

ILO IN CHILD PROTECTION: ANALYSIS OF INTERNATIONAL LABOR ORGANIZATION'S EFFORTS IN COMBATING CHILD LABOR

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ABSTRACT

The international Labor Organization (ILO) was established as part of the Peace Treaty of Versailles in 1919. As an international institution ILO is mandated to set labor standards and this role is justifiably defensible especially in light of its unique tripartite structure. It is believed that ILO is the only UN Agency that brings together and provides a platform for employers, government, and worker representatives. In tripartite consultation, governments, workers, and employers contribute voluntarily to the labor standards development and protection of rights of workers through dialogue. The ILO's efforts in elimination of child labor in all its efforts has not enjoyed the academic limelight despite the fact that as an international organization it is well known and its activities have been widely publicized on its website. This paper is an attempt at closing the gap existing between ILO's efforts in child labor elimination and the serious academic discourse of the efforts. With a critical analysis of official reports from its activities and projects, the paper offers a unique contribution in child labor literature by tracking the ILO's efforts across the time and globe.

KEYWORDS: International Program on Elimination of Child Labor, Child labor, International Labor Organization

1. INTRODUCTION

The international Labor Organization (ILO) was established as part of the Peace Treaty of Versailles in 1919. As an international institution ILO is mandated to set labor standards and this role is justifiably defensible especially in light of its unique tripartite structure. It is believed that ILO is the only UN Agency that brings together and provides a platform for employers, government, and worker representatives. In tripartite consultation, governments, workers, and employers contribute voluntarily to the labor standards development and protection of rights of workers through dialogue.¹ With ILO Protection of children suffering from war and exploited in factories was an important component of realizing social justice and peace.² This is why right from its inception child protection has been one of the major ILO's objectives. It is no wonder then that one of its first duties was to adopt child labor international standard—Minimum Age Convention no.5—and one of its concern was to eliminate child labor in all of its forms. Child labor has been classified as the children's work which is in its nature or intensity detrimental to the children's schooling, and harmful to their health and development. It is concerned with children who are denied their future and childhood, who are working at a too young age, for long hours and low wages, those working in conditions that are detrimental to their health, physical, and mental development.³ The ILO's emphasis on child protection particularly of eliminating child labor has been reconfirmed throughout the years, for instance, through the *Declaration on Fundamental Principles and Rights at Work and its follow-up* in 1998, and in 1999 by adopting Worst Forms of Child Labor Convention (no.182). Marianne Dahlen⁴ has observed that the role of ILO in protecting children has been accorded little attention in scholarly writings. It is against this background that the present paper seeks to contribute to the pool of knowledge and offer highlights on strides ILO has made in the realm of child protection, especially in eliminating child labor. It is the thesis of this paper that ILO has significantly contributed to the fight against child labor across the world. The fight is replete with success stories as well as failures that need to be addressed in order to achieve the objective of eliminating it in all of its forms. The essay will tackle on policy interventions and some projects that continue bearing fruits in the fight. It has to be noted that this essay offers an introductory discourse and it therefore does not describe in detail the achievements and failures, comparing the countries meticulously. This is an airplane view of the role of ILO in eliminating child labor.

2. DISCUSSION

2.1 LEGISLATIVE FRAMEWORK

First and foremost, ILO has successfully assumed and maintained a leading position in setting international labor standards. Although legislation alone will not eradicate child labor, it is equally impossible to eliminate it without effective and adequate legislation.⁵ A solid legislative framework translates the principles and aims of international standards into domestic law, formalizes state's obligations in protecting its children, sets out specific responsibilities and rights, and provides sanctions for violations and legal redress for the injured party. Indeed, there is a strong linkage between ratifications of international legal standards and reduced child labor incidence.⁶ Consequently, ILO has developed several international child labor standards including the Minimum Age Convention, 1973 (no. 138), Declaration on Fundamental Principles and Rights at Work, 1998 and the Worst Forms of Child Labor, 1999 (no. 182). With India's

ratification to Conventions no. 182 and no. 138 in 2017, almost children in the world are now covered by Convention no. 182 and almost 80% of children in the world are covered by Convention no. 138.⁷ Nonetheless, ratification is a mere stunt of commitment that needs to be translated into action for it to be effective. Consequently, these international legal standards need to be transposed into national legislations and policies. Consider the Table 1 below which shows the progress in transposing international standards into national laws and solid polices, by region between 2004 and 2014.

