

Lise Bjerkan and Christophe Gironde

Achievements and setbacks in the fights against child labour

Assessment of the Oslo Conference on Child Labour October 1997



Fafo

Research Program on Trafficking and Child Labour

Lise Bjerkan and Christophe Gironde

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Assessment of the Oslo Conference
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Preface

Over the past seven years, Fafo has developed a research profile on child labour and policies to combat it. Studies of work life are a core research area for Fafo, and our surveys of living conditions have targeted children and youth as a particularly important group to be examined. Fafo's origins in the trade union movement have resulted in a particular interest in developing institutional frameworks for regulating work and labour rights issues in the best interests of national economic development and the work force.

The Norwegian Ministry of Foreign Affairs drew upon Fafo's expertise to assist in preparing and hosting the International Conference on Child Labour in Oslo in 1997. Since then, Fafo has been commissioned by the International Labour Organisation, the World Bank, and others to provide applied research of interest to those combating child labour. The studies have been multifaceted and have addressed such issues as child labour and international trade, child relocation and domestic work, how to identify and measure child labour in national statistics, and how to identify and study child soldiers and the trafficking of children.

In 2002, the Norwegian Ministry of Foreign Affairs generously agreed to finance a three-year Fafo program on child labour, enabling us to collate and consolidate our research on the subject. International efforts to combat child labour must be knowledge-based; that is, they require a good empirical understanding of its causes, forms, and extent. One challenge is to develop methodologies that can strengthen the planning and efficiency of national programs to counter child labour. It is Fafo's aim to contribute to this goal by providing knowledge and methods to map the challenges and measure results.

The specific objectives of the program are to:

- Help improve the empirical understanding of the variations of child labour, including their social and family contexts;
- Improve and validate qualitative and quantitative methods to study and map child labour, with a particular focus on its worst forms;
- Explore how an understanding of children as actors may help develop preventive measures aimed at improving living and working conditions for children and reducing the prevalence of child labour.

We are pleased to present the first in a series of working papers from this program, which in 2003 has been coordinated by Lise Bjerkan, one of the co-authors of this report. This report attempts to assess the impact of the 1997 Oslo Conference, and the status today of the issues addressed at that conference. This is a natural start for our program, as an understanding of the issues on the agenda today is important to focus our further work to fill the relevant knowledge gaps.

We are grateful to the members of an advisory group that we have established for the program: Furio Rosati (Understanding Children's Work, Florence), Ousman O. Sidibé (Commissariat au Développement Institutionnel, Bamako), Geir Myrstad (IPEC /ILO, Geneva), Karin Beate Theodorsen (LO, Oslo), Tori Nettelhorst Tveit (NHO, Oslo), Annette Giertsen (Save the Children, Oslo) and Bjørne Grimsrud (Fafo AVF, Oslo).

I would like to thank the researchers participating in the program, in particular Christophe Gironde, one of the co-authors of this report, and Jon Pedersen and Anne Hatløy, who provided input from the field. Special thanks are also due to our colleague Bjørne Grimsrud, who contributed his valuable perspective and input to the report based on his many years of involvement with the child labour problem. Thanks also to Mark Taylor for his editorial stewardship in the report's final stages. Finally, we are grateful to the Ministry of Foreign Affairs of Norway for its financial support, without which this report would not have been possible.

Jon Hanssen-Bauer
Managing Director
Fafo AIS

Executive Summary

At the end of the 1980s, the fight against child labour entered a new phase. At the International Labour Organisation (ILO) concern had arisen over the slow ratification by Member States of the Minimum Age Convention (C138/1973), then the normative basis for national and international legislation concerning child labour. In 1989, Member States of the United Nations adopted the Convention on the Rights of the Child (CRC). The approach of the CRC defined child labour not according to type of work or activity, but according to the effect of the labour activity on the child.

The adoption of the CRC, and discussions around the minimum age convention (C138) at the ILO, renewed the international momentum to combat child labour and revived discussion of how best to do so. At the same time, the rights-based approach of the CRC established the basis for rethinking child labour and reformulating responses deployed by multilateral organisations and governments. In response to the adoption of the CRC, UNICEF changed its approach, from one that targeted children's needs to one that focused on children's rights. In 1992, the ILO launched its International Programme for the Elimination of Child Labour (IPEC). At the World Bank, child labour became an issue of economic development.

Still, during the 1990s, progress was slow. In spite of growing global public concern, international initiatives and actions were hampered by differences in approaches to child labour by key stakeholders and by governments' reluctance or resistance to implement international standards. In this context, the Norwegian Ministry of Foreign Affairs, the ILO, and UNICEF organised an international Conference on Child Labour in Oslo. The purpose of the conference was to strengthen international strategies for combating child labour by inviting participating countries to endorse a jointly defined Agenda for Action.

In 2003, the Norwegian Ministry of Foreign Affairs commissioned the Fafo Institute for Applied International Studies to assess the impact of the 1997 conference and to recommend future steps. Fafo has approached this task by interviewing the various stakeholders involved in combating child labour, as well as some of the participants at the conference.

We found that the Oslo Conference, and the process leading up to it, was successful in meeting the challenge of realigning the positions of the important stakeholders and defining a common platform to combat child labour. By using conference

preparation committees, the organisers managed to move the key international participants towards common ground before the conference. During the conference, this common ground was consolidated as a common position, expressed in an Agenda for Action that was unanimously endorsed by the conference participants.

The conference process contributed to a new momentum in the fights against child labour, in part by facilitating the development of a new international legal and institutional framework. In particular, the Oslo Conference helped build a bridge between the CRC and the Minimum Age Convention that has resulted in increased ratification, and relevance, for both conventions. Likewise, the Conference helped mediate organisational tensions, in particular between the ILO and UNICEF, by building legitimacy for the approaches of both organisations. Furthermore, a consensus was consolidated on the need to develop a new convention on the worst forms of child labour, which was to become ILO Convention 182 (1999). C182 would have the merit of reducing resistance to implementation of international standards by targeting the worst forms of child labour and, in so doing, suggesting the phased elimination of child labour. In addition, the conference moved donor countries to bring the ILO, UNICEF and the World Bank together to establish the joint inter-agency research programme Understanding Children's Work and its Impact (the UCW project), with the objective of addressing the lack of data and information that has hampered the design policies and the monitoring of implementation.

Despite these clear and concrete contributions to the fight against child labour, it remains an open question as to whether the Agenda for Action that emerged from the Oslo Conference has had a significant impact on the prevalence of child labour. Our initial discussions with those practitioners on the front line in the fight against child labour indicate that the Agenda for Action itself has not made a substantial difference in their work. This is in part because of the success of the Oslo Conference: the consensus reached on the need for a convention on the worst forms of child labour led to the promulgation two years later of C182 and its rapid ratification. Naturally, that convention has overshadowed the Agenda for Action that contributed to its realisation.

Our study makes clear that the continuing prevalence of child labour is also a result of the challenges or constraints that continue to plague implementation of the Agenda for Action. These include; First, coordination among the three main international organisations is still short of what seems to be required. Second, the broader coalition between the three multilateral organisations and other organisations or governments committed to the cause of combating child labour has not developed and strengthened enough to give full effect their combined efforts. The high public visibility of the issue has helped mobilise funds, but there seems to be a need for increased integration and refocus of the work of the broad child labour

coalition, both to continue to mobilise donors and to increase impact of the work on the ground.

In short, while the Oslo Conference facilitated clear and verifiable progress in multilateral policy-making, this progress has not been matched by subsequent energetic implementation by Conference participants. This delay in implementation, the coordination problems faced by multilateral institutions, the need to strengthen the international coalition, and the emergence of new debates based on the experience gained over the past six years, all point to problems of focus, momentum and, ultimately, political will.

By way of conclusion, we discuss several options available to policy makers that might address some of the problems present facing international policy making on child labour. These include:

- A conference on child labour and education
- Regional implementation review conferences
- Improving knowledge via a high level panel on child labour and development
- The establishment of a monitoring mechanism

We further suggest that efforts to draw increased political will to the fight against child labour will need to include implementing NGOs and other agencies and social partners as full participants.

1 Introduction

In 1997, the Norwegian Ministry of Foreign Affairs (MFA), the International Labour Organisation (ILO) and the United Nations Children's Fund (UNICEF) organised an international conference on child labour in Oslo. The purpose of the conference was to strengthen international strategies for combating child labour. The strategic objective of the conference was to get participating countries to accept and implement obligations that would, over time, produce reductions in the prevalence of child labour. The immediate objective of the conference was to produce a final document that was as operational as possible.

Six years on, the efforts to combat child labour continue. Child labour is still a highly widespread phenomena in numerous countries around the world. The purpose of this study has been to assess the role played by the Oslo Conference on Child Labour in the international fight against child labour. The report asks, Did the Oslo Conference have an impact on the fight against child labour and, if it did, what was the nature of that impact?

At the end of the 1980s, the fight against child labour entered a new phase. The agreement in 1989 of the UN Convention on the Rights of the Child (CRC) coincided with discussions concerning ratification of the ILO Minimum Age Convention (C138/1973), which at the time constituted the normative basis for national and international legislation concerning child labour. Under the CRC, in contrast to the ILO approach, child labour was not defined according to the type of work or activity, but according to the effect of the activity on the child.

By basing its approach on a rights-based concern with the impact of work activities on the child, the CRC laid the ground for rethinking child labour and the strategies deployed for dealing with it. As a result, core debates emerged around such issues as the definition of children working in their own homes, the role of education in the fight against child labour, children's right or need to work, and children's participation in the formulation of responses to the matters of most concern to them.

As a political problem, child labour had returned to its position as a high profile, international issue by the mid-1990s. The adoption of CRC and discussions around ILO C138 revived the debate and contributed to important steps by various stakeholders involved in the fight against child labour: the ILO launched its International Programme for the Elimination of Child Labour (IPEC); UNICEF changed its approach from children's needs to children's rights; at the World Bank,

child labour came to be viewed as a form of economic discrimination. The Oslo Conference was prepared and convened in this context.

