ILO Century Project

The ILO setting the terms of the child labour debate

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The struggle against child labour has gone through various phases. During the first phase, starting with incipient legislation in England in 1832, European governments put in place legislation, which was meant to outlaw industrial labour for the very young kids and regulate it for children from the age of 12 onwards. In the second phase, which started after World War I, governments from the developed countries, through the ILO, agreed on an interstatal norm on permissible and impermissible types of employment by children according to specific age categories. Although such norms, which were embodied in ILO conventions, were meant to apply to the entire world, the insertion of developing countries in a global attempt at regulating child labour, through the ILO Convention 138 and 182, came about from the 1970's onwards and received an impetus from around 1990 onwards. This article will trace the history of that engagement and will follow it up with a discussion on the difficulties involved when setting strict norms on a phenomenon ('child labour') which is confronted with definitional intricacies.

A History

Most of the work of the ILO is on the various aspects of adult labour, which are now being covered by the motto Decent Work. Child labour, however, right from its inception, also has been on the ILO agenda.

Even prior to the existence of the ILO, various initiatives had been undertaken on the European continent. Such early initiatives logically followed from the European lead in industrialization. Following the industrial revolution, children, who always had been involved in some form of work in agriculture or in crafts, increasingly became drawn into (large-scale) industrial enterprises in which they were mercilessly exploited. That exploitation coincided with a new notion of childhood emerging from the age of enlightenment and a new moral assessment of social justice.

Despite the increasingly strong public outcry, legal measures and monitoring institutions, were slow to emerge. One the one hand, concern for the plight of the poor until the late 19th century, had not yet become a concern of government policies. On the other hand, unbridled competition was the mainstay of capitalism at that time. As one Dutch early campaigner against child labour exclaimed in a brochure in 1863: "even if many manufacturers look compassionately at the misery surrounding them, and even if many pious and righteous men among them make a honest promise that they also wish to somewhat elevate the poor from their pitiful conditions which they are in, they whisper at you: 'What we would like to, we cannot', there is one who prevents us it and that its name is: Competition" (J.J. Cremer, De Fabriekskinderen, www.uva.uva.nl/dsp/ljc/cremer).

For a comprehensive and sustainable approach, an international regulatory framework was needed. England had taken an early lead in enacting legislation and other industrializing countries followed, but an effective legislation required national entrepreneurs would not be faced by unfair competition across the borders where child labour continued to keep production costs low. 'The diseases involved in social progress, which was essentially international, would tend to destroy the international fabric unless remedies could be applied on an international basis' (Johnston 1924, pp. 17-8)

Various initiatives were indeed applied in the 19th century. Early socialists and social reformers like Robert Owen, Blanqui and Marx took initiatives toward international regulation and the same was done by the Swiss government in the 1880s. Accordingly, the first international conference was held in 1890, but in Berlin rather than in Switzerland. The 14 European countries agreed on resolutions that would prohibit children from working in mines below the age of 14 and in industrial enterprises below the age of 12 (with a limit of respectively 10 and 12 in Southern countries).
The Berlin conference led to the formation of the International Association for Labour Legislation and that association in the following years suggested the formation of an International Labour Office and started to work on the formulation of a binding Convention. After much preparation in which the major European governments took part, a diplomatic conference, assembling in Bern in 1914, accepted the draft convention regulating the work by women and young persons and to prohibit below the age of 14. The eruption of the war led to the cancellation of the next conference in 1915, where the Convention was expected to be accepted.
The next major attempt followed from the Peace Conference at the end of World War II, which had set up the ILO and which had included as one of the major tasks of the ILO (Chapter XIII, Article 427) 'the abolition of child labour and the imposition of such limitations on the labour of young persons as shall permit the continuation of their education and assure their proper physical development' (Thomas 1931, p. 143). The wording was quite similar to clause 32 on child labour in the UN Child Rights Convention of 1989.
The first session of the annual ILO conferences was held in Washington in 1919, although the USA government had not ratified the Peace Treaty and took specific exception to the labour clause in the treaty (Johnston, 1924, p. 63). At is first session, the representatives from 39 nations fixed the minimum age for employment of children in industry at 14 years and prohibited night work for children under 18. The impact of these conventions was minimal. By the early 1930's, 18 countries had ratified the age convention. Half of them already had a national legislation in place before 1919: Belgium, Bulgaria, Czechoslovakia, Denmark, Great Britain, Ireland, Greece, Switzerland and Yugoslavia. In the list of other countries that ratified (Chili, Cuba, Estonia, Japan, Latvia, Luxemburg, The Netherlands, Poland and Rumania), some of the major industrialized countries, were missing. Albert Thomas, the ILO Director, later lamented that 'the convention did not aim high enough, and that the ratification involved practically no change in national custom even where that custom was quite unsatisfactory' (Thomas 1931, p. 143).
The age limit, which was set at 14, was a compromise. Some countries, using the physical and mental immaturity of the child as the basic argument, had pleaded for 16 as the cut-off point. The problem, however, was that many countries had compulsory education up to a lesser age and many children would then be left in a void: not any longer in school and not allowed to work. This consideration would pop up again in the 1973 Convention, which set different age levels depending on the length of education. The first ILO convention actually made an exception for Japan and India who were not expected to catch up with the more advanced school leaving age.
The ratification of the 1919 Convention did not pick up and the policy throughout the long period up to 1973, when a new convention covering the

