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Statement by Dr. Guido Bertolaso
Deputy Executive Director (External Relations)
of the
United Nations Children's Fund (UNICEF)
at the hearing on
International Child Labor
Sponsored by the Labor Subcommittee
of the U.S. Senate Committee on Labor and Human Resources
"Renewed Efforts and Innovative Strategies to Combat
Exploitative Child Labor"

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**"Renewed Efforts and Innovative Strategies to Combat
Exploitative Child Labor"**

I am delighted to have the opportunity to testify before the Labor Subcommittee of the United States Senate on the critically important subject of child labor. I want to thank Senator Metzenbaum for inviting me and for his longtime support for the United Nations Children's Fund and the cause of children worldwide.

This hearing is most timely, and not only because child labor continues to be an acute problem. It is also timely because we are living in a period of history in which, for the first time, political will, public awareness and practical solutions to problems affecting children are beginning to converge and bear fruit.

The dimension of the problem

The problem of child labor is, as you know, a huge one. It is a global problem, affecting industrial as well as developing countries -- although it is far more acute and widespread in the latter. The International Labour Organization estimates that between 100 million and 200 million children under the age of 15 are working worldwide. This is a very rough estimate, not only because of poor statistics and weak monitoring systems, but also because so many children work outside the formal economy.

Unofficial estimates suggest that in India there are some 44 million working children; in Brazil, there are around 7 million; in Nigeria, 12 million; in Pakistan, 8 million children aged 10 to 14 represent 20 per cent of the working population.

But as I mentioned a moment ago, the problem is not limited to the developing countries. In the United States, as you know, some 5.5 million children between 12 and 17 work, and violations of child labor laws increased by 250 per cent between 1983 and 1990. The difficult transition in Eastern Europe and the former Soviet Union has forced hundreds of thousands of children into the informal economy and even the employ of criminal organizations.

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The distinction between exploitative child labor and work

"Child labor" is a deceptively simple phrase which, in fact, encompasses an extremely complex reality. Children work under a great variety of circumstances, some injurious and some beneficial. Children toil on family plots. They haul water and firewood. They take care of younger siblings and aged parents. They eke out a living in marketplaces and on the streets. They are exploited in illegal sweatshops. They run errands and polish shoes. They are fodder for armies and criminal enterprises. They are servants in well-to-do homes. They pick through garbage dumps, recycling what little can be salvaged.

Children are bought and sold as prostitutes; still today, some are de facto if not de jure bonded laborers who toil to repay debts incurred by their parents. Some receive wages; others do not. Some work part-time to supplement family income or even finance the incidental costs of their own education; others never see the inside of a classroom, and work long hours as major family breadwinners. Some who are not poor work simply because of the poor quality of education offered in school.

As you can see, the work carried out by children ranges from the beneficial to the harmful. It is important to distinguish work from exploitative child labor. In 1986, UNICEF's Executive Board approved a policy on child labor that made this important distinction and specified certain criteria that may be used to determine when work constitutes exploitation. Some are necessarily vague, in recognition of the diversity of attitudes and conditions affecting child labor around the world. Nevertheless, we have found the following criteria of child exploitation in work to be useful:

- * full-time work at too early an age;
- * too many hours spent working;
- * work which exerts undue physical, social or psychological stress;
- * work and life on the streets in bad conditions;
- * inadequate pay;
- * too much responsibility;
- * work which hampers access to education and is detrimental to full social and psychological development;
- * work that undermines children's dignity and self-esteem, extreme examples of which are contemporary forms of slavery and sexual exploitation.

For obvious reasons, children are more exploitable than adults; they have little, if any, bargaining power to improve the conditions of their employment. Factory- and landowners who hire children tend to enforce discipline through threats and abuse. Even where mistreatment is not a problem, the nature of the work itself is often inappropriate for a growing child. Children

whose workplace is the street are particularly vulnerable to exploitation and abuse.