Yet, in spite of growing global public concern, international responses were hampered by differences in approaches to child labour by key stakeholders and by governments' reluctance or resistance to implement international standards. The challenge for international policy-making was to respond in a manner that would enable a more coherent approach by all stakeholders as well as greater attention to the problem by governments.

Analytical framework

Our assessment of the impact of the Oslo Conference takes as its point of departure the international context described above. International policy-making is conducted via mechanisms of international cooperation, such as international conferences, and in this respect, the Oslo Conference is no different to other areas of international policy. Effective policy coordination is an important measure of international cooperation and we have sought to assess the extent to which the Oslo Conference facilitated agreement among states and their multilateral organisations to adopt and implement cooperatively agreed policies.

To this end we have conducted qualitative interviews with practitioners and officials from the various organisations – governmental, non-governmental and multilateral – involved in the fight against child labour. Our respondents were either directly involved in the Oslo Conference, otherwise engaged in the issue of child labour at the time, or engaged in the issue in subsequent years. These interviews, and the relevant academic and grey literature, has formed the basis of the analysis presented in this report.

It should be emphasised that, in our view, progress in policy formulation should ultimately be measured by the extent to which policies affect the phenomena that they target. Due to budget constraints, it was not possible to conduct field-work to assess the impact of the Oslo Conference on the prevalence of child labour. As a result, this report does not evaluate the extent to which the Oslo Conference resulted, for example, in a reduction or change in the prevalence or forms of child labour. However, on-going Fafo AIS research projects on child labour and related topics – e.g. trafficking of children and women, war affected children – implemented during the period of this study enabled us to design and conduct interviews with practitioners directly involved in the implementation of programmes to address child labour. In this way, we were able to generate some preliminary findings on the impact of the Oslo Conference on front-line implementation processes.

2 Child Labour in International Policy, 1989–1997

This chapter describes the context in which the Oslo Conference was organised. It recalls the main events with regard to international policy-making on child labour in the period from 1989 – 1997, including the main policy debates and actors, the important intra-organisational dynamics at work and important steps by international organisations involved in the fight against child labour, changes in international legislation, the revival and alteration of the debate on child labour.

The recent history of the development of international policy concerning child labour begins with the adoption in 1989 of the UN Convention on the Rights of the Child (CRC). The adoption of the CRC heightened public concern around the world and prompted all stakeholders – governments, trade unions, and multilateral institutions – to respond.

Yet, this was not the first time in history that child labour had been high on the international agenda. In the early nineteenth century regulations concerning child labour were adopted in Switzerland and, in Britain, public outcry accompanied the disclosure of the working conditions of children in mines. By the end of the nineteenth century, child labour was at the forefront of the international struggle for labour rights: in 1890, Germany called the first international conference on child labour and in 1919 the ILO was formed. The first child labour convention was adopted that same year.

The ILO Framework

Throughout the twentieth century, a number of international measures were adopted to address child labour, most of those contributing to a normative framework elaborated by the ILO. Within this framework, the main instrument for the control of child labour was ILO Convention No. 138, adopted in 1973, concerning the minimum age for admission to employment. Up to agreement of the CRC, ratification

of C138 had been slow compared to other ILO conventions. Indeed, as late as 1992, only forty-six countries had ratified C138, while the other ILO conventions which today define the core labour standards enjoyed the ratification of more than one hundred countries. Increasingly, some ILO Member States argued the low level of ratification indicated that the minimum age standard should be dropped from the list of core labour standards.

In response to the increasing discussion about child labour, and the growing debate about the strategies, the ILO launched the International Programme for the Elimination of Child Labour (IPEC) in 1992. The IPEC, based initially on funds made available by the German government, came about in part as a response to the heightened awareness of child rights created by the adoption of CRC. At the time, the ILO did not see IPEC as an initiative with significant implications for ILO strategy: IPEC did not adopt the tripartite structure of ILO ¹, nor did it attract ILO practitioners with major organisational clout, and its initial focus was on improving policy effectiveness through field-based activities.

Contrary to expectations, the establishment of IPEC did have indirect impact on strategy. Operational staff inside ILO, combined with representatives of some Member States, began in the early 1990s to push for the adoption of a new ILO convention, this time targeting the worst forms of child labour, based on the view that C138 was insufficient to deal with the worst forms of child labour. This approach bore fruit in 1996 when it was supported by a resolution of Member States in the ILO Governing Body. By the approach of the Oslo Conference, the first ILO background note for the conference emphasised the worst forms of child labour and pointed out that their manifestation in the informal economy made them particularly difficult to regulate:

The overwhelming majority of children work in rural areas (mostly small farms), in domestic service as house-helpers and baby-minders, and in the informal sector in countless small shops, factories and construction yards. In many countries these sectors tend not only to be excluded from coverage under child labour laws, but they are virtually unimpeachable by means of governmental inspectors and standard enforcement practices. At the same time evidence suggests that the most exploitative and hazardous working conditions are largely contained in these sectors.

In 1998, the ILO officially adopted the declaration on core labour standards and, far from being a candidate for exclusion, child labour as defined in C138 had become the centre of the attention.

¹ The tripartite structure of the ILO consists of governments and employees' and employers' organisations.

Trade Union Advocacy

Throughout the 1990s, national and international campaigning played an important role in the debate in international policy-making concerning child labour, including its position as a core labour standard within the ILO framework.

In 1994, the drive to drop C138 from the ILO's core labour standards was met by an international campaign launched by the International Confederation of Free Trade Unions (ICFTU) during the ILO conference of that year. That following year, the ICFTU and the union movement managed to secure a reference to all the seven ILO conventions as the core labour standards in the declaration from the World Summit for Social Development held in Copenhagen in 1995. But the campaign went beyond international policy statements to target individual companies making use of child labour, mounting consumer boycott actions, and promoting of codes of conducts. One of the principle aims of the campaign was to mobilise Member States to ratify of C138.

The campaign launch reflected a shift in ICFTU strategy. In the beginning of the 1990s, the ICFTU realised it would have to reorient itself from its existing structure and agenda, which had been formed during the Cold War. From the point of view of the union memberships in the industrial world, the key issues to be confronted included liberalisation of the global trading system, increased competition for manufacturing jobs by developing countries, and relocation of industry to low-cost countries. It was obvious that these issues were hardly ones that would unite workers from industrialised countries with their brothers and sisters in developing countries. The trade union movement found that even efforts to promote universal labour standards proved difficult for unions from the developing world to accept as a common ground for international advocacy.

The launching of the ICFTU's child labour campaign showed that, on the issue of child labour, agreement was possible across a much wider constituency of trade union memberships. While the Indian representatives in the ICFTU's governing body opposed the campaign, for example, the African representative, Morgan Ts-vangerai, at that time leader of the Zimbabwe Confederation of Trade Unions, strongly supported the campaign. In fact, More than one hundred national trade union centres around the world participated to some extent, increasing the attention to the issue of child labour. Unlike the core labour standards campaign, a number of trade unions from the developing world became engaged in the campaign. This demonstrated that the idea of deleting child labour from the list of core labour standards would have been a counter-productive measure for the trade union movement. Rather, the fight against child labour was made the frontrunner in the campaign for core labour standards in countries such as the U.S.A., Belgium, Germany and France.

One of the important national arenas where these dynamics played out was in the USA. The USA was one of those states that had not ratified C138 and had, since the beginning of the 1990s, its own national debate on child labour. In this debate, trade and international competition were the underlying issues. Senator Tom Harkin had tabled a proposal for a bill banning the import of goods made by the help of child labour to the U.S.A. The bill was in particular oriented towards the garment industry and sparked of immediate reactions in Bangladesh, a major garment-producing country. The Harkin Bill never passed, but references to respecting laws against child labour were included in several trade agreements and arrangements, such as the NAFTA treaty. Also, the US General System of Preferences for import duty reductions for goods produced in developing countries made the link between core labour standards and international trade agreements.

In 1993, as a part of the debate in the US, the Congress directed the Secretary of Labour to conduct a study identifying foreign industries and host countries utilising child labour in producing goods imported to the USA. For this reason, the Child Labour Office was set up in the US Department of Labour (US DoL) to document the scope and magnitude of child labour. It also had the political effect of showing the U.S. trade unions that something was being done on this issue at a time when there were ongoing trade liberalisation talks led by the US administration. This office continued to publish documentation throughout the 1990s and was also given the task of monitoring the growing American contributions to ILO's work against child labour.²

The official background for the decision to call for the Conference was the work done in 1992 on the development of a strategy for the provision of development of aid to children as a follow-up to the CRC and the action plan adopted at the UN World Summit on Children in New York in 1990. However, the initiative of arranging an international conference on child labour was also a response to the domestic pressure applied by the trade union movement. In Norway, Confederation of Trade Unions (LO), as a part of the ICFTU-campaign to take action against child labour, approached the Government seeking a conference that would deal with the links between child labour and trade. In 1995, the MFA decided to call for an international conference on child labour but dropped any reference to trade issues.

² The first head of the office, Sonja Rosen, participated in the Oslo Conference. The office was also unofficially represented at the preparatory meeting in Florence in 1999, where the proposal for setting up the Understanding Children's Work programme was drafted.

UNICEF

The adoption of the CRC wrought profound change at the United Nations Children's Fund (UNICEF). UNICEF shifted its approach from an emphasis on children's needs to the realisation of children's rights. At the same time, UNICEF changed its focus from children in especially difficult circumstances (CEDC), a policy launched in 1986, to the population of children in general.