entire economy was adopted, was to have an instrument which applied only to specific sectors. Many countries, which could possible not yet accede to an overall legislation against all forms of child labour, could nevertheless be expected to collaborate in measures relating to a specific sector in which child labour was prevalent and could not possibly be tolerated. Such an approach had similarities with the Convention on the Worst Forms of Child Labour, 1999 (No 182). Separate conventions fixed the same minimum age for maritime work and for agricultural work. Some of the worst abuses of child labour were known to exist outside the fields covered by the separate conventions and in 1932, a convention forbidding the employment in other sectors –in small workshops, shops, hotels, but excluding domestic work- was added. An exception was made for light work for a maximum of 2 hours a day outside school hours by children over 12 and below 15.

Beginning with the revised minimum age convention on shipping in 1936, the minimum age was raised to 15. That age limit thereafter would become the norm. It was accepted as a general principle in Convention 59 (Convention Fixing the Minimum Age for Admission of Children to Industrial Employment. Revised 1937), which came into force in 1941.

Since C59 contained a number of principles, which were repeated in later Conventions, it is worthwhile to highlight them. The convention applied to industrial undertaking (including construction and transport) but excluded agriculture and commerce; the latter sectors were sought to be addressed in C60 on Non-Industrial Employment, but that convention did not come into force. An exception to the minimum age of 15 was to be made by national laws in the case of undertakings in which only family members were employed on the condition that they were not dangerous to life, health or morals of the child. On the other hand, when either the nature of the work or the circumstances were considered to be dangerous to the life, health or morals, a higher limit could be set by national authorities. Exceptions were made for countries with a lower level of development, specifically mentioning Japan (14 years) and India (12 years in factories using power and employing at least 10 persons, 13 in transport and 14 in mines).

Convention 138

In 1973, the ILC adopted a new Convention, the Minimum Age Convention for Admission to Employment, C 138. Convention 138 incorporated many of the provisions and exceptions of the earlier conventions. It was decided that the time had come, as stated in the Preamble, for new convention to 'gradually replace the existing ones applicable to limited economic sectors, with a view to achieving the total abolition of child labour'. The insertion of the word *gradually* implied that countries initially could still choose to abide by the earlier sectoral conventions and that governments, together with international aid agencies, could work towards the eradication of poverty and underdevelopment, which were regarded as constituting the basic cause of child labour and which also needed to be eradicated gradually.

C 138 constructed three age categories. In the youngest category (6-12), work was prohibited, but individual countries could make exceptions for light work in family undertakings and work in the household, including domestic work. In the 13-14 age category, only light work was allowed, i.e. work outside school-

timings and not straining the physical and mental maturity of the child. In the category of adolescents (15 and above or at the end of compulsory schooling) regular work was permissible, but not in sectors that could become injurious to health, such as the mining industry and the chemical industry.

