

**Child Labor:  
The Failures and Flaws of Global  
Regulation and New Debates about  
Children and Work in the Global  
South**

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# Introduction

- International organizations take a strong line about taking children out of the work place and, particularly, protecting them from 'exploitative and dangerous work'.
- The SDGs now include targets such as promoting decent work for youth and ending child labor in all its forms
- Generally accepted that this is a moral and normative debate
- No agreed theoretical approach to child labor –IPE, forced labor, ethnographic approaches, economics

# My focus: rights and regulation

- Rather than looking at the drivers, my focus is on the response (international organizations, states, communities)
- What do human rights mean in relation to working children?
- What does/should rights-informed governance of children and work look like?
- Where is/should child labor governance be located?
- Can we talk about 'working children' tout court?
- What kinds of work, by whom and where is/should be regulated? - what do we see when we see 'child labor'?

# Today

- What do the changing structures of global power herald for the global child labor regime?
- The debate about the rightness or wrongness of global edicts on child labor is increasingly shifting to the Global South itself: what does this signify for regulation of child labor?
- The debate cannot be understood simply as a question of the West versus the Rest. It is also a debate within the very different countries, cultures and economies that make up the so-called the 'South' about values, well-being, the family and the household, and the meaning of human rights.

# Issues

- A brief account of the global regime on child labor and the principles that underpin it.
- The challenges from the 'rising rest'
- The debate in (parts of) the Global South: Latin America
- Two opposing framings of child labor: 'deviant compliance' with the global norms on child labor in Bolivia, and a radical 'hyper-compliant' endorsement of ILO policies in Argentina.

# Contentious Framing of Child Labor

- Regulation of the social world, not just the political world
- The ILO position reflects unspoken assumptions about the nature of work: labor should be formalized, unionized, regulated and monitored
- What does 'work' mean in the context of childhood and the global South?
- The debate about whether children should work bleeds into frequently unarticulated assumptions about the 'good' family. According to the economists who have traditionally dominated studies of child labor, children work when parents take decisions, often out of need, to maximize household income. Children work, in other words and put crudely, because they have to and because their parents make them
- Is children's work free or unfree work?

# Embryonic Global Regime

- Centered on and managed by the ILO, it received a major boost in the high period of global liberalism in the 1990s.
- The minimum age Convention (C. 138) 1973
- IPEC 1992
- The 'worst forms' of child labor (C182) 1999
- World Day against Child Labor 2002
- Hague Roadmap, 2010

# The 'Rising Rest'

- ILO activism led to greater public awareness and new campaigns about child labor ('slavery stitched in the fabric of my clothes'; children in the extractive industries)
- Global governance as maintaining Western power in the face of rising challenges (Escobar)
- Economic arguments
- But no unified critique of child labor regime from the Global South

# Divisions with the Global South

- At least four 'Souths' that are significant in the child labor debate:
- Radical Islam and its forceful restatement of traditional gender roles and frontal critique of the West;
- Asian and Chinese capitalism and its critique of 'Western' human rights;
- Alternative interpretations of well-being, development and community life; and
- Middle income countries from the Global South that identify with, and seek to lead, the global spread of ideas associated with the European Enlightenment.

# Meaning?

- We cannot continue to frame the child labor debate either as being about the West vs. the global South, since this issue also divides governments and societies within the global South, and sometimes at the national level, in essential ways – governance challenge?
- Limited insight from an insistence on children's agency vs. adult impositions of what is 'right' for children, since who speaks for children and which children speak in the global South shapes what we hear.
- The complexity of the child labor issue demands differentiated, pragmatic and negotiated responses at the regional, national and local level.

# Bolivia: Alternative interpretations of well-being

- New Children's and Adolescents' Code (Law 548), 2014
- Recognizes child labor as exceptional but allows children to work from 10 years of age for self-employed children and 12 for children who work for others, providing it is authorized by the national Child Ombudsman Office.
- Several NGOs, including Human Rights Watch (HRW) and Anti-Slavery International (ASI), have condemned the new Code.
- The policy has also been denounced by the ILO's Committee of Experts on the Application of Conventions and Recommendations as a violation of the Minimum Age Convention (C.138)

# Argentina: Exceeding ILO Recommendations and the Mantle of the Enlightenment

- In 2008, the minimum working age was increased from 14 to 16
- Government unit created to protect working adolescents was created (Law 26.390).
- Criminalization of the employment of children in 2013 (Article 148bis of the Penal Code), making it punishable with up to four years in prison, the only exceptions being parents and guardians.
- More than a symbolic act, the law is intended to have teeth: between March 2013, when the reform was approved, and August 2014, the Ministry of Labor has brought 105 cases against employers of children (63.3 per cent in the trade and service sector and 20 per cent in rural labor), although none has yet reached a definite judgment.

# What do the cases mean?

- Deeply contentious issue, within the Global South
- In Bolivia, the debate divides both government and civil society
- The ambiguous role of trade unions and adult workers
- In Argentina, the pro-legalizationist voices (such as they were) were silenced after the economic collapse of 2001
- National response in Argentina to rising migration of young workers from elsewhere in Latin America is to insist that they are socialized into Argentine 'values': the idea that children should be in school not on the streets that dates back to the early years of the twentieth century when Argentina faced a similar influx of impoverished young people from Europe

# The complexity of children's voices

- The idea that we simply listen to the voices of working children can have its problems.
- Which children speak? The politics of voice mean that some people are heard and others not; in the case of Bolivia and the NATS who are close to government got a hearing and alternative voices did not (girls in particular).
- What work do the children who speak do – what counts as ‘work’?
- Children form opinions in the world they live in: the decisions they take make sense in that world. But the point of progressive policy-making is to also to change that world and to challenge the options children have.
- In earlier research on children who worked on the streets in Minas Gerais in Brazil many working children voiced aspirations for careers beyond the street

# Conclusion

- This is no longer, if it ever was, about the West vs. the global South. It also divides governments and societies within the global South
- Incorporating, but going beyond, children's agency vs. adult impositions of what is 'right' for children
- Seeing the whole picture of children's work – what does that imply?
- The debate should not really be a stand-alone debate at all: it should be recognized as one part of a much bigger, long-term quest for decent work, quality service provision, universal welfare and high quality education (which is as much as taxation and state capacity as about the place of children in society)
- What research is required on child labor – linking the ethnographic with governance and policy debates.