In the mid 1990s, the increasing effectiveness of the ILO's IPEC in drawing attention to the problem of child labour played an important role in UNICEF's interest in child labour.³ But the point of departure for UNICEF was different.⁴ In 1995, in a presentation to the US DoL, UNICEF cited the definition of child labour as given in the CRC. Child labour, as UNICEF saw it at the time, was not about employment or regulation of the labour market through minimum age regulations (i.e. C138), but about protecting children from unacceptable activities as defined by the CRC. In addition, in keeping with the UNICEF tradition, education strategies are central in the UNICEF responses to child labour. UNICEF underlined its commitment to cooperate with the ILO, but the difference in approach was implicit. Among the UNICEF partners listed in its presentation, trade unions were not mentioned.⁵

With the rights-based approach, UNICEF held that the society must provide children with protection.⁶ In 1996, UNICEF made child labour a priority; it was decided to increase resources to build technical expertise on the topic. High-level management staff took the initiative, and Child Protection Section was created. The State of the World's Children 1997 Report (with a chapter entitled "Ending hazardous work and exploitative child labour") concretised this new priority. Child labour was then to be mainstreamed in UNICEF's field programmes (education, health, etc.). In addition, programmes of action of a new kind were developed. UNICEF moved from service-delivery towards making governments to adapt their system, and from "mini-projects" targeting small groups of children, such as street children, to larger populations of children through health and education-related programmes such as *Education for All*.

³ Some in UNICEF described this phase as "IPEC take-off".

⁴ UNICEF Executive Board document (ICEF/2001/13 and Corr. 1) setting Priorities for Children 2002-2005.

⁵ UNICEF Statement to the US Department of Labor hearing on child labour, 1995.

⁶ A Review of UNICEF Policies and Strategies on Child Protection, Executive Board Documents, E/ICEF/1996/14.

The World Bank

In 1996, the World Bank did not have a policy on child labour and argued that child labour lay outside the Bank's mandate. In a paper on the legal aspects of the World Bank's involvement in child labour, it is concluded that the Bank's possible role in the enforcement of child labour standards would be limited by its specialised mandate and the need to address the issue, when justified, in the context of specific lending operations. Reference to the Bank's "specialised mandate" relates to its mandate for promoting economic development and the prohibition in the Bank's charter from interference in the internal affairs of Member States.⁷ In particular, the Bank saw itself as prevented by its mandate from imposing conditions on Member States with the objective of enforcing child labour standards.

During the preparations for the Oslo Conference, the World Bank began to engage in the issue of child labour. Resources were allocated to build expertise for that purpose. During the same period, the Bank had begun to consider ways of factoring in human rights issues, governance and corruption to its policies and projects. Through this reconsideration, child labour became an economic issue for the Bank. Child labour came to be seen as a form of economic discrimination that affects the economy as a whole.

Key Themes of the Policy Debate

Implicit in the story of international policy during this period is the emergence of a number of themes as the principle terms of the debate over child labour. The terms of the debate consisted of views about the nature of the problem of child labour and, therefore, the principles that should form the foundation of policy responses, as well as views about the strategies that should be adopted. While it is possible to identify positions of organisations and individuals in relation to this debate, the main themes of the debate transcended institutional boundaries.

Four main themes of the debate can be discerned:

1. The definition of child labour
2. Putting the worst forms first
3. Compulsory Education as a tactic to combat child labour
4. Children's right to work

⁷ Background note, Office of the Senior Vice President and General Council, 23 September 1996.

Defining child labour

The ILO's Convention No. 138 is a labour market regulatory convention addressing formal labour relations. In general, the ILO approach to regulation typically dealt with work life in the formal labour market. This involved defining the scope of regulation according to the type of work activity or labour. The same was true for child labour. C138 creates a minimum age for the employment of children in formal sector. Informal employment – such as on family farms or in the home – could be excluded from coverage by the Convention by national legislation. The implication was that child labourers falling outside the jurisdiction of C138 would not be a priority in the fight against child labour.

The adoption of the CRC in 1989 helped energize the debate over the different types of work activities that should be considered as child labour. In contrast to C138, the CRC defined child labour according to the effect of the activity on the child, not according to the work activity. According to the CRC, any labour activity that was detrimental to the child, regardless of whether it took place at a formal workplace or in the child's own home, would be considered child labour. On the other hand, under the CRC, not all work carried out by children would be considered child labour, such as those activities considered part of a natural and healthy socialisation process.

In the mid-1990s, discussions on the definition of child labour reflected differences in interpretation of the normative foundations for addressing child labour, i.e. different interpretations of how the two main international conventions were complimentary. While both C138 and the CRC sought to protect children, they differed in their definition and their approach. The CRC elaborated a protection strategy based on the rights of the child, while the protection afforded by C138 was based a regulation of labour market. The implications of this difference were significant. Under the CRC definition, millions of children, for example girls held back from school in order to do housework, would fall under a definition of child labour. A key difference of interpretation rested on a dispute over whether or not the provisions for consultation with children to seek their views would override C138.

Putting the worst forms first

The debate over definitions was to have significant implications for international responses to child labour, both for the formulation of strategies to combat child labour and for the tactics of seeking international consensus on such strategies, such as at the Oslo Conference.

As already noted, by the early 1990s, the slow pace of ratification had already presented challenges to the legitimacy of C138. Within the ILO, more precisely among the IPEC operational staff, there was an awareness of the need to widen the

scope of ILO's work beyond the formal labour market towards areas of the economy where the preponderance of child labour problems were found, particularly sectors of informal or even criminal economic activity. The increasing realisation that the coverage of C138 may be less than sufficient to deal with the problem contributed to the sense among many stakeholders operating within the ILO framework that the normative basis for dealing with child labour needed to be strengthened.

The result was a growing call for a convention on the worst forms of child labour.⁸ At the ILO Governing Body meeting in November 1995, a document⁹ was circulated listing debt bondage, traffic or sale of children for employment or prostitution and other contemporary forms of slavery as a tentative coverage area for a new convention. Based on their field experience, the staff at IPEC welcomed the idea. In fact, the suggestion amounted to a new rights-based approach to dealing with child labour, something which was new for the ILO.

In addition to strengthening the normative basis for a policy to deal with the realities of child labour, the proposed new convention was also intended to more easily obtain an international consensus on such policy. A convention on 'worst forms', which would focus only on a limited field of the most serious exploitation of children, was considered to be easy for the regulatory minimalist Member States to ratify (most of which had not yet ratified C138). The intention among the supportive Member States, and some within the ILO, was that a convention on the 'worst forms' would replace C138 as the child labour convention on the list of core labour standards.

The debate over the proposed new convention illustrated differing views over strategy. Those supportive of a gradualist, step-by-step approach to regulation argued in favour of the worst-forms approach as a way of getting, first, the most intolerable forms of child labour on the political agenda. The rationale was that this would in turn pave the way for the additional norms to deal with the elimination of all forms of child labour. Opposed to this view were those who argued that focusing on the worst forms would not be followed by further elaboration of child labour norms and that there was an even greater risk that many forms of child labour would be neglected if the worst forms were defined too narrowly, too soon.

Within the ILO, too, there were those opposed to the idea of a new convention. Some felt there was a 'convention fatigue' among Member States and that simply adding a convention or two to the more than 175 already existing ILO conventions was no longer effective, nor a sustainable *modus operandi* for the organisation. Another view held that the content of the proposed new convention would represent

⁸ At the time these were addressed as "the most intolerable forms of child labour".

⁹ ILO 264/ESP/1

a break from the ILO's approach to labour market regulation. Conventions were adopted by Member States and became standards through the adoption of the national legislation. In each Member State, the governmental labour inspectorate is the means of enforcement of such legislation. States may have adopted the CRC, but this was a declaration of norms, not a enforceable convention of the sort found within the ILO framework.

Up to the mid 1990s ILO had, with a few exceptions, not been the place for declaring universal rights. In such a system, it was argued, a convention defining or protecting children's rights simply did not fit in. The most legally oriented parts of the ILO saw no need of focusing on rights for individuals but only (and not too many) obligations for States. A number of governments, of both industrial and developing countries, supported this view. Some Member States, such as the U.S.A., struggled with the dilemma of seeking as extensive legislation as possible for their trading partners in developing countries but, at the same time, keeping international legislation that might apply to their own jurisdiction as narrow as possible.¹⁰

The union movement and its organisation, the International Confederation of Free Trade Unions (ICFTU) was also very much in doubt as to whether a new ILO convention on child labour was necessary. The ICFTU feared the idea of a new and more easily ratified convention replacing C138 and argued that if a new convention was to be adopted, it should be as normative, or principled, as possible and it should not replace C138. For the ICFTU, the point was to link the worst forms of child labour, with issues such as education and health, based on the principle of the effect of the work activity on the child.

Education and child labour

The debate over a child's right to work and the proposal for a new ILO convention on the worst forms of child labour, coincided with the debate over compulsory education as a tactic for combating child labour. A UNICEF Executive Board Document from 1996 refers to basic education, especially for girls, as preventive strategy for children at risk.¹¹ UNICEF suggested stronger legislation combined with

¹⁰ The strength of this contradictory but self-interested position is explained in part by the fact that some Member States, particularly federations, are faced with the problem of having part of the labour code decided at regional/state level. At the national level it is often not difficult to find support for creating links between trade agreements and, for example, minimum age legislation, the same is often more complicated across all state level legislative bodies. To override this at a federal level is meet with arguments about an entirely different set of principals concerning state powers and levels and areas of devolution.

¹¹ A Review of UNICEF Policies and Strategies on Child Protection, Executive Board Documents, E/ICEF/1996/14, p. 13

compulsory primary education as an approach to combat child labour and the most obvious way out of the poverty trap upheld by child labour.

In addition, on the basis of the CRC principle concerning the effect of the work activity upon the child, UNICEF indicated that it wanted to include the denial of education to children within the definition of the worst forms of child labour in any new convention. The effect of this would be to establish that any child engaged in any work activity interfering with their primary school attendance would be declared as a victim of one of the worst forms of child labour.

