all children. This advantage is in addition to the intrinsic value of education for the development of children. Even if only for its ability to keep young

children out of the labour market and in basic education for a part of each weekday, a school-based strategy merits serious high priority among national efforts to reduce child labour. But schools can be used for much more. Through them, the well-being of children can be monitored — with special attention to signs of distress owing to work — and useful information about the dangers of child labour provided to students. It is sad to note, however, that schools serving the children of the poor often fail to maintain a level of organization and competence that attracts these children or even merits their participation. All over the world, children report that they must work to pay the cash costs of attending school, typically uniforms, transportation, books and supplies, and sometimes even tuition supplements. They also widely report being discouraged by the poor quality of education they receive, dropping out in favour of work, which they consider to be a better use of their time. It is clear that, in many countries, the first contribution that education can make to the reduction of child labour is to stop being itself a large part of the problem.

In programmes targeted specifically on child workers, the preceding cases suggest, local government and community organizations are of critical importance in identifying and reaching working children. They are generally perceived to be most knowledgeable about the specifics of local conditions and to be most directly concerned about the particular children and families involved. They also tend to be more pragmatically innovative and resourceful in devising solutions. The local advantage is especially great in monitoring working children and identifying those most at risk.

Community involvement in protecting working children is also essential because, in most developing countries, national labour inspectorates typically lack the staff, funds, transportation and mandate to carry out direct monitoring of the places where children most frequently work, which are in rural areas, homes and the informal sector. Extending traditional inspection systems beyond the urban formal sector, where their activities are usually concentrated, to cover widely dispersed child labour sites as well implies vast new resources that can seldom be realistically expected. Nor is it certain that the results would merit the expenditure. Communities and non-governmental groups are often better situated to initiate and maintain vigilance against the exploitation of their own children. However, as the Brazil and Philippines cases imply, that vigilance may be best promoted through cooperation in which government helps promote and support local initiatives.

This means that action strategies successfully achieving wide coverage probably must find practical mechanisms for incorporating local governmental and non-governmental organizations. The problem is how to do this systematically and with some sense of public accountability. Brazil's solution of legislating a system that specifies in considerable detail the processes of cooperation between local government and civil society may or may not be generally applicable elsewhere, but it is a strategy that deserves serious consideration.

### **Choice and Implementation of Effective Strategies**

Taken together, the four case studies suggest that eliminating child labour in developing countries requires the creation of a broadly based social constituency. Mobilization of such a constituency for greater protection of children from workplace abuse usually entails changes in what society has traditionally thought to be the proper role of children in their families and in society. This does not apply only to developing countries; it was also the historical experience of industrialized countries, in which changing ideological views about the social nurture and protection of children, along with economic and social changes, played a critical role in the decline of child labour.

Even though the effects of poverty may impel developing-country children to engage in work, it has long been clear that other factors are important determinants of whether those children work in tasks or conditions that are detrimental to their health, safety and development. Tradition — the way of doing things that has long been accepted by society as 'normal' — has a great deal to do with whether and how children are protected by their communities and governments as well as by their families. How employers, civil servants, policy makers, religious leaders and others regard the role of children in work is a critical part of the overall cultural context which either tolerates or rejects the exploitation of children. Some societies, for example, that do not tolerate grievous abuses of children (such as bonded labour) are poorer than some other societies that do.

The preceding cases suggest that the elimination of child labour may ultimately depend on changing existing social attitudes and expectations about how children should be raised and protected, and their potential developed. This in turn implies that successfully protecting children against abuse in the workplace is above all a task of cultural change, although it certainly has important legal, economic and political aspects that also demand attention. Success depends on enlisting the understanding and participation of whole societies — and not just their governments or industrial sectors — in changing child labour behaviour at its very roots. The virtue of a strategy attacking child labour at its cultural roots is that it forces activity and information down to families, employers, communities and local government, which is where decisions are made about whether and how children will work, what conditions will prevail, and what will be done for their protection. Lest the goal of cultural change appear too ambitious to be realistic, it is worth noting that at least Brazil and the Philippines are convinced that the attitudinal and behavioural changes they aim at are indeed possible and in the process of occurring. It is worth noting that both these countries make major use of the mass media, local organizations, non-formal education and other means for getting new information and values to local communities and households. The Kerala case in India clearly demonstrates that even a poor state without outside support can build a popular culture that demands and expects the universal education of all children, which helps protect them against workplace abuse.

The passage of the Statute on Children and Adolescents (ECA) in Brazil is both a result of cultural change processes already in motion and a vehicle of their future continuation. Quite interestingly, it illustrates how legislation might be creatively used to change culture. It does this by forcing discussion and implementation of national objectives for the protection of children right down into the everyday responsibilities of local government and non-governmental institutions. It provides policy objectives with social roots, wielding the law less to penalize violations than to empower active protection, making legislation a key instrument of social mobilization.

Like the other cases, Brazil's experience underlines the importance of social mobilization without insisting that it be aimed directly at child labour. Taking a cue from the Convention on the Rights of the Child, it has integrated child labour into a broader concern for child rights, and has established an institutional framework that ensures that the whole child **must** be regarded, thereby making child labour much more than a mere work issue. In a similar vein, the Philippines insists on the importance of perceiving and treating the child holistically. The fact that Bangladeshi girls dismissed from the garment industry gravitated into work even less suitable for children illustrates the serious social distortions that can result from not recognizing the broader needs of children.

### **Looking Towards the Future**

Over the last ten years, an increasing number of developing countries have begun to focus considerable effort and creativity on dealing with child labour problems. As this experience expands and matures, what is learned along the way will tend to stimulate new discussion about current ideas, concepts, assumptions and ways of doing things in the light of evolving realities. As mentioned previously, one of the new realities is the Convention on the Rights of the Child, which, now ratified by nearly every developing country, already exerts a strong global influence on child protection legislation and practice. Among its various provisions, it introduces a new general standard to govern actions taken by States Parties in regard to their children, which is "the best interests of the child" (Article 3). It is far from clear how this vague new criterion should be applied to child labour issues, but the question has already been raised from various quarters and must be addressed.<sup>36</sup>

As developing countries accumulate valuable experience in combating child labour, it may be that the instruments first forged long ago in industrialized nations — such as the minimum-age criterion, compulsory education and labour law enforcement through a public-sector inspectorate — can be beneficially complemented and refined by what has been found to work well under today's conditions in developing countries. The experience from places where child labour is increasingly concentrated may well be the richest source of more effective methods for fighting the problem in the conditions of those countries. As the focus on the world's most serious child labour problems has passed from industrialized to developing countries, much of the practical wisdom about effective strategies and mechanisms for combating the workplace abuse of children in these newer settings must emerge from the crucible of experience there. The richness of the above cases suggests that this experience should in the future be systematically followed and studied for all that can be learned from it.

## NOTES

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19. A 1987 evaluation of the Alternative Services for Street Children Project calculated that it had by that time assisted several hundred community programmes and trained over 7,000 individuals in the planning and implementation of services for working and street children. There was no way to estimate the network contacts and mutual assistance that did not pass through the Project Office.
20. Unpublished internal evaluation.
21. Myers, W., op. cit., p. 141.
22. Translation from the Portuguese by the authors.
23. From this point forward, the description of ECA and of the immediate events leading up to its passage draws primarily on Gomes da Costa, A.C., 'The Statute on Children and Adolescents and Child Labour in Brazil: Background, Present State and Prospects', International Labour Organisation, Geneva, 1994. Opinions about its problems and future prospects are mostly those of the authors.
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