The convention conceded that not all countries had the same level of development and that thus a distinction should be made in the minimum age. The convention thus set the minimum age differently for developed countries and for countries which had an insufficiently developed economic and educational system. Countries which had a lower compulsory school age, could decide to opt for a lower age (12) at which light work was allowed, until such time when they were in a position to increase schooling age to the higher default age; the minimum age for full employment was accordingly lowered to 14 instead of 15. The basic minimum age should be not less than the age of completion of compulsory schooling and Recommendation 146, which was a complement to C 138, stated that the objective of the member states should be to raise the minimum age to 16. Linking child labour to education is an important feature of the convention and allows for both upward and downward adjustments: lower age limits when the compulsory school age is lower and higher age limits when the compulsory school-going age is higher.

In addition to the age exception, Convention 138 allowed countries which were administratively or economically not properly developed to exclude certain sectors, except for mining, transport, construction, electricity, plantations and manufacturing. Legislation in many developing countries had excluded certain sectors and certain types of undertaking, e.g. with a small workforce and, even in the 6-11 age category, work in family undertakings, and such practice was implicitly acknowledged, as long as it was not dangerous to the child and did not interfere with schooling.

If the ILO had not made provisions for these exceptions, the consensus on a new convention and the rapid ratification [C138 was in fact not rapidly ratified until C182 was adopted] would have been in jeopardy. In its endeavour to put in place a worldwide policy framework, the ILO is torn between a codifying convention (confirming what has been the legislative practice) and a normative convention (imposing a new norm on diverging practice, bringing countries up to the norms which have been established in the more advanced legal systems.

Convention 138 was also important for the contours which it gave to child labour. Child labour was essentially restricted to productive work, i.e. all economic activities regardless of the employment status. The practice in many countries until then was that only wage employment falling under a formal relationship was covered by the legislation and that self-employment, work within the informal sector and work within the family would not be covered. The new convention, by not only looking at 'employment', but by including the non-wage sector went a long way in covering the most important child labour segment, namely children who are working on the family farm in agriculture. Most child labourers indeed work in agriculture and many others assist in artisanal work or small business within the family. Household labour, however, remained excluded for the simple reason that it was not considered as productive work and is anyway difficult to measure since work in the household often consists of many odd chores during the entire span of the day.

Convention 182

Following the *Year of the Child*, set by the UN in 1979, the ILO Committee of Experts examined the impact of C 138 on the basis of the first general survey on child labour. The Committee made it clear that not every kind of activity should be considered as inappropriate and should not be forbidden. Child labour should be considered as work which calls for greater physical and mental capacities than children of a particular age normally possess or which interferes with their educational development. That formulation later found its way into the United Nations Convention on the Rights of the Child (1989), article 32 (sub 1 and 2).

Since poverty and underdevelopment, in the analysis of the Committee of Experts, are the major reasons for child labour, the problem should not be looked at in isolation and solutions should be found in the general improvement in economic conditions and in the educational infrastructure. The Committee therefore also warned that 'the fact that they do work must be faced, and their work must be progressively restricted and regulated' (Swepston 1982, p. 579). That approach had been basic to ILO's policies and would continue to be so. No new initiatives, however, were taken.

Against the background of the growing concern that certain forms of child labour are so grave and inhumane that they can no longer be tolerated, a consensus emerged in the 1990s that the highest priority should be given to eliminating the worst forms of child labour. With a targeted approach, visible results should be achieved within a short time-frame rather than in some indefinite future. A concerted programme of action should be launched in order to achieve rapid results: 'Giving priority to combating the worst forms of child labour is simply a matter of doing first things first. It provides an entry point to promote and facilitate further action to attain the ultimate goal of eliminating all child labour.' (ILO 2002, p. 21).