Child labor, poverty and population

The circumstances leading to the plight of child workers were a recurrent theme at the recent International Conference on Population and Development in Cairo. Speaker after speaker ~~described how poverty and insecurity drive couples to have many children -- more children than they usually want to have -- in the hope that enough of them will survive to help maintain the family and provide for the parents in old age. Where children are essentially "insurance policies" and their labor is key to family survival, children are effectively robbed of their childhood and much of their God-given potential.~~

If the international community takes the Programme of Action approved in Cairo seriously -- by acting to meet basic human needs (including universal primary education), increase child survival, empower women, and widen access to family planning -- by the end of this decade we will be overcoming some of the worst manifestations of the abject poverty that unceremoniously ushers young children out of childhood and pushes them into the work force.

The legal-ethical framework

The principal global legal instrument for combatting exploitative child labor is ILO Convention No. 138, which requires member states "to pursue a national policy designed to ensure the effective abolition of child labor, to set a minimum age for admission to employment or work and to raise this progressively to a level consistent with the fullest physical and mental development of young people."

The Convention on the Rights of the Child, that "Bill of Rights" for the world's children that entered into force in 1990, affirms in Article 32 that:

"States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development."

Article 32 goes on to require governments to set a minimum age for employment, to regulate working hours and conditions, and to penalize those who violate child labor laws and regulations.

This -- together with children's right to relevant, quality and free basic education; to be protected against sexual exploitation, and to have their best interests safeguarded at all

times -- constitutes the legal-ethical framework within which UNICEF deals with child labor.

The need for universal ratification of the Convention

In record time, the Convention on the Rights of the Child has become the law of the land in 166 countries; the World Conference on Human Rights that took place in Vienna last year called on all countries to ratify this treaty by the end of 1995, year of the UN's 50th anniversary. Only 24 countries -- including, I must say, the United States -- are left that have not yet ratified it. We strongly urge them to do so with all due haste, and thus enable the Convention to become the first truly universal law in history by the end of next year.

Child labor has also received high level political attention. At the 1990 World Summit for Children, 71 presidents and prime ministers committed themselves and their governments to provide special protection to working children and basic education to all children. A total of 155 national leaders have signed onto this commitment since then, and over 120 countries have already issued or drafted national programmes of action to achieve, by the year 2000, the more than 20 specific goals set at that first ever global summit meeting.

A number of important regional meetings and conferences have also focused on child labor, as part of the broader agenda for improving children's lives. For example, the countries belonging to SAARC -- the South Asia Association for Regional Cooperation (where some of the worst child labor problems exist) -- met in Colombo in 1992 and resolved to eliminate child labor progressively and in an accelerated manner. They emphasized the importance of education policies in combating child labor.

But we all know that despite the existence of Conventions, legislation and resolutions on the subject, child labor persists. Old and new factors conspire to provide the work force with an ample supply of child labor. Widespread poverty... education that is not relevant to young people's lives... structural adjustment programmes that slash social services, and a global economy that prizes cheap labor above all else all force children into the work force. In some countries, the number of working children is increasing.

More can be done

UNICEF is convinced that more can be done -- more must be done -- in the area of child labor. Making greater progress on the child labor front is essential if the world is to achieve the broader health, nutrition and education goals established at the World Summit for Children. But at the same time, achieving these

goals will also greatly accelerate the elimination of exploitative child labor.

Strategic considerations

Allow me to share with you a number of strategic considerations that UNICEF feels are vital to efforts to combat child labor:

* **First, it is imperative to do away with the most exploitative forms of child labor, cruel or degrading treatment and bonded labor.** This requires immediate, priority action. We must move against the worst offenders without delay and rapidly create better and viable alternatives for children and their families. This will not happen through legislation alone. Broad social mobilization is needed, involving all sectors of society. We are seeing positive results where communities, media, and NGOs join in common efforts. In India, for example, 25,000 children have been freed from bonded labor in recent years. The challenge we face is to rehabilitate these children and ensure their access to education. Their families will also require support.

* **Second, we must improve the working conditions of children even where cruel exploitation and systematic abuse do not appear to be a problem.** In particular, working hours and conditions need to facilitate access to education and health care.