Table 1:Progress in transposing international standards into national laws and policies (Source: ILO)

Region	Establishment of legal frameworks based on the International Standards on Child Labor		Development of national policies & programs to combat child labor		Inclusion of child labor concerns in relevant development, education, social protection, and other social policies and programs	
	Number of countries	Number of laws	Number of countries	Number of policies, plans & programs	Number of countries	Number of policies, plans & programs
Africa	23	47	22	62	20	60
Latin America	16	90	15	129	12	65
Asia and the Pacific	11	31	10	56	11	52
Central Asia, Eastern Europe & Arab States	9	26	10	32	13	34
Total	59	194	57	279	46	211

It can be observed from the Table 1 above that ILO international labor standards have impacted greatly the national legislations, programs and policies in combating child labor. During the captured period of 2004 to 2014, total of 59 countries developed, updated or revised their national legislative frameworks which impacted a total of 194 laws, while 57 countries had their 279 programs, plans and policies affected by the international standards. This integration of child labor into national development priorities is of great importance in achieving child labor reductions. Despite the significant progress in development of national legislations, there are challenges that are facing the process.

First, the challenge of developing effective legal and policy framework at national level persists. It is reported that out of 170 member states that ratified the Convention no. 138, 44 pegged the age for completion of secondary education at a higher minimum than the admission for employment minimum they stipulated on the ratification.⁸ This means that children in those countries are permitted to enter employment before they are permitted to finish their secondary education. Similarly, many countries are staying behind in honoring commitments made on ratifying Conventions no. 138 and no. 182 to review or adopt the lists for hazardous work that is not permitted to people under the age of 18. Another challenge hinges on effective monitoring and enforcement of child labor laws. It is believed that most workplace systems for inspection are weak due to resource constraints and technical capacity. This problem is exacerbated by the lack of the inspection systems especially in informal workforce where child labor is rampant. Additionally, most countries' legal infrastructures do not align with the other fundamental labor rights such as the right to collective bargaining as well as the freedom of association. This is worrisome for violations of labor rights are closely connected to child labor. This is easy to see considering that some of the ILO's labor standards such as the Declaration on Fundamental Principles and Rights at Work and its follow-up 1998, are forerunners of children and human rights.

2.2 DECENT WORK FOR ADULTS AND THE YOUTH OF WORKING AGE

A secure, decent and properly paid work for youth of working age and adults is the cornerstone of tackling child community and family poverty. This is significant since child labor is prevalent where youth of working age and adults cannot have access to their rights to decent work and where there is failure of social protection to close the gap of poverty that has been created by unavailability of decent work.⁹ This is why ILO focuses its efforts on the rights of working people, whether in the informal or formal sector to exercise their right to collective bargaining and freedom of association. The relation between child labor and decent work is very close. Adults and youth of working age that are earning a fair income, their work is secured and are socially protected. As a result of this security, they do not resort to the vice of child labor to meet their economic uncertainties. Additionally, greater opportunities in decent well-paying work strengthens the reality of education potential to unlock such potentials. As a result, people invest more in children's education for greater future satisfaction other than engaging the children in child labor. Additionally, low skilled labor which tend to employ people with low level education tend to increase the demand for child labor, which really is the cheap labor in most cases, at least in the short run. The employers in these sectors tend to think that cheap labor means high economic returns. This however has proved to be false, at least in the long run.

It is no wonder then that ILO embarked on policy to promote decent livelihoods especially in the rural economies. The rural emphasis is based on the fact that the majority of children in child labor, 71% globally and 85% in the African

region, work in agriculture.¹⁰ It is believed that many children work alongside their parents in less paid farms and the greatest part of children work in unpaid family enterprises and farms. When the rural livelihoods have been promoted, the family's dependence on the child labor is reduced and the farms are able to hire adult workers to replace the children. Since most of these farms and enterprises are categorized as informal sectors, the ILO has set out to address the informal economy. There is a renewed focus on informality as this is inimical to decent work for all. This focus is achieved through the recently adopted ILO international labor standard, Transition from Informal to Formal Economy Recommendation, 2015 (no. 204). Truly, the focus on the informal sector is reasonable since these sectors are characterized by high concentration of child labor and workers in these sectors are mostly denied their rights to collective bargaining and freedom of association, they have no sufficient opportunities to quality work, and have inadequate social protection. These factors make them even more vulnerable to exploitation. Additionally, it is recommended in the Recommendation no. 204 that there has to be minimum wage protections to informal workers through formalization process. This helps to strengthen the system to effectively address poverty and inequality and consequently promote decent work.