The definition of the worst forms, which were earlier referred to as intolerable forms, remained a matter of contention. Even on the exact meaning of child labour, a wide-ranging discussion has been going on. Children do a variety of work in widely divergent conditions. The work takes place along a continuum. At one end of the continuum, the work can be considered as beneficial, promoting capacities and a sense of responsibility without interfering with schooling and leisure; on the other end, labour is harmful and exploitative. ILO has taken such differences into consideration. So has UNICEF. In its 1997 report *The State of the World's Children*, UNICEF took the following position:

> But to treat all work by children as equally unacceptable is to confuse and trivialize the issue and to make it more difficult to end abuses. This is why it is important to distinguish between beneficial and intolerable work and to recognize that much child labour falls in the grey area between these two extremes. (UNICEF 1997, p. 24)

Child labour was thus defined as work that deprives children of their childhood, their right to education and that work which is harmful to their physical and mental development. Such a description of child labour, however, remains vague and as such extends the grey area between hazardous labour and beneficial work in the course of socialization. The position of the ILO is much more concrete. It was agreed that it was not possible to give 'a precise dictionary definition' applicable to all situations and all countries: 'Whether or

not particular forms of work can be called child labour depends on the child's age, the types of work performed, the conditions under which it is performed and the objectives pursued by individual countries. The answer varies from country to country, as well as among sectors within countries.'(ILO 2002, p. 16).

This statement in a nutshell indicates that the ILO has taken a flexible approach and has refrained from imposing one detailed set of regulations across the entire world. The flexibility, however, is clearly demarcated by boundaries, boundaries which are missing in other approaches, such as the UNICEF approach: it clearly links child work to age limits.

In 1999, after two years of deliberation on the exact wording, the *Worst Forms of Child Labour Convention, 1999* was adopted unanimously, a unique feature in ILO history. It was agreed that not all work by children was child labour and even that not all child labour could be done away with instantaneously. Convention 182, after having restated that poverty was the main cause of child labour and that the long-term solution lies in sustained and equitable economic progress, in Article 3 identified four different Worst Forms, for immediate abolition regardless of the economic situation, of which the first 3 forms have a nonnegotiable obligation for implementation:

1) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict
2) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
3) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
4) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

Convention 182 within a short period became ratified by a majority of the members states and in the aftermath, the ratification of Convention 138 also picked up at an equally impressive pace. By the middle of 2007, 165 countries had ratified C 182 and 150 countries had ratified C 138. Progress has been considerable, and the 2006 International Labour Conference has called for appropriate time-bound measures, parallel to the Millennium Development Goals, which would allow for the elimination of the worst forms by 2016.

The Implementation

Like the previous conventions, Convention 182 allowed for a tripartite national application. No scope for a national-specific implementation is allowed in respect of the 3 first worst forms of child labour, which are appropriately called the nonnegotiable worst forms. The last form mentioned in article 3, however, within clearly defined parameters, is open to national determination. The list of worst forms industries, for example, types of work referred to under the last form in Article, shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned.

The qualifications for child labour to be considered as worst forms have been elaborated in Recommendation 190, which recommended that any definition of hazardous work should include:

- work which exposes children to physical, psychological or sexual abuse;
- work underground, underwater, at dangerous heights or in confined spaces;
- work with dangerous machinery, equipment and tools or carrying heavy loads;
- exposure to hazardous substances, agents or processes, or to temperatures, noise levels or vibrations damaging to health;
- work for long hours, night work, and unreasonable confinement to the premises of the employer.

The ILO is a tripartite organization in which the national representatives from governments, trade union federations and employers organizations in the different member countries are represented as equal partners. In each country a procedure had to be started to decide which sectors would be listed as a 'worst form'. Although the procedure may not everywhere be implemented in an optimal form, the principle makes for a local involvement of the relevant stakeholders and for receptiveness to local cultures and specific conditions.

In one of the documents (*Eliminating Hazardous Child Labour Step by Step*), IPEC explains how hazardous work (article 3 of Convention No 182) in article 4 requires each country to prepare its own list of what constitutes hazardous work:

> Because economies, industries, customs and production processes differ from place to place, the types of hazardous work in which children are engaged will differ as well, as will the best ways of addressing the problem.

