

WORKING CHILDREN'S RIGHTS IN TRANSLATION: The African Movement of Working Children and Youth

Dr Nicolas Mabillard – nicolas.mabillard@unige.ch

My presentation focuses on the African Movement of Working Children and Youth (AMWCY), a working children's social movement advocating for alternative working children's rights. Based on my PhD thesis I will give a qualitative sociological account of the movement's organisational structures, dynamics, and strategic use of children's rights discourses.

I conducted fieldwork with working children and within the AMWCY in Dakar and Saint-Louis between 2015 and 2017. Using a multi-sited ethnographical approach, I observed the daily activities of children exercising three types of work in the informal economy: vocational training, domestic work, and street vending. My aim was to understand their conception of justice at work. I also attended numerous key workshops, sensitisation sessions and organisational meetings of the AMWCY.

Besides participating in such everyday activities, some of the movement's members take an active part in national and international meetings and conferences on child labour. They promote their organisation, attract donor agencies' funding and promote a list of 12 rights created by a select group of West African working children in 1994. The 'discovery' of these rights by these children gathered by ENDA Jeunesse Action – a Senegal-based NGO that supports vulnerable children – marks the birth of the AMWCY. A prime example of such strategic participation stems from 2002 when members of the AMWCY managed to get invited at the UN headquarters in New-York to participate in the drafting of a UN resolution on children entitled 'A World Fit for Children'. There, they were positioned to advocate for their vision of working children's rights amongst the myriad of UN organisations, governmental delegations and NGOs present

In my presentation, I will focus on the AMWCY's current internal structures and on the usual social dynamics at play within the organisation, including the mutual instrumentalization between members of the movement and the affiliated children. I view the movement as a network of trained 'development brokers': intermediaries between NGOs and target populations in the frame of development projects. They have specialised in the uses of children's rights discourse in national and international settings: UN agencies and affiliated NGOs, African national and regional governmental bodies, International NGOs, etc. Looking at the 2002 UN conference mentioned above, I will also highlight the importance of the 'translations' of working children's conceptions of justice at work – what I refer to as their 'living rights' – by the AMWCY delegates. I will show how the movement took advantage of the event and what it adds to the understanding of how the global child labour regime works in practice.

Breakout Rooms Report

Talking points

- How can we accommodate the concept of youth within such a strong and strict international children's (under 18) rights agenda?
- How can we move beyond the children's agency / manipulation debate?
- How can we continue to protect and empower working children in a world that is increasingly hostile to child labour? (e.g. in the face of the 2021 International Year for the Elimination of Child Labour)

Breakout Room 1

How to continue to empower working children in world that is increasingly hostile to child labour. Even in the context of COVID. The situation has worsen, and the criminalization of children is increasing. There will be more children who will be working

Going back to the points of trade unions and ministry of labour. On one hand while we support the activism of working children, increasingly we are seeing a blockage with the bottle necks: one are trade unions in the respective countries, secondly are the ministry of labour and labour policies that are detrimental to children working in whatever form.

Shifting work from activism to looking at the bottlenecks, and how to break them. What are the policies that children can advocate for concrete changes. Addressing structural bottlenecks: we need more research and advocacy. Example of bottleneck: something that prevent to achieve the outcome. Structural bottlenecks: age limit, children should be in school and not at work, trade unions are mandated to recruit adult members and children are not allowed.

Experience of working with ministry of labor and protection agencies who are usually working separately. During COVID, as school shut down, the protection agencies cannot support, but labor laws are still enforced. Where do government educational policies start and finishes. And the obligations of producers, who during covid, give our goods, but without support from protection agencies. The pragmatics of child protection systems – that are not functioning now. Who holds government accountable on protection.

Indian context: what happened. What worked well there was to work with decentralized governments. They were interested to look at good interest, work on the ground. Many things were managed to be pushed through a lot of positive changes. Lots of kids still remain without safety nets. Now a discussion on adolescent work finds a space to be listened to at the decentralized level.

How come the systems broke down in COVID when they are strong systems that are still working in other crisis. How come there was no transition plan in place and who hold the governments to account for those gaps.

Brings lights on the needs for localization: what CP systems are resilient and what aren't.

In Africa, create more opportunities, development of new jobs opportunities that contributes to the development of their communities.

Breakout Room 2

A participant working for a children's rights NGO in Iran explained that some of their programmes are based on sensitizing children on the Convention on the Rights of the Child, and in this context they had been telling children that they should not work. But they had little success in stopping children from working, because many of them had to work; indeed many (some as young as 8 years old) travelled precisely in order to work. She suggested that the list of twelve rights of the African Movement of Working Children and Youth (AMWCY), with the 'right [for children] to be taught a trade' and the 'right [for children] to work in safety', was more realistic and could be widely adopted. The 12 rights could inspire innovative ways of combining work with schooling.

It was pointed out that this observation relates to the third discussion point on defending children's claim of the right to work with dignity in the face of widespread hostility to child labour, typified by the international year for its elimination.

