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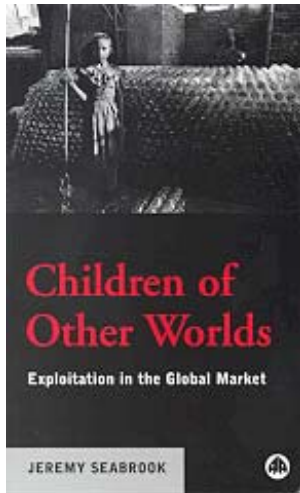
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Exploring Children's Rights in the World of Work

By Jean Scandlyn

Children of Other Worlds: Exploitation in the Global Market
by Jeremy Seabrook. London: Pluto, 2001. 166pp.

It is impossible for an American traveling in Africa, Asia, or Latin America to ignore child workers and the dilemmas of the global economy they embody. When I was in Accra, Ghana, in 2003, a boy of 12 or 13, his face completely hidden behind two large bundles of plastic sandals, approached my car at a traffic-jammed intersection. After selling me a pair, he continued to weave his way through the erratically moving cars and trucks amid the black exhaust of diesel engines and the screech of brakes as vehicles slowed to avoid the dozens of vendors selling a variety of goods from fruit and vegetables to plastic bags filled with drinking water or hand-woven baskets. Most of the vendors were boys and girls ranging in age from 7 to 15. I watched children guide blind beggars through the traffic or carry loads of goods for adults. On a visit to La Paz, Bolivia in 2001, child vendors approached me half a dozen times on each block and surrounded me on the central square where they offered to sell me handicrafts—alpaca sweaters, hats, gloves and ponchos, small ceramic figures, wooden carvings—or to shine my shoes, or guides me on a tour of the city, or find me transportation on one of the many mini-buses that traverse the city. In Bali in 2002, young boys ranging from 8 to 12 years old would surround us at tourist sites, selling hand carved chess sets for \$1, guard our parked car, and secure us parking places while we stopped at local restaurants or office buildings. The contrast between my own status—sitting in a private automobile with the ready cash to purchase goods and the swarms of school-age children selling almost identical goods in a highly competitive market for very little remuneration—was, as it should be, striking, disturbing, and uncomfortable.

The International Labor Organization estimates that there are approximately 73 million children from the ages of 10-14 working today. This figure does not include children in China or any of the industrialized countries. UNICEF (1997) estimates that there may be as many as 250 million economically active¹ children in the world. The plight of child workers and the complicity of international businesses in their exploitation aroused world attention in 1995 when it was revealed

¹ “Economically active” was not defined on this website. Defining “work” for children, the majority of whom are involved in household labor on farms has been problematic in the child labor literature. See Arat 2002, Liebel 2002, and Smolin 2000 for a more extensive discussion of this issue.

that Wal-Mart's line of clothing bearing the name of television celebrity Kathie Lee Gifford was made in Honduran factories that employed girls aged 13-15 who worked up to 75 hours per week (UNITE 2003). In the same year, Nike was accused of exploiting child labor in Pakistan and Cambodia in the manufacture of its shoes, apparel, and soccer balls. Although Nike asserted that it had contracted with what it thought were responsible manufacturers who would adhere to the company's age standards for labor (18 for shoes; 16 for apparel and equipment),² those manufacturers had subcontracted to villagers who violated those standards (Boggan 2001). As a result, Oxfam International formed its project NikeWatch (Oxfam Community Aid Abroad 2003). Today, the internet is littered with websites documenting the conditions of child workers and advocating for the abolition of child labor.

UNICEF's report, *The State of the World's Children 1997* focused "...on the controversial and emotional as well as complex and challenging issue of child labour, and asserts that thoughtful and comprehensive attempts at solution must be guided by the best interests of the child and the Convention on the Rights of the Child"³ Thus, the current discussion of child labor has been framed within the issue of children's rights as the means for ensuring children's welfare (Liebel 2002). The 1989 United Nations Convention on the Rights of the Child (hereafter Convention) not only brought children's rights to the forefront of international attention, it generated more international consensus than any other human rights document. Only four years after its drafting, 155 nations had become States Parties to the Convention (Alston 1994). Standing up for the rights of children in the international arena is easy. What nation⁴ can afford not to publicly champion the human rights of the world's children? Hammering out the details of those principles, which then must be applied in practice in vastly different local contexts, however, is hard work. Thoughtful analysis of the Convention's principles and programs to apply them is a process that may be construed as challenging or questioning the core of that international consensus: the duty to protect vulnerable children. Yet the very acceptance of the primacy of "the best interests of the child" raises key issues of how to determine what those "best interests" are and who should determine and safeguard them. In addition, defining children as a group requiring special protection, and whose development is best fostered in the family, generates questions about children's autonomy with respect to both the family and the state and of the family's autonomy with respect to the state.