* **Third, basic education must be seen as the surest solution to child labor.** Efforts to get children out of the workplace are doomed to failure if they are not linked to creating viable educational opportunities. But in much of the world, poor children do not have access to any schooling, let alone to relevant, quality education. The international community has adopted the goal of attaining universal primary education by the year 2000. This goal obviously cannot be reached unless exploitative child labor is eliminated. When basic education becomes accessible, relevant and free, parents will understand that the education of their children is the best investment in their future, and children themselves will also be motivated to get an education. Whether it is formal or non-formal, education needs to combine academic instruction with training in work skills, health and nutrition, as well as civic rights and responsibilities. Where conditions require it, children should be able to study and work, and employers must be encouraged to arrange shifts so that child workers are able to attend classes. In India, there are some

250,000 non-formal education centres for working children that are opening a window for advancement in millions of working children's lives.

*** Fourth, we must make better use of existing legal instruments, no matter how imperfect they may be, to combat child labor. But we must also bear in mind that legal restrictions can have effects quite opposite to the ones we seek. They can aggravate the situation by encouraging "invisible", unregulated work. If employers are suddenly forced to lay off all child workers, and no provision has been made to compensate for the children's lost income and to provide them with access to relevant schooling, what we will end up with is more children taking more dangerous and exploitative jobs, and more deprivation and starvation for more families.**

*** Fifth, developing country governments, industries, trade unions and non-governmental organizations must cooperate to build mechanisms for responsibly transitioning young children from the workplace into education, training and other activities that promote their welfare and development. This transition did not happen overnight in the industrialized countries, and it will not happen overnight in today's developing countries. But it certainly can be greatly accelerated through: 1) implementing child labor legislation and regulation, particularly in exploitative, high-risk employment; 2) promoting free, quality primary education and ensuring access to it for all children; 3) promoting the convergence of all social and development programmes to support "at risk" families, so as to prevent child labor; and 4) strengthening alliances between communities, NGOs, the media, industry, unions and government at all levels to ensure social mobilization for the elimination of exploitative children's labor, to enhance the protection of working children and respect for their rights.**

*** Sixth, and finally, the industrial countries should encourage holistic approaches to combatting exploitative child labor and increase or restructure aid packages accordingly. In particular, assistance for universal primary education needs to be increased if there are to be significant gains in the child labor field. Presently, according to a recent UNICEF study, only about 9 per cent of overseas development assistance (ODA) is going to education in Third World countries; of that amount, less than a quarter is devoted to basic education. Clearly, donor countries that wish to have an impact on child labor can do so by increasing the proportion of aid going to basic education. Longterm, cooperative partnerships or compacts between donor and developing countries to achieve**

sustainable human development are certainly what is most likely to accelerate progress. We are aware that trade sanctions are being considered as a tool to combat child labor, and we agree with the NGO Defense for Children International, which recently stated that such measures "could in fact make a change in the life of child workers if they were undertaken in the framework of genuine integrated national and international strategies to fight against poverty, social injustice, and for the rights of child workers, with the participation of the child workers themselves." And we have seen that even the threat of trade sanctions can get certain industries and employers to lay off their young workers; this, in fact, is what happened in Bangladesh last year. But as a UNICEF/ILO study found, many of the children wound up in a situation far worse than the one they left, working under poorer conditions than before and not attending school. This is an outcome all would agree must be avoided.

UNICEF policy under review

UNICEF takes a strong stand against exploitative child labor and works in collaboration with the ILO and other international agencies, governments, NGOs, trade unions, private industry, legal experts and children themselves to ensure the protection of working children and their integration into the educational system, in line with the provisions of the Convention on the Rights of the Child. All of our activities in the area of child labor put the best interests of the child in first place. In this framework, however, we recognize that there is no single answer -- no magic bullet, no single formula -- to tackling a problem that is so complex and linked to local realities. Given new developments in this area and the emergence of promising new strategies in recent years, our policy regarding child labor is currently under review. Hearings and debates such as the one we are taking part in today are a most useful part of this process.