The ILO was opposed. Its legal office considered it problematic to adopt a convention that would, in effect, regulate child labour outside the labour market and inside the family, and at the same time establish the right to education. National labour codes, through which any such a convention would be implemented, had no jurisdiction on matters inside the family and were unlikely to add anything to the issue of the right to education. For many countries the regulation of such family matters through the labour code would conflict with basic legal structures and principles. In a speech to a child labour conference organised by the Swedish Ministry of Labour in 1997, the ILO Deputy Director General, Kari Tapiola, outlined this by stating:

“As to work in the family, for the general benefits and needs of the family, performed by members of the family, this is not necessarily a matter for international labour standards. [...] It is useful to note the relevance of these standards, but there are moments where the visit of a social worker is more appropriate than that of a labour inspector.”

The IWGCL was also opposed to the view that compulsory education could be used to combat child labour. In the view of the IWGCL, the nature of the relationship between work and schooling should not be assumed to be universal and, they argued, educational life and working life could be compatible. This school of thought also questioned the conventional view that school is the best place for healthy psychosocial development of the child. Arguing that primary school was often of poor quality and that instructional climate could be oppressive or even abusive to certain categories of children, the IWGCL stated “Compulsory education is not a strategy to solve the child labour problem”.¹² Scepticism towards international standards on child labour and compulsory education was repeated during the Urban Childhood Conference in Trondheim in June 1997¹³, a few months before the Oslo Conference.

¹² “Concepts and Definitions of Child Labour”, A presentation at the UNICEF consultation on child labour, New York, 8 March 1996, by Nandana Redy, IWGCL.

¹³ <http://child-abuse.com/childhouse/childwatch/cwi/projects/labour.html#7>

Children's right to work

The adoption of the CRC established the right of children to be consulted about their needs. As a result, a debate emerged concerning children's right to work. Central to this view was the idea that child labour should be 'regulated not eliminated' and that children should have the right to choose whether to work or not. The view that supported a child's right to choose was brought to the preparations of the Oslo Conference by Save the Children Norway¹⁴ and continued to have an impact beyond the conference.

The approach emphasising a child's right to choose came from a variety of sources. The argument for a child's right to choose was in part supported by a critique of ILO regulation and its apparent inability to protect children in the informal sectors in which child labour flourished, prompted primarily by researchers critical of the approach of multilateral organisations to the issue. The Save the Children Alliance and several of the national organisations developed this view further arguing on the principle that no intervention should negatively affect the living conditions of any child. The Save The Children Alliance's Position Paper on Child Labour¹⁵ discusses the option of regulating the conditions of child labourers rather than legislating against it and stops short of supporting compulsory education.

Similarly, the International Working Group on Child Labour (IWGCL), established at an NGO meeting in the Netherlands in 1992,¹⁶ sought to translate a perspective that focused on individual rehabilitation and social case-work methodology into general policy. Others within the IWGCL, particularly those in opposition to international regulation in principle, questioned the idea of society taking from the family the responsibility for education and the upbringing of children.

The confluence of these views led the discussion almost inexorably to debates about whether or not children who expressed that they would like to work, or a need for income, should be permitted to do so, as well as debates over whether one could ban child labour if this had a positive impact on a large number but not all of the

¹⁴ See for example interview with Julian Kramer, Save the Children Norway, in the special information paper issued by the Norwegian UN Alliance in conjunction with the Oslo Conference.

¹⁵ Save the Children Alliance (1997). The Save the Children Alliance position on child work, International Save the Children Alliance, Position Paper No 1, February 1997.

¹⁶ Turitz and Márquez (1996) distinguish three groups of NGOs depending on their opinion towards child labour: 1) the total elimination group working on the basis of ILO Convention No. 138 and compulsory education, focusing on institutional shortcomings; 2) the regulate with goal of elimination group, focusing very much on poverty, and; 3) the regulate but do not eliminate group, focusing on eradication of the worst forms of child labour, highlighting development benefits of work for children and questioning compulsory education.

children concerned. This was criticised for mixing the rehabilitation approach with macro level policy development. What united these views was an opposition to a top-down approach.

An emerging common ground?

The adoption of CRC, combined with the response of the labour movement and ILO to the challenges facing C138, helped revive and reformulate the movement to combat child labour, re-introducing child labour to a wider development agenda in the 1990s. The debate on the linkages between child labour and educational opportunities (and adult wage levels) echoes that of 100 years ago, when child labour was seen as an effect of social injustice and was confronted primarily by the emerging labour movement in the industrial countries. As these countries continued to develop, the existence of child labour and the focus on it moved to the developing world. However, by the 1990s, the existing policy framework was oriented towards regulating formal labour market activities, rather than addressing the specific problems of child labour or promoting social and economic development.

This revived and reformulated policy debate energised the work of international policy making. The adoption of the CRC in 1989 challenged both UNICEF and the ILO and both responded. The adoption of the CRC coincided with an increased activism on the part of trade unions, which came to view the issue as important in creating common ground in establishing minimum labour standards that could be accepted globally. The adoption of the CRC opened up new policy areas concerned with child labour. It provided a normative basis for the World Bank to integrate child labour in the institutional economics that had become its focus at the end of the 1990s and it empowered NGOs and individuals concerned that international institutions were either ineffective or illegitimate, or both, but that regulation should 'do no harm'.

Over the eight years between the adoption of the CRC and the Oslo Conference, these debates played out both within and between organisations and their stakeholders, helping to define policy and practice in the fight against child labour and, ultimately, setting the agenda with which the organisers of the Oslo Conference would be forced to contend. The policy debate revolved around such key issues as whether child labour should be defined based on the effects rather than the types of work, and reflected difference of views about rights and obligations for individuals and states. For example; the main debates over a new ILO convention on the worst forms of child labour focused on whether the convention should unambiguously establish the obligation of States to provide education, and the obligation for children

to attend school, and whether, for the first time, an ILO convention should seek to address work activity outside the formal labour market.

Over time, the positions of some begin to moderate. By 1997, there was an increasing sense that the objective for international policy should be to establish the right mix between rights and obligations for both individuals and states. This middle ground had been assisted by the UN Committee on the Rights of the Child, which included in its deliberations such issues as legislation on minimum age for employment and compulsory education, in addition to the other children's rights issues. As early as 1993, the Committee called for free and compulsory education for children, cooperation among agencies and focus on the worst forms of child labour. Crucially, at the same time, the Committee formulated a compromise between the CRC rights-based approach and the C138 minimum age labour standards approach, when it stated that Article 32 of the CRC protecting children from economic exploitation should be understood to include minimum age legislation such as that proposed by ILO C138. In this, the Committee was among the first to interpret the two conventions as complementary, rather than as competing standards in which the right of consultation might override specific protections granted to children, as described above. In this, the Committee helped to lay the foundation for a harmonized normative framework.¹⁷

Common ground also emerged from the unanimous recognition by the community of policy-makers, practitioners and researchers that the understanding of the problem of child labour suffered from insufficient or inappropriate data. Among international organisations, the efforts made to build expertise on child labour – for example, by the Social Protection Unit at the World Bank or the Child Protection Section at the UNICEF – advanced the understanding of child labour. Yet, statistics on child labour were wanting. Those data gathered by the ILO statistical office, which had a long history of collecting data on adult labour market participation, resulted in children being grouped according to standard categories (employed, self employed or seeking work) and, if they were working, by the type of industry and occupation. There was no data available on full-time versus part time

¹⁷ Article 32 states, “1. 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.; 2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular: (a) Provide for a minimum age or minimum ages for admission to employment; (b) Provide for appropriate regulation of the hours and conditions of employment; (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

work, or heavy versus light work, both crucial issues in understanding the problems faced by children in the labour market. There was also little systematic data on child work in informal sectors. As policy makers prepared for the Oslo Conference, they had little in the way of useful data upon which to base policy positions or the design of responses to the problem.

3 The Oslo Conference

In this chapter, we analyse the process of preparing the Oslo Conference and its outcomes, including the role of the Royal Norwegian Ministry of Foreign Affairs and the mechanisms it deployed to influence the conference during its preparation.

The International Conference on Child Labour in Oslo lasted from October 27 – 30 1997. The conference, co-organised by Norway’s Ministry of Foreign Affairs, the ILO and UNICEF, “gathered over 350 delegates including ministers of development cooperation, labour, education, social welfare, and justice from 40 industrialised and developing countries, as well as leaders of trade unions and employers organisations, non-governmental organisations, United Nations agencies and other multi-lateral organisations and leader experts on child labour.”¹⁸

The conference came after almost a decade of rising concern about child labour, expressed in policy debates within and between multilateral organisations and their member states, as well as advocacy and campaigning by a range of organisations, including the trade union movement. The overall objective of the conference was to advance the fight against child labour, with the specific goal of agreeing on an Agenda for Action that was concrete enough to lay the foundations for a new phase of international policy and practice on the issue.

As described above, the Oslo Conference itself was only one moment in a process of policy formulation. To the extent that the conference was able to meet its objectives, it owes much to the groundwork carried out by many meetings and initiatives on child labour in the years prior to October 1997.¹⁹ As noted in the conference final report, “ (...) the discussions were based on a growing consensus that resulted from earlier debates, meetings, and conferences (...)”.²⁰ The success of the

¹⁸ Press release, “International Conference adopts Plan for Struggle against Child Labour”, Thursday, October 1997 (ILO/97/27).

¹⁹ Some of these are listed in the preamble of the Agenda for Action (Article 1.2).

²⁰ Final Report of the International Conference on Child Labour, Oslo, Norway, p. 2; <http://www.ilo.org/public/english/comp/child/conf/oslo/report>

conference was in drawing the threads of the debate together to clarify the nature of that consensus in the form of a unanimously agreed Agenda for Action.