Another participant shared insights into the beginnings of the AMWCY's National Coordination in Zimbabwe of which he had been a part. An international NGO sponsored workshops on children's work around 20 years ago, and brought in representatives from Enda and the AMWCY. This NGO contacted children through local NGOs and helped to these retain contact with the AMWCY. At that time, AMWCY supported grassroots groups of children who had NGO support, a policy that placed limits on which children could benefit. Subsequently, the international NGO changed its focus from children's work to child participation, and some non-working children were incorporated into the Zimbabwe branch of the Movement.

A participant familiar with the AMWCY's activities in Burkina Faso pointed out a few salient points on the movement's social dynamics in this country. The host had observed similar dynamics in Dakar and Saint-Louis, Senegal:

- The children who receive the most attention and support from the movement are part of the local 'middle class'. They are able to invest time in the movement's activities because they do not live in extreme poverty. The participant underlined that they are also entitled to benefit from the movement's support, but should not be the primary beneficiaries.

- Children living in extreme poverty are not able to pay for the movement's membership fees on a regular basis, therefore they do not receive the support they would require.
- The movement gives priority to supporting its members. This is not a deliberate strategy, but the result of the social dynamic mentioned above (wealthier children can attend the movement's activities and pay membership fees).

A participant wanted to be informed about the AMWCY's relationship with the ministries in charge of child protection, well-being and child labour in Senegal. The host explained that ENDA Jeunesse Action staff members are in frequent contact with ministries in Senegal to discuss child labour in the country and to advise the government on the best strategies to adopt. The host had not been able to study this crucial question in detail.

Breakout Room 3

After introducing ourselves we decided to focus on the third question:

How can we continue to protect and empower working children in a world that is increasingly hostile to child labour? (ie in the face of the 2021 International Year for the Elimination of Child Labour)

We need to protect the rights of working children to ensure that they are not harmed or exploited through work but we should also be protecting children's right to work even though the ILO and the UN system does not recognize children's right to work.

We should be promoting decent work or adults as well as children.

Many children need to work. In the DR Congo the per capita income is less than \$1.5 / day so that it becomes difficult for children not to work. Many children however end up working in mining where the work is inherently hazardous and exploitative ... children need to be protected from this type of work but there are few other opportunities for better forms of work and simply removing children from work can make their own conditions and the conditions of their families worse.

The rules prohibiting child labour have come mainly from northern (developed) countries and applied in the south but there is often little recognition that children do work in many northern countries and in those situations those countries are not sanctioned. The assumption is that in these instances children are benefiting from their work experiences. There is a double standard being applied in northern (children may work) and southern (children may not work) countries / economies.

The development of the Child Rights and Business Principles were intended to promote and protect the rights of children in relation to all aspects of the practices and policies of businesses

<http://childrenandbusiness.org/the-principles/principle-2/> and do provide many protections for children. But in relation to children's work the emphasis of the CRBP has been on the

minimum age standards of the ILO (C. 138) and in removing underage children from work. This is carried without regard to whether this is in children's best interest, does not allow for children's participation in any decision making about the interventions and provides for little or no follow up to determine whether children who have been removed from work have improved in their overall wellbeing.

It would be possible for young children to work under Article 6 of ILO 138 if a training / educational program was developed around the work of children that recognized the type of learning (technical, business, life skill) that can happen through work and would be further supported by a supplementary learning program for working children that meets the educational standards of the society in which the children lived. Such a program would need to be developed with children, their families and employers as well as with the educational child development and educational experts and educational authorities. While such a program would be possible and the working children would not be considered "child labour" there are no known examples (by the members of our group) of this type of undertaking. Such a program might fit under the type of programming carried out through FairTrade.

Article 6

This Convention does not apply to work done by children and young persons in schools for general, vocational or technical education or in other training institutions, or to work done by persons at least 14 years of age in undertakings, where such work is carried out in accordance with conditions prescribed by the competent authority, after consultation with the organisations of employers and workers concerned, where such exist, and is an integral part of--

(a) a course of education or training for which a school or training institution is primarily responsible;

(b) a programme of training mainly or entirely in an undertaking, which programme has been approved by the competent authority; or

(c) a programme of guidance or orientation designed to facilitate the choice of an occupation or of a line of training.

Breakout Room 4

The first issue that was discussed was the artificial child/youth distinction. One of the participants suggested a more nuanced approach when it comes to defining what is 'good' child work or 'bad' child labour. It was proposed that the developmental age of the child is taken into account when looking at what can be considered dignified or hazardous work instead of looking purely at biological ages.

Another participant flagged that there is still no satisfactory framework for defining and distinguishing between child labour and child work.

To this it was replied that even within Latin American movements of working children there is disagreement on what constitutes dignified work, which shows the limits of thinking in such binary ways.

This provoked one of the participants to question why the ILO and UNICEF do not seem to be able to come to terms with the fact that their absolutist approach to child labour does simply not reflect reality.

To this one of the participants responded by alluding to the tension that this places on NGOs working in the field in countries where many children work. The example given was based on experiences in an African country where the requirements of the donors backing the ILO/UNICEF global policy make little sense when translated to the field.

A last talking point revolved around Afghan refugee children working in Iran on their way to European destinations. Once there they often just want to feel like a child again, even when over 18, since so much of their conventionally understood childhood was tainted by work and migration – these children/youths thereby expose the stagnant binary conceptualization which dominates our thinking.