Accordingly, there are six steps in a cautious and democratically-founded process:

- create a structure of monitoring agencies, involving employers and workers,
- get the proper information, such as existing legislation and known hazards and risks,
- compile a list of hazardous occupations, based on identifiable criteria,
- formalize the list and give it legal force,
- promote the list in awareness raising and agreeing on a timetable for action,
- update the list and the legislation.

Apart from working towards the adoption and implementation of important Conventions, the ILO has also become involved as a major player in terms of practical interventions with time-bound projects. In 1992, initially with a grant which had been received from the government of Germany one year earlier, and thereafter with the financial backing of more than 30 donor countries, the International Programme on the Elimination of Child Labour (IPEC) was set up. IPEC within a couple of years became the biggest project division within the ILO. IPEC thus, with funds specifically earmarked for time-bound projects by funding governments has initiated numerous child labour elimination projects in child labour prone sectors across the world. It has been involved in numerous time-bound projects focused on the most harmful manifestations of child labour. As such, ILO is not only a major player in setting the international standards related to work by children and adults, but it has also become a development practitioner: whether it is carpets in India, mines in Bolivia, child trafficking in

Eastern Africa, tea plantations in Tanzania or garbage dumps in Manila, the ILO has established itself as a major player and in doing so has built alliances with governments and NGOs.
IPEC combines project work and an elaborate scheme of national statistical surveys and specific sector studies on child labour. One of the first major studies in this respect was a study of 4 countries (Indonesia, India, Senegal and Ghana) in 1992-93: "To formulate IPEC's action-oriented plans, statistical data on the incidence and correlation of child labour are essential. Therefore, studies of the incidence and correlates of child labour, and development of proper statistical tools for this purpose have become issues of high priority" (IPEC 1996, p. 1). It was an important study because, apart from looking at various substantive issues such as the reasons for child labour, the different types, the relation to education and the conditions of work, it provided important insights in how to further an appropriate measurement methodology.

The Contribution to Statistics

The experimental surveys were further developed into standard survey instruments by the supporting programme SIMPOC (Statistical Information and Monitoring Programme on Child Labour). Early statistics, in the late 1990s still relied on the data in the World Bank and UNICEF surveys, but after the creation of SIMPOC in 1999, numerous stand-alone surveys with improving sampling techniques and more accurate methodologies were conducted. IPEC authored a large number of important studies on child labour, its extent, its causes and its solutions (see for example ILO 1998, IPEC 2004).
In the past, the overall figures have been useful for advocacy purposes. The higher the numbers and the more miserable the circumstances, the more one could expect the world community and the national governments to rise to the occasion. But for policy purposes, a more realistic account was required and the ILO has come very close to providing such an account.
In his report to the International Labour Conference of 1983, Francis Blanchard, the then director-general, stressed that 'Statistics that try to capture in one number the manifold dimensions of a complex phenomenon can be treacherous. This is especially so in the case of child labour. Notwithstanding the vast literature on the subject, going as far back as the early days of the Industrial Revolution, there is a dearth of sound knowledge of the magnitude and dimensions of child labour' (ILO 1983, p. 6). The ILO then 'estimated' –the Director-General stressed the word 'estimate'- that there were 50 million child labourers, of which 98% were living in developing countries (ILO 1983).
At the start of the 1990s, the estimates were 80 million working children up to 14 years, but this number was adjusted because a much higher percentage didn't go to school and it was therefore assumed that there were many working children amongst this out-of-school group. The collection and dissemination of comprehensive and up-to-date statistics was included as an essential tool for analysis and project implementation when IPEC, the interdepartmental project on the elimination of child labour, was launched in 1992.
In 1995, when the ILO could make use of specific empirical data on 25 countries, some of them from World Bank surveys, it was estimated that, in the developing countries, there were 'at least 120 million children between the ages of 5 and 14 who were fully at work, or more than twice as many (or about 250

million) if those for whom work is a secondary activity are included (ILO 1998, p. 7). In 2000, SIMPOC used other sources and methods of research to arrive at a total of 211 million working children in that age category (ILO 2002a, p. 19). By 2004, the figures had declined to 191 million (IPEC/SIMPOC 2006, p. IV). Table 1 indicates that different figures relate to different categories of working children, child labourers and hazardous labourers..