2.3 SOCIAL PROTECTION

Further, social protection systems are important elements of policy responses to prevent and reduce poverty and eliminate child labor.¹¹ Poverty suffocates ability of a household to postpone involvement of children in work and invest in their education. This is why poor households are likely to resort to child labor to meet their basic needs at the expense of their children's education. Exposure to shock such as illness, injury or job loss of a breadwinner affects households' decisions related to child labor. In absence of good coping strategies, households will have no choice other than resorting to child labor. It is for this reason that the social protection systems become handy. It is well documented that poverty forces most households to rely on child labor to meet their needs. It is also documented that child labor is used to mitigate various shocks encountered. For example, in Cambodia and Tanzania, child labor is relatively higher in rural areas experiencing agricultural shocks such as drought, crop failure and flood; and in urban Brazil shocks such as loss of employment has been linked to increased likelihood of school dropout and child labor.¹²

This evidence dictates the need for policies and actions that help alleviate economic vulnerability of households. ILO has impacted a great deal on cash and non-cash transfer targeted at families with children. These cash transfers lower the prevalence and intensity of child labor and help alleviate economic shocks that may force children into work. Although the cash transfer programs are vital, they alone cannot eliminate the child labor. Since, it is the children from poorer families that have responded favorably to the cash transfers than wealthier children, it is important to ensure that poorer children and families are reached effectively. However, there is a need to study more on the impact and sustainability of these cash transfers on children since in Nepal the impacts dissipates after the program phased out.¹³ Other programs that have been impacted by ILO are public works which offer temporary economic relief by providing employment opportunities to adult members of households. Examples of these programs include Malawi's Labor Intensive Public Works Program, Sierra Leon's Youth Cash for Work as well as Argentina's Program for Unemployed Male and Female Head of Households. However, evidence from these programs suggests that they do not contribute to the child labor reductions. Reasons for this observation have not been provided. This similarly calls for more thorough research to understand the link between the program and child labor.

2.4 EARLY CHILDHOOD DEVELOPMENT

Furthermore, ILO has contributed to early childhood development, care, and pre-primary education. The efforts of international community in eliminating child labor and ensuring inclusive and quality education for all are linked. The most effective way of curbing child labor is to improve access and quality of education, especially schooling. The 2016 Global Estimates reported that a large number of students in child labor are deprived of education. Studies also indicate that child labor negatively affect the learning achievements for children who combine work and school leading to these children dropping out of school to join the full time workforce. This is why early childhood development, care, and pre-primary education is vital. This is because it ensures that children transition smoothly from early childhood to school as opposed to from early childhood to work. In Cambodia availability of preschool facilities has been associated with children's lower rates of involvement in economic enterprises and attendance in schools has been increased. In Uruguay, preschool attendance has been linked to higher likelihoods of completing primary and secondary education by reducing repetitions and drop outs.¹⁴ These programs can be effective in improving school attendance and later life particularly for children who live in low income households or in poverty.

Moreover, another policy approach on education is on reducing direct and indirect schooling costs. Higher school fees and items such as uniforms and textbooks make school to be unaffordable for most people who live in poverty and they tend to resort to child labor as an alternative to schooling. In Tanzania and Ghana 40% and a third of children who have never attended or have dropped out of school cite high costs or distance as barriers responsible.¹⁵ This is why evidence suggests that elimination of school fees at the onset of millennium contributed to an increase in school enrollment especially in Sub-Saharan Africa. Indirect costs on the other hand include the economic opportunities foregone arising from studying instead of working. This economic incentive has been off-set by conditional cash transfer schemes that provide cash transfer on monthly basis to households on condition that their children attend school. Similarly, in-kind transfers such as school feeding programs have been reported to reduce the child labor. A study in Bangladesh's Food for Education has



been cited as an example with direct impact on reducing child labor. Additionally, ILO has developed policies on extending school access. This is important because there is large body of evidence suggesting that improved access to education reduces child labor especially for girls.¹⁶ Long distances to school raise transport costs and increases time constraints on children leading to increased economic costs of schooling. Where schools are too far, more children will drop out especially girls as parents will also be concerned by their daughters' safety. People in rural areas drop out of schools due to unavailability of secondary schools in their areas. Such absence of secondary schools leads to primary school children work rather than attend schools as there are no prospects of continuing further with their education once they graduate from primary schools. This argument is strengthened with the fact that in most case it is after secondary school that education starts bearing fruits of investments.