This essay explores the question of how the elements of the argument over child labor have and have not changed since the dialogue first arose in early 19th century England. This is the central issue raised by Jeremy Seabrook in his book, *Children of Other Worlds: Exploitation in the Global Market*. Here I shall focus on three aspects of the current debate: the Convention's principle of "the best interests of the child," the causes of child labor, and possible solutions to this problem proposed by the ILO and other children's rights advocates.

² These ages are higher than those adopted by the ILO (Smolin 2000)

³ See <http://www.unicef.org/sowc97/>.

⁴ The United States is a notable exception. Only six nations: the Cook Islands, Oman, Somalia, Switzerland, the United Arab Emirates, and the U.S. have not ratified the Convention. Philip Alston explains that the convention was caught in Cold War politics. The original draft was submitted by Poland. Thus it emphasizes the economic, social, and cultural rights of children instead of the political and civic rights that the U.S. favors (Alston 1994: 6-7).

Determining the Best Interests of Children: Differing Contexts

Cultural Relativism

Philip Alston (1994) and Stephen Parker (1994) note that Article 3(1), concerning the “best interests of the child,” is both the most problematic and the most central tenet of the Convention. This principle is applied broadly to “*all* actions concerning children, whether undertaken by public or private institutions, courts of law, administrative authorities or legislative bodies” [emphasis mine] (UNHCHR 2003). Thus, Article 3(1), in conjunction with the first five articles, serves as “...an overall framework, or umbrella, under the shadow of which the remaining provisions of the Convention are to be applied” (Alston 1994: 11).

In the international arena, the subjectivity of “best interests” opens the Convention to the challenge of diverse and possibly contradictory culturally based interpretations. Universal rights as a whole have been criticized for imposing rights derived from Western concepts of the individual and his/her relationship to the family and society on non-Western peoples. Bart Rwezaura (1994), who examined the approach to children’s rights in a number of sub-Saharan African societies, argues that the best interests of children in Africa remain closely tied to those of adults. Thus he concludes: “[t]his paper has shown that the concept of the best interests of the child is best appreciated by locating it in the wider social and economic matrix of any community.” This is particularly true for identifying the best interests of children with regard to work, where an individual case approach is less pertinent and where significant improvements may be made.

Such an approach, however, need not lead to rampant and immobilizing relativism. Through thoughtful, appropriate, and nuanced comparison across cultures, common ground for greater consistency in protecting the rights of children across cultures may be found. As Fox and Gingrich (2002) and Hastrup (2002) argue, rigorous cross-cultural comparison can provide a solid, existential basis for universal human rights. It also guards against false distinctions based on cultural differences, for example, that developed countries view a child’s “best interests” as situated in the individual whereas developing countries view them as situated in the collective.

Jeremy Seabrook, in *Children of Other Worlds*, provides such a sound comparison of child labor not only in two different cultures but in two different eras. A commentator on current social issues, he compares first person accounts of child labor and statements from prominent participants in the debate over child labor (pro and con) in the 19th century British Empire with statements by current participants in the debate and his own first hand observations and interviews with child laborers in contemporary Bangladesh. As Seabrook states in his preface, his purpose is to reflect on “children and their social function” without merely repeating the ways this issue has been approached in the past: “...the pietistic (saving the children), prejudged (children should never work), fatalistic (the children of the poor must work to support their families), bureaucratic (it may be possible to eliminate some of the worst abuses) or economic (when countries get rich as we have become rich, child labour will wither away)” (v). The problem with each of these perspectives, argues Seabrook, is that the best interests of children become a proxy for the best interests of their adult advocates—to impose their class or religious values (prejudged) and protect their own workers

(pietistic and fatalistic), create service agencies (bureaucratic) or maintain the current political economy (economistic).