Since more surveys and more studies have become available, the estimates of the size of hazardous labour have become more precise. The number of children in hazardous work had declined from 170.5 million in 2000 to 126.3 million in 2004. This number includes the adolescents in the 15-17 age category. Child labour in the age category 5 -14 in 2000 was estimated to be 186 million (1 in 12 children); 66 % of them (111 million) were classified under hazardous forms of child labour. By 2004, a perceptible change in that age category (below 15) had come about: 166 million child labourers and 74,4 million children in hazardous work. Whereas the decline in child labour was 11 %, the decline in hazardous child labour over the same short period was 33 %. In addition to the younger child labourers in hazardous work, the number of adolescents in hazardous work remained high: 59 million in 2000 and 52 million in 2004.

Table 1. Estimates of Various Forms of Children's Work, 2000 and 2004.

		Working Children		Child Labourers		Children in Hazardous Work	
Age		2000	2004	2000	2004	2000	2004
5-17	No. (million)	351.9	317.4	245.5	217.7	170.5	126.3
	% of age group	23.0	20.3	16.0	13.9	11.1	8.1
	% change				-11.3		-25.9
5-14	No. (million)	211.0	190.7	186.3	165.8	113.3	74.4
	% of age group	17.6	15.8	15.5	13.7	9.3	6.2
	% change		-9.6		-11.0		-33.2

Source: IPEC/SIMPOC 2006, p. IV.

The decline is partially the consequence of a global movement against child labour, which emerged around the mid-1980s and which by the mid-1990s had became an issue of major concern. The central role of the ILO in this is unmistakable. The work done by the ILO, however, also led to a clearer definition of what child labour means and how the new insights can be included meaningfully in macro-level data include. Particularly the definition of the worst forms of child labour has been focused on in great detail.

A Concern for Urgency and Transparency

Convention 182 and Recommendation 190 were based on the premise that there was a huge child labour problem and that it would be more realistic first to

focus on the more abject forms of child labour, without losing sight of the ultimate goal of eliminating all child labour.

The major ILO report which formed the basis for the adoption of C 182 stated that, clearly, there was an urgent need for action:

> But where does one begin? Not all countries are institutionally or financially equipped to attack all forms of child labour at once. Choices must be made about where to concentrate viable human and material resources. The most logical and humane strategy must therefore be to focus scarce resources first on the most intolerable forms of child labour such as slavery, debt bondage, child prostitution and work in hazardous occupations and industries, and the very young especially girls…. Experience shows that questions of this sort have no purely technical solution and must be resolved by agreement rather than by formula. What is important is that concrete, feasible decisions be made about which child work problems require the most urgent attention, and that these decisions enjoy at least a modicum of social credibility and legitimacy (ILO 1996, pp. 20-1).

Of all child labour in the world, 60% is stated to occur in Asia, 23% in Sub-Sahara Africa, 8% in Middle and Latin America and 6% in North Africa. In Sub-Sahara Africa, 29% of children are active as child labourers: the participation rate is 19% in Asia, 16% in Latin America, 15% in North Africa and only 2% in developed countries (IPEC/SIMPOC 2002)

In many countries, detailed studies of child labour prone industries have been undertaken and aggregate surveys have been conducted by SIMPOC. Some uncertainties, however, remain.

There, for example, is the huge difference in official reporting on child labour incidence between developing countries and developed countries. Such a difference seems logical giver the stark poverty in many developing countries and given the established correlation between poverty and child labour. The picture, however, is not that clear-cut.

Is indeed the incidence of working children in the developed economies indeed that low? Peter Dorman, in a study for IPEC, has argued that the differences in labour force participation rates surely reflect 'differences in measurement than practice'. He concluded: 'the developed nations have not relegated all the evils of child labour to their distant past, nor do they hold up a model for developing countries to uncritically emulate' (Dorman 2001, p. 58). Empirical evidence on economically active children in the developed countries indeed is abundant. In the United States, by the age of 14, 43 % of the child population is in freelance jobs and 24 % is in employee jobs. Nearly half of the 12-year-olds reported working: 'Clearly, the majority of American youth begin paid employment by the time they become teenagers or soon after' (Dorman 2001, p. 15, quoting from a US Department of Labor report). Also in Europe, reports and studies have indicated the large scale of the phenomenon of child labour. Michael Lavalette (1999, p. 138) has convincingly argued that children have not stopped working, but that the regulations have 'deproblematized' their labour activities. 'Out of school' work, which is work done while the school-going kid is not attending classes, increasingly became viewed as a healthy pastime and an embodiment of the work ethic.