2.5 INTERNATIONAL PROGRAM ON ELIMINATION OF LABOR (IPEC)

ILO has developed and implemented the International Program on the Elimination of Child Labor (IPEC) apart from developing international labor standards.¹⁷ IPEC was established in 1992 and is operating in 90 countries. Its main objective is eliminating child labor and it employs international labor standards and technical cooperation projects. This program provides support to countries at different levels of their responses to child labor. IPEC projects support policy frameworks at national level through which comprehensive programs for child labor elimination are designed, developed and promoted. Through its Statistical Information and Monitoring Program on Child Labor, ILO has supported over 300 surveys on child labor. These surveys enable ILO to publish its global estimates. It is this effort that has also made it possible for ILO to collaborate with other key partners such the World Bank, and United Nations Children's Fund (UNICEF) through the inter-agency Understanding Children's Work (UCW) program. Due to this program, countries are able to access the information on the extent and nature of child labor upon which to plan and act.

There are specific interventions by IPEC programs to curb child labor in its varied facets. IPEC has supported the formation of International Partnership for Cooperation on Child Labor which has involved several agricultural organizations aiming to develop partnerships in combating child labor in the sector. IPEC has also assumed a frontal row in international efforts of eliminating child labor in cocoa and tobacco farming. In domestic child labor, IPEC is involved in bringing this vice in light by withdrawing and rehabilitating those trapped in slave-like scenarios or working below minimum age of employment. On children in armed conflicts, IPEC has developed skills and education training activities in Colombia, Central Africa, and the Philippines which are aimed at preventing recruitment of, withdrawing and reintegrating former child soldiers. ILO is now the lead agency in reintegrating the older children. What exactly has the IPEC programs achieved? Well, there are direct actions in protection, prevention, recovery and reintegration of millions of children. Between 2008-09 more than 52 million children benefited from the project's activities such as income generating activities, informal and formal education trainings, and policy development and legal reforms. IPEC has also generated a broad base knowledge on child labor specifically leading in research into benefits and costs of child labor elimination and knowledge on steps to be taken to eliminate it. Additionally, IPEC is the ILO's largest technical cooperation program attracting significant amount of donor support of up to \$60 million from up to 30 donors.¹⁸ IPEC has also developed a range of technical tools and useful frameworks to help efforts of combating child labor. The numerous tools produced by IPEC include training manuals and policy guidelines in sectors such as agriculture, hazardous work, child domestic work and mainstreaming child labor into development policies and programs.

2.6 CONTRIBUTION TOWARDS HUMAN RIGHTS PERSPECTIVE AND OTHER CONTRIBUTIONS

ILO was founded 25 years before United Nations, before human rights or children's rights as they currently known or before they were established as concepts applicable in international law. However, its minimum age conventions that were developed between 1919-21 were the first legally binding and international instruments relating to children's rights, and amongst the earliest relating to general human rights.¹⁹ This fact was initially unacknowledged even by the ILO itself until after 80 years when it confirmed that many of its Convention instruments are fundamental human rights in the *Declaration on Fundamental Principles and Rights at Work and its follow-up* 1998. Abolition of child labor together with the elimination of all forms of compulsory or forced labor, and elimination of all forms of discrimination in employment or occupation, are the fundamental rights. The human or fundamental rights perspective is a significant milestone not only in child labor elimination drive, but also in the general achievement of social justice drive.