How was this achieved?

Preparation by Norway, ILO, UNICEF

The MFA broadened the focus of the conference by opposing the ILO's then existing position on child labour by, first, basing the conference on the CRC and, second, bringing in UNICEF as an equal partner to the MFA and the ILO as a co-organiser of the conference.

The conference was originally planned for 1996, but the timetable was soon adjusted for the second half of 1997. The initial idea was to arrange the conference in collaboration with ILO, which called for a narrow focus for the conference. In 1995, the ILO's first proposal for the conference title was "Eliminating work detrimental to children"²¹ and by early 1996 the ILO was advocating themes restricted to the most intolerable forms of child labour.

During the period of the conference preparation, ILO officials stated several times that they saw the Oslo Conference as a part of the preparatory work for a new convention on the worst forms of child labour. In March 1996, ILO proposed that the title for the final document to be produced by the Oslo Conference should be "The Oslo declaration on the most intolerable forms of child labour". This language was seen as a more narrow definition than "intolerable child labour". The formulation "most intolerable forms" was compromise language that had emerged from the previous ILO annual conference. Under this conference proposal, no reference was made to the general rights of children, poverty, or lack of education opportunities.²²

The ILO focus on worst forms was similar to the basis for the Amsterdam Child Labour Conference being organised early 1997.²³ The Amsterdam Conference, organised by the Dutch Ministry of Labour in cooperation with ILO, focused on the most intolerable forms of child labour. The ILO was given ample space in the programme, which ended with a discussion of a new ILO instrument on the elimination

²¹ ILO memo of 13 December 1995.

²² ILO memo 1, March 1996.

²³ See "Combating the Most Intolerable Forms of Child Labour: a global challenge", Amsterdam Child Labour Conference Report; <http://www.ilo.org/public/english/comp/child/conf/amsterdam/report.pdf>

of exploitative and hazardous forms of child labour, to be tabled at the ILO annual conference in 1998.

The preparation of the Oslo Conference resulted in a different approach. The initial ILO proposal to MFA for a conference on the most intolerable forms of child labour was initially accepted as the basis for conference. But, after a May 1996 meeting of the Norwegian preparatory committee, which included representatives of the MFA, social partners and expert advisors, the proposal was rejected.²⁴ By September 1996, the MFA had decided that it wanted the CRC definition of child labour to form the basis for the conference and this was reflected in its reformulation of the conference proposal.²⁵

Gradually, during the winter of 1996 – 97, the MFA introduced UNICEF as equal co-organiser of the conference, in addition to the ILO. Initially, UNICEF officials were sceptical of a conference that it perceived as having an ILO focus. At the same time, it took some time before the ILO fully associated with the CRC-based approach for the Oslo Conference. The issue of the scope of the conference was raised again at a preparatory meeting in New York as late as April 1997. There the ILO again called for narrowing the scope to exploitative and hazardous forms of child labour.²⁶ But by then the ILO was no longer the only partner of the MFA for the preparation of the conference.

The MFA sought to mediate this conflict through the organisational structure for the preparation of the conference documents. Two preparation committees for the conference were formed. The principle committee consisted of the ILO, UNICEF and the MFA, including two advisors to the Ministry. The second committee formed was a reference group consisting of relevant ministries and governmental agencies, Norwegian NGOs, and social partners.

The first committee was formally established at a meeting in Oslo in December 1996 where it was agreed that Norway would chair the committee and that its responsibilities would include the production of the conference documents. The ILO and UNICEF were given the practical task of preparing the documents. This created some tensions. In January 1997, the ILO questioned UNICEF's role in preparing background documents on an equal footing with the ILO. Indeed, discussions on the type of background documentation to be prepared for the conference illustrate differing positions taken by the two organisations during this process. The ILO

²⁴ Minutes from preparatory committee meeting, 22 May 1996.

²⁵ MFA memo 26 September 1996.

²⁶ The draft minutes from this meeting had to be revised in order to underline that the definition of the CRC should be the basis for the conference.

had proposed a background document entitled “Prevention, removal and rehabilitation of child labour”, whereas UNICEF’s background document was entitled: “Child-centred social and economic policies”. In the end it was decided that, in addition to the Agenda for Action, four background papers would be prepared:

- The role of civil society/social mobilisation, to be prepared by UNICEF
- Legislation and law enforcement, to be prepared by the ILO ²⁷
- Basic education, to be prepared by UNICEF
- Workable solutions an/or practical actions, to be prepared by the ILO

The background papers agreed by the committee illustrate the wide scope the conference was faced with. The task facing the MFA was to bring coherence to what was then viewed as opposing agenda. The committee structure gave the MFA influence over the documentation for the conference, background papers and the Agenda for Action. It was an influence they exercised frequently during the months of 1997 leading up to the conference.

A notable illustration of the influence the MFA had on the debate is the revision of the background paper on basic education. The draft was to be presented and decided upon during the committee of the principal organising committee in Oslo on 24 June 1997. The ILO and UNICEF presented their draft background papers, which were intended to form the basis for the debate during the conference. The draft on basic education contained critical remarks to the ILO approach to child labour, but also criticism towards the parts of the CRC that contain references to compulsory education and minimum age legislation for employment. The paper was also a surprising departure from UNICEF policy. It called for the children’s and their parents’ right to choose education or work. Rather than talking about education as a means to prevent children entering into child labour, the focus of the paper was on rehabilitation.

The draft was met by questions and criticism by the other parties present. The Norwegian MFA, asked UNICEF to substantially revise the paper. UNICEF’s consultant who had prepared the first version was let go. The revisions were so extensive that when the new draft appeared it included the promotion of universal compulsory education, which was also a key word in UNICEF’s written and oral statements during the conference. UNICEF also demanded during the preparation phase, that ILO include in its definition of the worst forms of child labour those

²⁷ This document was seen by the ILO as part of the drive promote the proposed new convention on worst forms.

children whose work interfered with the CRC right to basic education, a request repeated by Carol Bellamy, Executive Director of UNICEF, in her speech at the Oslo Conference.

Non-governmental preparations

Parallel to multilateral preparations facilitated by Norway, various non-governmental organisations had also begun to prepare for the conference. New ideas were being developed, as illustrated for instance by publications from Innocenti Center in Firenze.²⁸ In Bangkok, a Sub-Regional Working Group was created a few months before the Oslo Conference.²⁹ This group first met in mid-1997 and six organisations decided to jointly formulate a regional perspective on child labour in the Asia and Pacific region,³⁰ with the objective of presenting this perspective to the Oslo Conference. The participants found this cooperation process so valuable that they continued the collaboration – in the form of a working group – also after the Oslo Conference. An important mission for the working group was to improve the flow of information between the parties in the region working against child labour.

The Agenda for Action

The Agenda for Action had been carefully prepared over many months. During a preparatory meeting just prior to the conference in Oslo, on 9 October 1997, the last important details were suggested for the document. Save the Children Norway raised concern about the little priority given in the draft Agenda for Action to the

²⁸ See for instance the compilation of key texts on child work and basic education gathered in “Learning or Labouring?” Innocenti Center, Firenze, 1995.

²⁹ Report – Children’s Forum and Regional Consultation Against the Most Intolerable Forms of Child labour, Targeting the Invisible and the Neglected Ones, Regional Working Group, Bangkok, 1-5 September 1997.

³⁰ The organisations involved were: The Save the Children Fund (UK) – Southeast, East Asia and the Pacific Regional Offices; Redd Barna Resource Group – Asia Region; Child Rights – ASIANET; Child Workers in Asia (C.W.A); ILO-IPEC, South-East Asia Regional Office and Office for Thailand; UNICEF – East Asia and Pacific Regional Office.

poverty issue and the effect of structural adjustment programmes on child labour. Save the Children Norway also argued that the way non-governmental organisations were spoken of in the document could be perceived as an undermining of their role. The representative from the Norwegian Agency for Development Cooperation remarked that the special situation for girls was poorly discussed in the document. Childwatch International asked for a reflection in the Agenda of how to deal with legally working children aged 14–18, and requested that the document should include measures of protection for this group of working children. It was also suggested to develop a more logical connection between the different parts of the Agenda and make clear the use of expressions like “short term”, “long term”, “most intolerable forms”, etc.

Early in the preparation of the conference, the final document to emerge from the conference was conceived of as an Agenda for Action. The work on the Agenda was managed by the Multilateral Department at the MFA in Oslo. During the preparatory process, drafts of the agenda were distributed for comments nationally and internationally. Throughout 1997, the work on the Agenda was “developed by gradually incorporating proposals raised through the entire process of consultations”³¹, for example, during the three preparatory conferences in Brasilia, Lahore and Pretoria.³²

The result was agreement on a common ground for international policy on child labour. The common ground was formed in the Agenda for Action by agreement on the use of the CRC, which included C138’s minimum age requirement, as the normative basis for national and international policy, and on the need to make action against the worst forms of child labour a priority. Hence, the preamble of the Agenda for Action refers to both the CRC and C138, while Paragraph 2.2 of the Agenda repeats the language of the first part of Article 32 of CRC:

“The objective is to protect the child 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.” (Para. 2.2)

The effect of this was to reinforce the CRC definition of child labour according to the effects of the work activity on the child. In the very next paragraph, a priority

³¹ Minutes from meeting, MFA, 22 October 1997 (author’s translation).

³² Lahore, Pakistan, 11-13 August 1997; Pretoria, South Africa, 1-3 September 1997; Brasilia, Brazil, 30 July-1 August 1997.

in the Agenda was given to the protection of children from the worst forms of child labour.