On the basis of the handling of statistics in the developed economies, it can be concluded that many more children are working than is officially recognised and that, probably rightly so, most of these forms of labour are not considered

as child labour because they are within permissible limits and do not perceptibly interfere with schooling. In other words, in the developed economies, a clear distinction is made between child labour, i.e. intolerable and impairing forms of labour engagements, and job work done by children, which is considered beneficial in the sense that it builds character and sound economic judgment and helps them to independently participate in the consumer society.

In developing countries, the permissible forms of light and occasional work that does not interfere with schooling and health and child labour are probably not sufficiently separated. The aggregate statistics of the countries on which data are available suggest that many children who do only light work in or around the household for a couple of hours a day without impairing their overall development or their chance of attending school have been included as child labourers (Lieten 2001, 2005a). One of the difficulties in assessing work as light work or as child labour is that the 'out of school work' in developing countries, is not 'after-school work' and quite often is done by children who indeed do not go to school at all, even if they spend only a limited time working.

The SIMPOC technical notes explain the various complexities that remain (e.g. IPEC/SIMPOC 2002, p. 37-51). Mixing up the diverse forms of 'child labour' should be avoided. The ILO economist Richard Anker (2000) speaks, in this context, of 'the proverbial mixing of apples and pears'. This raises the need for minute research into the exact forms of harmful and unacceptable forms of work undertaken by children. It may happen that work, which is being counted as child labour is merely child work, i.e. activities which are legally, pedagogically and socially accepted as good practice. It for example is generally accepted that light work should not exceed 14 hours a week (ILO Convention No 33, Art. 3(1)(c)). The exact maximum, it was agreed in Convention No 138 should be determined at the national level. But local conditions may differ and the concrete labour time, which in developed countries is a clocked labour time, may be more difficult to measure, like in the case of young boys and girls who look after the family cattle for 3 or 4 hours a day and in the meantime may do their homework or play with friends.

Statistics cannot capture these variations. Considerable fine-tuning may still be needed and qualitative approaches are a sine qua non in order to understand real conditions on the ground: 'insight more than measurement; understanding more than models' (Skeldon 2000 p. 25; also Lieten 2005b). The ILO, for very good reasons and with technically appropriate sampling techniques, has provided solid statistics on the magnitude of child labour, but at the same time reminds us that 'probably no one can answer this question' because answering such a question would involve a 'judgment call':

> What actually constitutes a safe, healthy, acceptable, legally approved environment? Although these terms may seem self-evident, they are culturally loaded. What is judged safe or an acceptable risk for parents of a working child in one society may not be so in another and may actually be outlawed. The same goes for the whole idea of children working. … Ideas relating to children and work are also quite complex. If we then add to the family's economic circumstances and the nature of the external environment, plus other factors that influence whether children work and what they do, the result is of a complicated reality that does not lend itself to easy answers. (ILO 2004, p. 37).

That is one of the reasons why the figures on child labour which have been used by different agencies and commentators indeed can vary significantly, depending on the definition of child labour used (Lieten 2001, 2005a). The aggregate statistics, however, which the ILO agencies have provided, are solid indicators of where and in which way child labour remains a serious issue to be tackled. Given the complexity of the issues related to the grey area between harmless light work, child labour and hazardous child labour, many methodological and definitional issues have come up during the technical debates on data sampling, and convincing answers have been found.