This is a somewhat different argument from that proposed by Zehra Arat that "...the fulfillment of children's rights depends on the recognition and realization of their parents' rights" (2002: 190). As long as parents remain poor and underemployed, argues Arat, they will not be able to afford for their children not to work and to go to school. Seabrook also sees widespread poverty in developing countries as the major determinant of whether children will be put to work in the family or outside of it. That is why he argues against the fatalistic view that poverty has a culture of which child labor is an inevitable and characteristic feature. Seabrook does not clearly delineate the distinction between fatalism and determinism. It appears that he views fatalism as seeing a culture of poverty that will persist despite changing economic resources versus determinism as seeing families making choices in who works that will change if economic resources change.

Ideology

The ideology that informs the debate over child labor has been exported to Bangladesh from Britain, asserts Seabrook. Some 19th century British advocated the value of child labor: it provided structured and productive activity for the multitudes of orphans and abandoned children in the city streets, children and society benefited from their learning a trade and the discipline of work, and it gave Britain the competitive advantage children's low-wage work. With the exception of the cultural argument that different societies view child labor differently (which could be argued is merely a variant of the 19th century argument that the poor view child labor differently from the wealthy), contemporary supporters of child labor use similar reasons to argue for regulating versus abolishing child labor in developing countries. Despite his desire to offer an alternative approach, Seabrook counters in the same way his 19th century counterparts did, by illustrating, using case material from his observation and interviews, the underside of child labor. Children's time is fully structured at the cost of wearing out their young bodies and allowing them no time for school or play. Bangladeshi child workers, notes Seabrook, appear as submissive wraiths rather than the predatory and vocal street gangs of Brazil (54). Children learn the value of work, but reap few direct benefits. Training fails to materialize and lasting, transportable skills are never taught.

One key difference, of course, is that 19th century British justified child labor as the "natural" place of poor children who lacked the ability to do anything other than manual labor. Today, argues Seabrook, cultural differences are used to argue that child labor is something that children and their families expect and view positively and therefore should not be abolished from the top down or by outsiders. Thus cultural relativism becomes the handmaiden of those who would maintain the economic status quo. Seabrook's clear and well supported argument against culture as a determining factor in child labor and its ideological use to stymie effective remedies is a major contribution of this work.

Political Economy

However, unlike Arat, Seabrook is less hopeful about the possibility of alleviating poverty in developing nations either through foreign aid for development or increasing participation in global

markets. In contrast to 19th century Britain, where the presence of cheap labor and raw materials in the colonies made possible an increased standard of living for working families, contemporary Bangladesh has nowhere to turn to extract wealth to enrich its citizens. Thus he is also critical of NGO-sponsored education programs for poor children: they are piecemeal, they create divisions between the small "aristocracy" of educated children and those who remain laborers, and education is not a viable solution if children who are educated cannot get jobs when they become adults.

Seabrook takes a decidedly materialist stance, refuting the argument that culture, expressed in different concepts of childhood and of children's social function, is the chief factor behind the widespread use of child labor in Bangladesh. That child labor is an inherent part of Indian culture is belied by the fact that elites in India and other parts of Asia have long protected their children from the harsh realities of labor and occupied them with formal schooling. It was the development of the middle class in Britain that made the modern idea of a protected childhood possible for a wider segment of the population there. Underlying child labor in 19th century Britain and contemporary Bangladesh, argues Seabrook, are the same material conditions of poverty, need, and excessive work among poor families; conditions that compel parents to put their children to work. Thus, concludes Seabrook, in this regard, the need for child labor in Christian, Anglo-Saxon and Norman Britain bears little difference from that in Islamic, Bengali Bangladesh (10).

The Causes of Child Labor

Seabrook begins by accepting the premise that manufacturing enterprises characteristic of early industrialization in Europe, and the child labor and child slavery that accompanies them, have been moved to the Third World. He argues that despite the differences in time and place, there are similarities in the work situations children face in these cases that merit analysis and comparison. "...beneath the appearance of continuous change, an enduring social and economic system persists" (v). Despite differences in climate, religion, and cultural traditions, Seabrook presents descriptions by British writers of child laborers in Victorian English cities that correspond remarkably to his own first-hand observations of child workers in urban Bangladesh. Working from early morning to late at night with only minimal breaks for meals; confined to work sites that are dark, unventilated and filled with dust and toxins; receiving wages of only a few dollars a day or less; and living on the edge of starvation characterize the lives of child laborers in the workshops of London and Dhaka. So deftly does Seabrook weave together historical and contemporary accounts and so similar are the descriptions that without a note about a bare light bulb hanging from the ceiling or a child sporting new plastic sandals, it is often hard to keep track of which children Seabrook is describing. His portraits of individual child workers in Bangladesh are sensitively and vividly crafted without falling into sensationalism. He presents children doing a wide range of work, from manual jobs in small factories to begging and street vending to domestic work. Cases of children who have had the good fortune to participate in educational programs sponsored by local NGOs or to find office work through family contacts are also presented. Although Seabrook does not see such programs as effective long-term solutions, he does recognize the value they bring to small groups of children.