“Priority should be given to the immediate removal of children from the most intolerable (extreme) forms of child labour and to the physical and psychological rehabilitation of children involved. In line with such measures, adequate alternative have to be provided for these children and their families.” (Para. 2.3)

In these two paragraphs, the Agenda for Action found a formula that would go some way to satisfying the concerns of both the ILO and UNICEF. UNICEF found in this a formulation that fit well with a rights-based approach similar to the CRC, which by 1996 had become UNICEF’s mission statement. The ILO, through the work of IPEC, had long recognised the need to address child labour through the rights based approach of its affect on the child, and had won a clear priority assigned to worst forms of child labour, for which it was seeking to develop a new convention.

But this would not prove sufficient.

Education the most important and by far the most controversial point in the negotiations of the Agenda for Action. As one negotiator recalled: “The paragraphs [of the CRC] that declare children’s right to ‘relevant high-quality compulsory basic education free for all’ (paragraph 3.22, etc.) was the most important and the most controversial paragraphs of the Agenda for Action, and [were]the paragraphs causing the toughest discussions.” Resistance came from Member States, some of whom were not keen to see this principle, which was established by the CRC, reinforced by an Agenda for Action that would receive the endorsement at the conference. Resistance to compulsory education also came from advocacy groups ideologically opposed to international legislation on such an issue. And, despite the mention of education in C138, resistance also came from the ILO.

It is hard to understand the tension between the ILO and UNICEF on the issue in the absence of what practitioners would describe as struggle over mandate and roles. The ILO, having seen itself as the lead agency on child labour for decades, had increasingly to contend with rights-based approaches to problems that were previously under its mandate alone. UNICEF has, by the mid-1990s, transformed itself into a child rights organisation with education as one of its main themes. Which organisation, the ILO or UNICEF, was the locus of policy making on child labour?

It is tempting to see the seeds of this struggle as being planted in 1989, with the adoption of the CRC. By integrating the minimum age requirement of the pre-existing normative instruments on child labour, namely C138, the CRC implied a potential confusion about mandates between the international organisations combating child labour. On paper, this represented no conflict. But in practice, it cre-

ated a lack of clarity as to the lead role for international policy formulation on child labour and resulted in significant tensions between the organisations.

What was needed to create common ground was language that empowered both UNICEF and the ILO in their respective mandates in a way that created clarity for international policy.

For the ILO, the definition of common ground required that its mandate and role on the issue of child labour be clarified and, preferably, empowered. This was included through the use of minimum age language and principles from C138:

“Countries should progressively move towards the elimination of all child labour for children school age (age depending on legislation in each country), to include any activity that interferes with children’s development and their education.”

The ILO also obtained agreement that the worst forms of child labour should be an explicit priority for international policy and practice. By requiring “adequate alternatives” for the victims of the worst forms of child labour, the Agenda ensured support from the widest possible constituency: “alternatives” kept open the possibility for education as a preventive strategy and created common ground with those concerned about the social and economic development dimension of child labour, both key concerns of UNICEF. It also held open a door to those in the NGO sector concerned about the role of the family and a child’s right to choose or participate.

For UNICEF, common ground required recognition of the educational dimensions of the fight against child labour, as well as the social and economic development aspects. This the Agenda for Action also spelled out. Paragraph 2.4 says:

“Education, particularly basic education, is one of the principal means of preventing and eliminating child labour. Children outside the school system are vulnerable to various forms of exploitation, particularly to economic exploitation such as child labour. Child workers or potential child workers and the flow of children into work can be stemmed by establishing a system of accessible, relevant, high-quality, universal, compulsory basic education that is free for all.”³³

Moreover, compulsory education was included:

“Ensure access to and completion of relevant high-quality compulsory basic education free for all children, paying special attention to girls to ensure their full and equal access to and possibility of completing such education. Develop job training programmes within the general framework of public education, and

³³ The Oslo Agenda for Action, Paragraph 1.7

make educational and vocational information and guidance available and accessible to all children.”

The key role attributed to compulsory education and the elimination of school fees especially for girls were to the entire satisfaction of the UNICEF. Far from being another ILO-driven conference, as UNICEF officials initially feared, or a UNICEF leadership-grab, as ILO officials clearly suspected, the Oslo Conference saw the establishment of common ground for work by both UNICEF and the ILO through agreement on different aspects of a rights-based approach concerned about the effects of child labour on children.

Although there were critical voices to the priority given to education in the Agenda for Action, such as Save the Children Norway, the Agenda for Action could serve as a tool for building up the future Convention concerning the prohibition and immediate action for the elimination of the worst forms of child labour (C 182).³⁴ For their part, the trade union movement, which had established a working group in the run-up to the conference, including members from the trade unions in the South, was able to begin work on the wording of the new ILO convention. By establishing this as a priority for policy and practice, the Agenda for Action achieved one of the key targets of the ILO, and at the same time realised the main goal of the MFA: to produce a final document that was not simply an elaboration of principles, but which was as operational as possible.

The preparation of both background papers and the Agenda for Action illustrates the organisers' efforts to promote middle ground argument and the capacity to come out with a final document that “ (...) catch and include to the greatest possible extent the views that have been raised” and where “ (...) various countries to some extent may pick and choose.”³⁵ The thorough preparations of the agenda were rewarded by the unanimous adoption of the document during the conference.

Common Ground

During the 1989 – 97 period, the international fight against child labour had been marked by intense debates. But concrete action had been hampered by conflicting approaches, organisational tensions, as well as by resistance on the ground as illustrated by the limited number of countries that had ratified C138. In this regard,

³⁴ C 182 was adopted by the Conference of the ILO on June the 17th, 1999.

³⁵ Minutes from meeting, MFA, 22 October 1997 (author's translation).

the Oslo Conference was promising: it built renewed momentum and a broader coalition, based in part on concessions from the key stakeholders that enabled the creation of some common ground from which to combat child labour. The conference contributed to new alliances and increased international cooperation in the fight against child labour. The unanimous adoption of the Agenda for Action by the conference participants concretised this progress.

The Agenda for Action was the manifestation of the common ground established by the Oslo Conference. The MFA's management of the iterative process of preparing the background documents and Agenda for Action resulted in both the ILO and UNICEF recognising the compromises they could make in order to formulate this common ground. In essence, the conference process amounted to an attempt at inter-organisation conflict resolution, in which Norway played a mediating role and managed, through constructive engagement with multilateral institutions, to have a substantial impact on the international agenda, not just in form but also in substance. In this sense, the conference was a success. It facilitated the clarification of the international legal and institutional framework, providing an operational direction that sought to address the effects of work activity on the child, the normative principle established by the CRC. Crucial in reaching agreement at Oslo was the inclusion in the Agenda for Action of both education as a preventive measure, a priority for UNICEF, and the priority focus on the worst forms of child labour, a priority for the ILO in its drive for a new convention.

4 International Policy Since Oslo

If the Oslo Conference helped create common ground from which to combat child labour, what has been its impact on policy and practice? Has the fight against child labour moved on since Oslo? If so, how?

The Agenda for Action: a reference document for policy making

At the time of the Oslo Conference, the ILO had already started drafting Convention No. 182. ILO accelerated its work once agreement was reached at Oslo on the relevance of such a convention. ILO staff assert that, more than any other document, the Agenda for Action helped shape and influenced the final text of Convention 182. This the Agenda did consolidating the link in policy circles between education and the worst forms of child labour, based on the principle of the effect of the work activity on the child. It should be noted that the Agenda to a great extent reproduces the text of earlier conventions. However, it is generally accepted that the Agenda marked an important step in the process of drafting the new Convention and preparing the ground for its negotiation. The texts of C182 and the Agenda for Action have been appended below for ease of comparison.

UNICEF made different use of the Agenda. UNICEF followed the Oslo Conference with a global effort focused on using education as a preventive measure, using the CRC as its normative reference. The effect was to help to keep the agenda visible in the years following the conference, although from a particular UNICEF angle, e.g. stressing those paragraphs that, in its view, mattered most: birth registration (seen key in respect of the identity of the child) and the elimination of school fees, especially for girls. The Agenda was also used by the organisation as a tool for field-staff capacity building, especially when assigning Child Protection Officers in the field. However, some UNICEF practitioners interviewed expressed the view that they are not yet ready to use concepts such as 'child protection' and a 'protective environment' in a fully operational manner

One common step that the multilateral organisations took was to initiate efforts to better understand the child labour phenomenon. The ILO, since Oslo, has

developed a more comprehensive understanding of child labour. In 2002, the ILO released the publication “Every Child Counts. New Global Estimates on Child Labour”. “Every Child Counts” presents estimates for economic activity by children and child labour in accordance with the ILO Conventions Nos. 138 and 182. Moreover, the report represents a first attempt to estimate “the extent of children in hazardous work³⁶ and other worst forms of child labour” (ILO 2002: 13). Whereas the publication stresses that data on working children are still a scarce commodity, it nevertheless demonstrates the progress made with regard to estimates of child labour and working children in the wake of the Oslo Conference. After Oslo, and in accordance with the Agenda for Action,³⁷ the ILO’s Statistical Information and Monitoring Programme on Child Labour (SIMPOC) started improving the ILO’s figures on child labour. With the establishment of the UCW-project, which sought to facilitate a sharing of data between the ILO, UNICEF and the World Bank, these figures were further improved. The Conference and the Agenda prompted the ILO to consider more comprehensive programmes that would include prevention and rehabilitation dimensions in addition to the removal of children from work. Those interviewed for this study believe that the Oslo Conference contributed to momentum within the organisation to address the shortcomings of its programmes at the country level. However, at present, within the ILO, the link between education and child labour prevention has yet to be fully developed.