Additionally, ILO has developed and provided a step-by-step guide meant for facilitators with an aim of eliminating hazardous child labor.²⁰ The guide has indicated that governments must take the lead and name a leading person or unit within a Ministry responsible for labor to oversee the determination process of child labor. This leading person or unit is also called a competent authority. It is the responsibility of the government to choose the competent authority since the determination process is the duty and obligation of the ratifying government as such it cannot and should not be delegated to any other person or entity outside it. The ILO has also identified the factors that are contributing to the problem of child labor and they are: Limited legal protections, poverty and social vulnerability, exposure to collective and individual shocks, poor and limited schooling and access to education, limited decent work opportunities and difficult transitions to work, and absence or weak realization of freedom of association and of effective recognition of right to collective bargaining, and of

other forms of social dialogue. Most of these have already been discussed or referred to above, and there is no need to repeat.

2.7 HOW SUCCESSFUL HAS THE ILO BEEN IN TACKLING CHILD LABOR?

The ILO's latest global estimates show that 160 million children—97 million boys and 63 million girls were still in child labor at the start of 2020 and 79 million of those children were in hazardous labor.²¹ These estimates show that the child labor has increased for the past four years by 8 million from the estimates in 2016 which estimated that 152 million children—88 million boys and 64 million girls—were in child labor translating into almost 1 in 10 of all children in the world.²² It is believed that the progress to eliminate the child labor has stalled for the first time in two decades, reversing the trends that were observed in previous years that saw the vice fall by 94 million between 2000 and 2016.²³ Poverty has been named as the leading cause of the continued rise of child labor leading to the fears that COVID-19 may have exacerbated the global child labor figures. Since 2024 Global Estimates report has not been publicized, this is yet to be substantiated or rebuffed. The growing figures of the child labor are disheartening and clearly, child labor continues to be a formidable force which requires more concerted worldwide efforts to arrest it. Although this is the case, evidence also suggests that there have been positive results from the ILO's efforts in eliminating the vice. The global trends mask the positive strides in the fight against child labor in some regions such as Asia, Pacific, and Latin America as well as the Caribbean. In these regions, child labor decreased both in percentage and absolute terms. In Sub-Saharan African, however, child labor has continued to rise both in percentage and absolute terms since 2012. What could be behind the steady increase in child labor statistics observed in Africa? What is it that is working in Asia, Pacific and Latin America which is not being utilized in the Sub-Saharan Africa? What could be done globally in order to address the challenges being encountered in the fight against the child labor? What strategies were employed between 2000 and 2016 that saw the global reduction of child labor? What has changed between 2016 to 2020 that has led to the increased child labor statistics? It is believed that poverty remains and lack of enforcement of international standards are the main culprits responsible for continued rise of child labor figures. However, the fact that the above and other questions could not be answered satisfactorily means that more research studies are needed in order to comprehend and catalogue fully the successes of the ILO in combating child labor. Nonetheless, ILO's strategies in combating child labor globally have proved effective despite the reversed downward turn in the fight against it.

3. CONCLUSION

In conclusion, child labor remains to be a formidable force globally. This continues to be the case despite the fact that there have been multi-sectoral international efforts championed by ILO which are aimed at eliminating the vice. ILO has responded to the problem of child labor in different ways. First and foremost, ILO has assumed a frontal role of developing international standards upon which the member states can adapt, update or develop their national labor legislations. In this standard setting role, ILO has been justified by its tripartite structure that brings representatives from the government, employers and workers together to devise plans, policies and programs that aim to eliminate the child labor. ILO has been instrumental in the fight against child labor in a number of ways: Development and enforcement of international labor standards; provision of social protection services such conditional and unconditional cash transfers and in-kind transfers which are aimed at alleviating the economic hardships and shocks that are experienced by households; development of early childhood programs, care and support since education has proved to be an effective remedy of child labor; development and implementation of IPEC projects; and contribution of human and fundamental rights perspectives to the problem of child labor. Although there have been significant milestones achieved in the ILO's efforts, the progress has stalled especially in the last four years. Continued poverty and COVID-19 have been blamed for the increase in the figure of children that are in child labor. Despite the setback, the figures of children in child labor from the year of its inception, ILO has made very significant progress in the fight against child labor. The progress has also been hampered by the State's lack of enforcement of international legislation. In the end, the essay has managed to track down the impacts and contributions of ILO towards elimination of child labor. The ILO's efforts have been successful although they have been hampered with some setbacks. In the end, the essay has managed to argue that It is the that ILO has significantly contributed to the fight against child labor across the world.

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