Innovative approaches

Innovative approaches to this problem are awakening widespread interest and sparking concerted action in a number of countries:

* UNICEF India is working with a broad range of partners on a most promising proposed strategy to eliminate exploitative child labor, in a phased manner, by the year 2000. Each year, over this period, emphasis will be placed on getting a different age cohort into primary school and out of exploitative labor situations. Making the education system work and providing real access to primary education for all children is a pre-requisite for the strategy's success. The

goal-driven, time-bound approach under consideration in India could provide a useful model for adaptation elsewhere.

* UNICEF India is also working with a number of partners -- including the carpet industry -- to establish a "child labor-free trademark" to be shown prominently on rugs certified as having been produced without child labor. The Rugmark Foundation established to promote this initiative will be made up of companies that do not employ child labor and support compulsory primary education. Rugmark is proposing a levy of 1-2 per cent of the value of carpets at export point in India, and that the revenue be used to rehabilitate and educate children released from the carpet industry. The Rugmark initiative has the advantage of mobilizing the private sector itself to voluntarily certify non-use of exploitative child labor, and at the same time support the transition of child workers into education. UNICEF India has also decided not to purchase supplies or equipment from businesses exploiting child labor.

* In Bangladesh, UNICEF and the ILO have begun to work with the government and NGOs, including the garment industry, to link improvements in working conditions with improvement in basic education, with a view to progressively eliminating exploitative child labor. The most hazardous workplaces are being identified for immediate action. Assistance will be provided to NGOs that offer quality non-formal education -- such as the Bangladesh Rural Advancement Committee (BRAC)-- to go to scale.

* In Brazil, UNICEF is providing support to a formal partnership between government and civil society called the Pact for Children. A combination of national standards and decentralized action provides for gradual and progressive elimination of exploitative child labor, while seeking to protect working children against immediate dangers to their health and development. Special emphasis has been placed on providing basic education, health care and other services for street children.

* In Egypt, efforts to eliminate exploitative child labor are being carried out in the context of implementation of the Convention on the Rights of the Child. UNICEF is working with employers to provide vocational training and basic education to working children. What began as a pilot project in Alexandria is currently being expanded to two urban slum sites in Cairo. NGOs, particularly the Scout movement, are taking the lead in this effort.

* In the Philippines, civil society has taken the lead in protecting children, and has catalyzed government interest and support in the process. Using creative forms of

advocacy, social mobilization and provision of viable alternatives, a broad alliance of organizations has made important inroads against child prostitution, child employment in deep-sea fishing and child scavenging in garbage dumps.

* The Undugu Society of Kenya, with UNICEF support, offers education to working children in four low-income areas of Nairobi, using regular school facilities with a modified curriculum and flexible hours to suit working children's needs.

The contribution of child workers

Let me note, in closing, that with their labor, the littlest and largely invisible victims of poverty help make the world go round. Certainly, they are an invaluable help to their families. As tragic as their circumstances may be, I think we must all pay tribute to the resilience, tenacity and generosity of children who labor. Rarely in discussions of this problem is their contribution recognized. I believe that the formidable coping strategies developed by the poor -- and especially poor children -- merit our admiration and gratitude, rather than the disdain society traditionally heaps on them.

But recognition of the contribution of working children does not mean condoning or tolerating exploitation. We at UNICEF believe that under no circumstances should children have to tax their energies, compromise their development, risk their health or undermine their potential through exploitative or hazardous labor. Children have a right to childhood, to health and learning, to play and relaxation. And we adults have an obligation to see to it that these rights are respected -- not only because it is the humane and moral thing to do, but because our collective future depends on it.

President Clinton said it eloquently last year before the UN General Assembly:

"As we dream new dreams in this age when miracles now seem possible, let us focus on the lives of those people, and especially on the children who will inherit this world. Let us work with a new urgency and imagine what kind of world we could create for them over the coming generation... We are compelled to do better by the world's children... We must ensure that there is a place at the table for every one of the world's children."

Thank you for your keen interest in this issue and, once more, thank you for giving UNICEF the opportunity to testify today.