The ILO, with the additional instrument of C 182 on the Worst Forms of Child Labour, has taken an important step in putting a place a focused policy framework:

> Not all work performed by children is equivalent to 'child labour'… The problem is how to draw a (statistical) line between acceptable forms of work by children (which may be regarded as positive) on the one hand, and child labour that needs to be eliminated on the other. (ILO 2002b, p. 31; see also ILO 1998).

In much of the ongoing data collection, the distinction has increasingly been made, especially since the latest baseline surveys are stand-alone survey, unlike in the 1990s when they were derived from other surveys, e.g. livelihood surveys conducted by the World Bank. Indeed, not all child work is child labour. Work done by children indicates all activities that are undertaken as part of the normal process of socialization, in the household, on the farm, in housework tasks after school and even by undertaking a small activity in order to earn some extra pocket money or paying for some school expenses. Child labour indicates only the activities that fall under the ILO Conventions No 138 and No 182.

ILO Convention 138 allows for work by children after the ages of 12 and 13 in developing countries and developed countries respectively, as long as it is only light work and does not extend beyond 2 hours a day. Convention 138, as we have noted, actually goes much further in making exceptions for categories of children. In respect of agricultural work (in Article 5), it excludes 'family and small-scale holdings producing for local consumption and not regularly employing hired workers'. The ILO was not opposed to all types of work since child work takes many forms and 'in some case, such as traditional agricultural or handicraft production, it is carried out under the supervision of parents. Work of this type is often an integral part of the socialisation process. The ILO Director-General in his 1983 annual report on child labour (ILO 1983 p. 18) had stated:

> When work by children is truly part of the socialisation process and a means of transmitting skills from parent to child, it is hardly meaningful to call it child labour. Nor can such work be divorced from the poverty and underdevelopment and the absence of alternatives to child work which together generate and sustain it.

An example of the difficulties involved can be grasped from the various stand-alone country studies. The ILO study on Bangladesh (IPEC 2005; also Bangladesh Bureau of Statistics 2006) defines child labour as a 'narrower concept' than economically active children 'and hence is a subset of working children' and it states that since C138 includes many optional and flexibility provisions, the inclusion of work as child labour 'varies from country to

country'. The National Child Labour Survey 2002-3 counted 42,4 million children aged 5 - 17, 7,4 million children as economically active, 3.2 million as child labourers and 1,3 million in hazardous work. The aggregate figures should not be judged mechanically. There is a vast grey area in between and many aspects –age, duration, workload, environment, etc.- may turn a specific job from "mere" child labour to hazardous child labour. The importance, however, is that the surveys have helped to identify Hazardous Child Labour Sectors, rather than hazardous child labour as such. It helps the three partners – government, ILO and organisations of employers and employees- to identify the sectors in which children should not be allowed to work. That is the way ahead towards the abolition of child labour.

Summary

The abolition of child labour in developed countries had taken one century to come to fruition. At the end of World War I, the Peace Treaty imposed a policy rupture. The contracting countries agreed that economic progress and solving the social problem, including the eradication of child labour, needed to be looked at by special institutions. The ILO, which then came into being, right from the beginning has been pre-occupied with child labour. The Conventions which it adopted have never been too radical to be out of tune with what countries could afford and allowed for a great measure of flexibility with a basic framework. The basic framework was basically the defense of the right of the child to a proper childhood of education and free of labour, long before the UN adopted the CRC Convention in 1989. The ILO thus was an early player in the field. Thereafter, it has remained the dominant player, setting the terms of the debate.

The ILO has also been consistent in its approach. The wording of the conventions in over almost one century of ILO history has remained quite similar throughout, so much so that the minimum age of admission to work necessarily had to be correlated with the school leaving age. There is a remarkable correspondence between the minimum age set in 1919 (14 years) and in 1999 (at least 14 years in developing countries and 15 years in developing countries).

The ILO, with the adoption of Convention 182 on the Worst Forms of Child Labour, and reiterating the principles contained in Conventions C. 138, has taken an important step, distinguishing some light work which children should be allowed to do from child labour proper, i.e. work done by children under a certain age and beyond certain levels of tolerance. It has generated a world-wide consensus and most countries have ratified these conventions. The policy framework is appropriate for the fulfillment of the call to eliminate child labour by 2016.

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