At the World Bank, the Human Development Network and the Social Protection Group, created in 1998, provided the analytical framework for developing the child labour issue. The Bank came to understand the negative interrelationship between child labour and economic development and to accept that the issue fell within the World Bank mandate.³⁸ In this way the Oslo Conference and the Agenda for Action strengthened those within the Bank who were pushing for the devel-

³⁶ “Hazardous work by children is any activity or occupation which, by its nature or type has, or leads to, adverse effects on the child’s safety, health (physical or mental), and moral development. Hazards could also derive from excessive workload, physical conditions of work, and/or work intensity in terms of the duration or hours of work even where the activity or occupation is known to be non-hazardous or ‘safe’”. (ILO 2002: 33)

³⁷ Agenda for Action, paragraph 4.7 emphasises as a priority to support the work carried out by SIMPOC: “Support the development in developing countries of **national information collection, research capacity and monitoring systems** related to child labour, such as the ILO’s Statistical Information and Monitoring Programme on Child Labour (SIMPOC), to provide these countries with a tool for determine the incidence and root causes of child labour and for planning action and measuring progress in programme intervention.”

³⁸ “Child Labour, Issues and Discussions for the World Bank” (Falcon and Tzannatos, 1998).

opment of the child labour issue. The Bank's perspective on child labour was informed by economic development concepts relating to social risk and economic discrimination. Ultimately, child labour became the first labour standard adopted by the World Bank. But the World Bank has done little analytical work on the causes of child labour, or on economic causes of keeping children out of school for instance. In addition, the mainstreaming of child labour has not gone very far, either because regional units have no resources to make it a priority other than those they get through the Human Development Network and some from UCW, or because the orientations of the Human Development Network remain unclear.

Beyond the ILO, UNICEF and World Bank, the Agenda for Action does not appear to have had an immediate impact on the policies of multilateral organisations. In general, the Agenda is sometimes referred to in the late 1990s by organisations seeking to describe the main initiatives or background documents for policy-making on child labour. Typical is the reference in brochures and other grey literature to the Oslo Conference as one of “numerous other international and regional meetings”³⁹.

In the preparation of the Oslo Conference, the Norwegian Ministry of Foreign Affairs initiated cooperation between the ILO and UNICEF. In the wake of the conference, the World Bank was added to the effort.

Implementing the Agenda for Action

The primary effect of the Agenda for Action was to provide clarity and direction to multilateral efforts to combat child labour. All three multilateral stakeholders responded to the Agenda for Action in ways that fit their mandates and priorities. As a result, while conflict or tension had been reduced somewhat, maintaining policy coherence was not easy.

For its part, Norway provided ongoing support for several years. The Norwegian-sponsored child labour programme consisted of five different components. The Bureau for Workers' Activities (ACTRAV) and the Bureau for Employers' Activities (ACTEMP) and ILO's own child labour programme (IPEC) were responsible for implementing one component each. Two of the components consisted of awareness rising in teacher's organisations/unions and the strengthening of the link between education and the elimination of child labour. Another component targeted

³⁹ The quote is from World Bank brochure *The World Bank and Children*, Social Protection Human Development Network with “Special reference (is) made to the Oslo Agenda for Action (...)”, p. 22.

the strengthening of other forms of trade unions in their contribution to the fight against child labour, and another was designed towards the same purpose in the employers' unions. The last component of the child labour programme sponsored by Norway is a contribution to ILO's Statistical Information and Monitoring Programme on Child Labour (SIMPOC). All but two of these projects were completed in 2002.

Norway also sought to provide leadership through the organisation of the first annual donor conference, with the clear intention of helping to maintain the momentum to combat child labour that had emerged at Oslo. The purpose of the first donors meeting in Oslo in September 1998 was also to clarify the division of labour between the main stakeholders that was the basis for the Agenda for Action, and to energise co-operation amongst all three based on their particular expertise. There were early signs that the changing winds of political priorities in the international system would make this a difficult task: one donor country ministry is reported to have responded to the invitation by asking Norwegian officials "Child labour? Isn't it child soldiers this year?"

During the meeting, the participants undertook the concrete act of designing a joint inter-agency project in response to the Agenda's call to improve data collection and information sharing.⁴⁰ This idea ultimately took form as the 'Understanding Children's Work and its Impact' project, or what became known as the UCW project. Consultants to MFA developed terms of reference for the project, which involved the sharing of tools for analysis and the use of each other's data sets. The project aimed to meet the need for relevant data and information sharing, but it took two years for the agencies to take action.

Finally, in December 2000 the ILO, UNICEF and the World Bank, at the urging of donors, established the UCW project as a joint inter-agency research programme aimed at addressing the lack of data and information for the design policies. The idea was to provide policy makers with more accurate and better-harmonized data on child labour, a better understanding of children's needs, and better data for the monitoring of implementation and measuring the impact of policy. The project is based at the Innocenti Research Centre in Florence, Italy and has received funding from Norway, Finland, Sweden and the World Bank. The Norwegian MFA took the initiative to support this collaboration during the Oslo Conference and has followed up as one of the countries leading this work.

The UCW project provides a wide spectrum of information of child labour: it gathers data sets, country statistics, and has conducted country-level research. It collates literature on aspects of child labour (published articles and documents from

⁴⁰ Agenda for Action, Action at international level: paragraph 4.6, 4.7 and 4.9.

UN and international organisations), information on child labour-related projects and interventions, and other research material.

Our interviews with practitioners from the three UCW project stakeholders indicate there are different assessments on its usefulness or effectiveness. ILO and World Bank practitioners interviewed respond positively in assessing the UCW, while UNICEF practitioners tend to view it in a less positive light. Our World Bank respondents tend to see the UCW project as beneficial for their institution, as it enabled the Bank to get access to more data and to develop a better understanding of prevalence of child labour. Although there was a delay in setting up UCW of about two years, Bank officials tend to see the period of 1998-2000 as the product of the normal bureaucratic delay in organising inter-agency cooperation. UNICEF staff tend to view the same delay in the set-up period as a failure. In the data collection component of the project a number of practitioners recognised there had been tensions from the start, with each of the partner organisations protecting their information and methods. Most officials attribute this to the common pathologies of international organisation and concerns over role or domain of activities and associate delay with the persisting tensions between organisations and a sense of territoriality. Still, most practitioners interviewed seemed unsurprised by the idea that results from the UCW have not met high expectations, a view that seems based on an understanding of the difficulties in getting inter-agency cooperation to work when dealing with multilateral organisations and their myriad Member States.

Perhaps the strongest indication that more could be done to create a common understanding of child labour is that the debates persist over concepts and approaches, both within and between organisations. It was commonly asserted by our respondents that theoretical battle about child labour, its justification by culture or level of economic development, is over. Debates do persist and, in the main, they have contributed to a better understanding of the child labour phenomena, highlighting grey areas between work that may be beneficial for children and other forms that are exploitative. In the same way, debates on the preventive strategies (on the role of education for instance) and to assist children withdrawn from work (the respective advantage of formal and non-formal systems of education and training) have certainly been beneficial to the policy makers and practitioners. But there are also persisting quarrels, for example over the use of refined concepts and categorisation. Although these quarrels are deemed pointless by most of the interviewed people, they have clearly affected cooperation between organisations, for which conceptual work developed by others is often viewed as opposition to, or non-acceptance of, their own work.

One of the effects of making the worst forms of child labour has been to shift the focus of resources and programme implementation from child labour in general

to the worst forms in particular. For example, there has been an increase in funding to address the problem of child trafficking in and from Southeast Asia, yet overall there remains little attention paid to hidden work, the carpet industry, or plantations in many middle-income countries where the bulk of the child labour phenomenon is thought to take place. In fact, because most middle-income countries are subject to 'trade, not aid' guidelines, it is difficult to target assistance to the broader problems of child labour.

This increase of interest in the worst forms of child labour was a common theme in interviews carried out with practitioners from various organisations. For instance, great effort was made and concretised to get UNICEF top-management to focus funding and resource mobilisation on child soldiers and the other worst forms, whereas much of the prior work in some field operations was on health and nutrition. Also, organisations that previously had no child labour programmes, such as UNDP, have developed child soldier demobilization initiatives. Certain donors, such as the UK's Department for International Development (DFID), have allocated large parts of their resources to trafficking, as has the US Department of Labour; the US Congress created an Office on trafficking in persons (including children). Sub-regional and field office representatives or staffs complain about a lack of resources to deal with a problem that is growing all the time. They argue that the attention and advocacy is simply inadequate, and result rather in "jewel box programmes" and a lot of effort and resources put into conceptual work or work on legislation. Within organisations, there appears to be a gap between large and well-publicised campaigns elaborated at headquarters, and the lack of authority and staff in the field to implement them. Well-publicized initiatives and programmes still often lack resources for their implementation, with available funding often only covering basic programme staffing and administration and not the activities that are necessary to actually combat child labour. This has been particularly true for promotion and dissemination work that is essential to raise awareness about standards that apply to children.

The Limits to Cooperation

The additional function attached to the Agenda for Action was to establish direction and coherence to international action to combat child labour by identifying policy targets, priorities and areas of concern for the various implementing agencies. In the words of the Conference report, "We wanted to bring together the different partners in the fight against child labour at the Oslo conference. No single

actor can solve the complex child labour problem alone. Broad participation and concerted action are needed".⁴¹

In this, the Agenda seems to have been only successful to the extent that separate organisations have adjusted their policies accordingly. The principal end-users of the Agenda for Action being the ILO and UNICEF. Each agency pursued its own part of the Agenda laid out in Oslo, the ILO working towards a new convention on the worst forms of child labour and UNICEF developing the role of education in preventing child labour. For its part, the World Bank was able to integrate child labour to its policies for the first time. As a result, in the immediate aftermath of the Oslo Conference, the main multilateral organisations working on the issue were able to develop their analytical and policy work on child labour separately, based on their own mandates and priorities. Practitioners from all three organisations asserted that they have developed a more comprehensive view of child labour.

Inter-agency cooperation has been remained weak. The level of distrust is striking, as is the extent to which each tends to deny the value-added of the other. Representatives of each organisation criticise their counterparts for a lack of energetic involvement in the issue, or an unwillingness to address root causes, or a focus on only withdrawing children from harm, an unwillingness to cooperate or recognise a partner organisation's comparative advantage. Even the UCW has fallen victim to this at times.