Although Seabrook declares that he will not contribute to the already extensive documentation of the abuses of child laborers, he does provide dramatic examples of abusive child labor practices to illustrate the correspondence between slavery in the 19th century and the situations of some child

workers today. Beginning in the 1970s, Bangladeshi children, “some as young as four years old” (139), were sold or kidnapped to serve as jockeys in camel races to entertain the wealthy in Abu Dhabi and Dubai. For Seabrook, the distinction between labor and slavery is often one of degree rather than kind; both are linked through the global political economy of colonialism in the first case and globalization in the second. The difference between the experience of 19th century slaves and that of the boy jockeys is that not only is the “labor” of the boy jockeys exploited, so is their visible suffering in this dangerous sport. In this one instance, which is not based on his personal observation, Seabrook does sensationalize the problem to make a point. And, as David Smolin observes in his critique of the ILO’s strategy to combat child labor, focusing on the most extreme cases of abuse (including bondage and slavery) deflects action from clearly defining what constitutes child labor and creating “general, enforceable rules which would actually correspond to the best interests of children” (2000: 956).

There are also important differences in the political economies of the two cases: British children were part of an internal economic system during early industrialization whereas Bangladeshi children are part of a global system that is post-industrial. But Seabrook challenges this difference as well. Child laborers in Britain *were* part of a global political economy of imperialism in which they competed with slaves (of whom increasing proportions were children and adolescents) in the West Indies, ultimately “winning” the competition by proving less costly as “free” laborers than were slaves. Similarly, the abundance of child workers in Bangladesh today depress the wages of adult Bangladeshis, including their parents, who, to compete in the global labor market, must accept ages far lower than those paid to workers in the First World. The crucial difference that remains, and that Seabrook acknowledges, is that whereas Britain could increasingly rely on its colonial hinterland for raw materials and labor to eliminate child labor within its borders, Bangladesh lacks these resources (p. 20). There is no place left to shift the burden of cheap labor. Thus, argues Seabrook, “benign gradualism,” the belief that all nations will eventually, through incorporation into the global capitalist economy, achieve the wealth that will make child labor unnecessary, is a dangerous myth. “What is the future of Bangladesh in an international division of labour which is intensely competitive, and in which Bangladesh starts with many disadvantages?” (32). Here Seabrook’s analysis is primarily ideological.

Solutions

There is no satisfactory answer within the existing global arrangements. The global market no more caters now to the need for livelihood, education, food or health than it did a hundred years ago when William Morris saw a humanity under the banner of the ‘world market,’ wasted either by poverty or excess. We look for human well-being in the wrong place; surely, after all this time, our puzzlement at not finding it there is disingenuous (151-152).

Seabrook’s passionate critique of the current debate precludes effective action and is especially disturbing at an historical juncture when confidence in international organizations is faltering. But if this statement is taken seriously, then it is not solely in the realm of economics and the global market where effective solutions will be found. Beginning with *Ninos y Adolescentes Trabajadores* (Child and Adolescent Workers) in Peru in the 1970s, child laborers in Africa, Asia, and Latin America have organized themselves to demand advocacy that distinguishes between work that is exploitative and work that is helpful (Arat 2002; Liebel 2002). In the child labor literature this has emerged as the

distinction between child “work,” which yields productive activity and valuable skills for the child and is acceptable, and even to be valued if regulated; and child “labor,” which is unskilled and abusive and should be eliminated.

Despite Seabrook's point that regulation of child labor ignores the inherent economic injustices of the global economy, I believe that regulation may be a critical first step in shifting foreign aid to programs that would diminish poverty in developing countries through supporting the economic opportunities available to adults and to secure widespread support for those programs. Seabrook himself acknowledges the role that social activism, paternalistic though it may have been, played in improving the life of poor British children. Though conditions have changed, this does not mean that social activism along lines that fit today's political economy might not be effective as well. As one of his young informants, Iqbal, says: “[w]e know that young people in the slums have talents, intelligence and creativity that are all wasted now because their energies are all taken up in the effort to survive. Once your awareness changes, you can never change it back again” (121).

Activism by children's organizations also offers the possibility of forcing adults to take children's rights seriously and to improve courts' ability to determine the best interests of children. As Manfred Liebel notes, “they [working children] see themselves not only as recipients of the goodwill of adults but as independent individuals who can judge and design their lives themselves and can give something to society” and who want an active role in securing their interests (2000: 266). Given that almost all children contribute economically to their households by doing work that a non-family member would be paid to do (Smolin 2000), children's voices should be heard and considered seriously in determining their best interests. Children's lack of public visibility and their silencing by adults who insist on speaking for them contributes to their exploitation. If the current political economy requires that children in developing nations work, at least they need institutional support in fighting for employment contracts, control over their wages, safety, and working conditions commensurate with their physical, mental, and emotional development.

David Smolin demonstrates that rigorous analysis of child labor and the various factors contributing to it in particular settings is essential to effective activism for children's rights. In an extensive analysis of the International Labor Organization's (ILO) 1999 Convention and Recommendation Concerning the Prohibition and Elimination of the Worst Forms of Child Labor (hereafter Recommendation), Smolin shows how the ILO's Recommendation is hampered both by unclear definitions of child labor and ideological interests. The Recommendation is the most recent phase of the ILO's action in the realm of child labor and reflects its efforts to “...seek social justice in the context of trade liberalization and the dominance of economic neo-liberalism” (Smolin 2000:946). Because the ILO has not defined child labor clearly, it targets the most egregious cases of the abuse and exploitation of children where it has the least chance of effecting change: child prostitution, children involved in the drug trade, and forced military recruitment. More importantly, argues Smolin, the ILO ignores the vast majority of child workers who labor in the family, doing household work, child care, and agricultural work. Defining child labor as work that prohibits or significantly interferes with attending school would acknowledge the reality that most children contribute economically to the family while providing a means for clearly defining and measuring changes in child labor.

Smolin (2000) makes a solid case for using the entitlement theory of Amartya Sen as a tool to guide the child labor movement. Within this framework, a child's entitlement to be free of bonded labor would be analyzed in its local, regional, and international context. Intervention might involve replacing enough of a child's income to the family so that they could afford to go to school. The funds for such programs might come from a combination of aid organizations and by marketing products at higher prices because they are "child labor free." Obviously, such programs would also require political activism at the international level to assure national governments in developing nations that such programs would not impede their countries' ability to compete in the global marketplace and at the local level with laws that mandate and enforce school attendance.⁵ And, as Seabrook points out for similar programs in Bangladesh, the programs would have to be widespread enough that they do not merely create small numbers of privileged families. They must also be accompanied by simultaneous efforts to create jobs for educated adult workers. There is widespread consensus in the child labor literature that bans on child labor now, without real increases in standards of living, will only worsen the condition for children (Arat 2002).

Thus we come full circle. The best interests of children will be met through increasing the standard of living for their families so that a significant portion of their time can be allotted to their education and training for a future of widespread opportunities. We cannot realistically abolish child labor until those who profit from child labor see that their young workers' prosperity is inherently linked to their own prosperity, as 19th century British elites eventually did.

By taking this approach, Seabrook avoids the pitfall that Paul Farmer identifies as "confusing poverty with culture," a trap that often leads to romanticizing and protecting false cultural differences while ignoring real and persistent economic and political exploitation of the poor (Farmer 1999). In this respect, Seabrook's study does represent a different and important approach to child labor and human rights that both addresses the roots of the problem in the exploitation of the poor and provides a solid basis for developing consensus about how to determine and protect the best interests of children in the workplace. However, Seabrook is less optimistic than I am about his analysis as a basis for effective action. But if this argument is "new," it is only because neo-liberalism has so dominated international debates about globalization and human rights in the past decade.

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⁵ Smolin (2000: 979) notes that the ILO feared that some developing nations, sensitive about their failure to provide universal primary education for their citizens, would not ratify its 1999 Convention if it demanded that they immediately provide such schooling. Clearly, any programs that seek to increase schooling over work must help those governments to make schooling more widely available.

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