Competition is strong among organisations that are supposed to be working together. Although competition is not a problem in itself, it almost always is ineffective when it guides strategy in attempting to deliver public goods. It is all the more problematic when addressing a policy problem for which there is only a minimum consensus on strategy. For instance, UNICEF's strategy in the mid 1990s was not to build a child labour thematic programme, but to mainstream child labour into its field programmes (health, education, etc.). The explanation was that the UNICEF could not take the lead on child labour at a time when IPEC was expanding its operations. This indicates that competition between organisations was central to the rationale for elaborating strategy. Concern about their role as 'lead agency' was a constant refrain from the ILO in the 1990s. The fact that, when discussing the issue of their collaboration, both organisations would rather stress their good relations with NGOs, rather than each other, is also significant of mutual distrust. This was confirmed to us by one practitioner who noted that the apparently better relationship between UNICEF and WB was due to the fact that "there is less competition between UNICEF and the World Bank". Thus, tensions due to competition remain.

⁴¹ <http://www.ilo.org/public/english/comp/child/conf/oslo/report.htm>

Cooperation on the ground is uneven, although slightly better. There are several cases of ILO-UNICEF cooperation in the field, where joint-actions were undertaken despite differences in approach. For example, in Burkina Faso, the ILO and UNICEF both have staff assigned to the issue and, at the country level, they have managed to work well together and share same office. As in many countries, the various Ministries (Labour, Employment and Youth, Social Affairs) are not well coordinated and this is a challenge for their ILO and UNICEF partners. Only recently was it possible to get launch a project to identify the worst forms of child labour, a prerequisite to modify Labour Code. This example also illustrates that, in affected countries, there is a striking contrast between progress in conceptual work on the worst forms of child labour within international organisations, and the failure to identify where and how these exist on the ground.

In general, difficult (or non-) cooperation is more common at the country level, explained by practitioners by difference in scheduling of programme implementation, duplication (usually phrased as “the other” agency starting all over again work already completed), and also the lack of appropriate counterpart. There is also a lack of information exchange. For example, government bodies and national non-governmental organisations that we interviewed were only vaguely aware of the UCW project.

Overall, there is no evidence of progress in joint-programmes of action within the three main international organisations. For instance, discussions within the World Bank on programmes of action to be developed indicate that unilateral rather than joint programmes are likely to develop, one option being to support financially NGOs, the other option being to begin dialogue with national authorities with the aim of integrating child labour to poverty assessment and public expenditure use.

Outside the milieu of multilateral organisations, the relevance of the Agenda is hard to identify. Representatives from European NGOs indicate that the Agenda for Action had no particular influence on their strategies or programmes of actions, which, they assert, are based primarily on their own field experience. Some NGO practitioners argue that the Agenda does not contain much that was not already in their own policy guidelines and that the success of the Agenda was in catching up with the state of NGO practice in 1997. Others note that the Agenda’s relevance was overshadowed by the adoption of ILO Convention No. 182 (1999). More striking is the ignorance of the document on the part of various stakeholders on the front lines of the fight against child labour. National government bodies, non-governmental organisations from the global South and country officers of Northern NGOs all seem largely oblivious to the Agenda for Action. This raises the issue of the dissemination, especially the translation of such documents if they are to be used by the international community.

Beyond the main multilateral stakeholders, the so-called ‘broad coalition’ referred to in the Agenda for Action⁴² was to include participant organisations from the education sector, with the aim of developing the link between education and child labour. Success in this regard has been less than had been hoped. While teachers’ trade unions have become partners of, for instance, the ILO for instance, other education partners – e.g. Ministries of education, UNESCO – have not. In fact, there remain strong views about the appropriate emphasis that should be placed on education. For example, some practitioners within Save the Children Norway are still reluctant to support a view of education as the most important means to combat child labour, arguing that to do so is to over-simplify the role of schools and education. While they do not contest the importance of education, they argue that simply placing a child in a classroom is not always to the benefit of the child. Although in the long run of having an educated population is to the benefit of a nation, education is no guarantee of a life free of poverty.

The Current State of Policy and Implementation

The Agenda for Action that emerged from the Oslo Conference had a real impact on the policies of the main multilateral organisations concerned with child labour. The Agenda for Action served as a reference document for the policies of the main international organisations working on child labour. This it did by crafting international consensus on the role of education in combating child labour, and by establishing the CRC principles that child labour should be understood through its effect on the child.

But the Agenda alone was not able to overcome the challenges of inter-agency cooperation in the multilateral system. There has been little implementation of the policies or principles agreed in Oslo and expressed in the Agenda for Action. Why is this so?

The first part of the answer lies in the nature of the Agenda itself. The Agenda did not constitute a binding or even soft-law instrument that these organisations, or their Member States, were obligated to adhere to or implement. The Oslo Conference has no authority to change the mandates or priorities of the key multilateral organisations. The result was that each agency took from the Agenda for Action

⁴² Paragraph 1.6: “Effective action against child labour requires political commitment and the creation of a broad coalition that includes both government and all sectors of society and adequate resources. [...]”.

what was within its mandates and priorities to implement. That is to be expected. However, the result has been a lack of leadership in the fight against child labour and a fragmentation of energies.

A second part of the answer has to do with the nature of the common ground established at Oslo. It was, as it was named, an Agenda for Action: it sought to create an agenda that would facilitate implementation by a variety of actors. The Agenda for Action did try to address some of the key limitations to implementation, in particular the shortcomings and lack of appropriate data and information. It addressed a number of key conceptual concerns that had obstructed international consensus on combating child labour, but it by supporting the priorities of the ILO and UNICEF it perpetuated a lack of inter-agency cooperation in this area. As the Oslo conference had no mandate to instruct the governing bodies of either organisation, this was unavoidable. Nonetheless, the result has been little success in the attempt to develop a common strategy to combat child labour. Another challenge for the implementation of the Agenda for Action is that some of the recommendations are in contradiction with other frameworks: this is the case for education that should be “free and compulsory” according to the Agenda but that is said “to have a cost” for the World Bank for instance, which means not free. The result has been that there remains a lack of focus or direction in the fight against child labour.

The longer this situation pertains, the greater the risk to what has already been accomplished. There appears to be a growing sense among practitioners that only a limited number of children are benefiting from programmes of action, and that the programmes and policies deployed so far to combat child labour are being overwhelmed by the rapid expansion of the prevalence of child labour activities. It is hard to confirm how effective the efforts have been. There is simply not enough data and information available. There is also a marked lack of programme review and evaluation, resulting in the loss of lessons that could be learned from programme implementation.

It is arguable that the Oslo Conference and the Agenda for Action created enough common ground in terms of an approach to the problem that action should have been fairly straightforward. It is even arguable that there was a significant level of financial and human resources dedicated to the problem. This, sadly, is not enough for problems of global scope. The present lack of leadership and fragmentation of focus, are problems typical of international policy areas suffering a lack of political will.

Options for Policy Initiatives

The “move towards the elimination of all child labour”, proclaimed in the Agenda for Action, appears to have stalled. As with most global political problems, to regain momentum will require activity on several fronts. There are several options that might address some of the problems presently facing international policy making on child labour. There are merits and pitfalls in all of these suggestions. Policy makers should evaluate these in light of the need to ensure that the maximum amount of political will is brought to bear in support of the most effective measures to combat child labour.

1. A conference on child labour and education: global or regional?

The argument for organising a conference on child labour and education builds first on the assumption that education is the best way to prevent child labour as well as to ‘reintegrate’ children once they are withdrawn from work. It also seeks to build on the coalition that emerged from the Oslo Conference. The main outcome of such a conference would then be to broaden the coalition further in order to ensure the main actors in the field of education (Ministries, teachers unions, etc) are actively engaged in fight against child labour.

There are differing views on how best to implement such a conference. One point of view, sees in a global conference an opportunity to broaden and deepen the Oslo Conference agenda, where education was made central to the fight against child labour but where education sector partners were not represented (one Minister only). By broadening the coalition and re-invigorating momentum, it is argued that such a conference would have the potential to focus political will on practical efforts to combat child labour. Others argue that the success of Oslo was in creation of common ground on policy amongst international organisations and other actors, but that there is no real need for additional policy at the international level and, therefore, no real need to repeat such an exercise.

All agree that there is a very real need to create the political will to implement educational strategies that prevent or address child labour. It may be that a series of high-level regional conferences – rather than a single global one – would be best suited to generating the context specific policy recommendations needed to win political will and the commitment of resources.

2. An Implementation Review

Implementation review conferences are an increasingly common facet of international policy-making. Their value lies in that they are specifically designed to gen-

erate the political will in governments to implement commitments they have already made. Thus, the focus of implementation review meetings on child labour would be to review implementation of child labour plans of action at the nation level.

The problem with implementation review conferences is that they require a lead government or governments to commit the material and political resources necessary to ensure the meetings happen and that they are properly prepared. It also requires enough knowledge of the state of implementation to be able to assess beforehand the likely outcomes of such a discussion. Both require the expenditure of significant resources. This can interfere with the financing of field-based programmes, where there is already a lack of resources to promote standards and international norms.

To avoid being a drain on work that is vital in the field, and to ensure the maximum input from NGOs and others, organisers could seek to work through existing international organisations and hold the meetings on a regional basis. For example; a lead state could prompt the ILO to co-organise a review of C182 – which includes provisions for education – and to involve UNICEF and other relevant agencies in such a meeting.

We suggest that participation at both of the conferences described here should include implementing NGOs and other implementing agencies as full participants, in addition to multilateral organisations and ministers from both developing and developed countries. All participants should at an early stage be involved in the preparations and design of the conference, perhaps through a short series of preparatory commissions or meetings similar to the efforts we describe above in the run-up to the Oslo conference in 1997.

3. Improve knowledge

Although child labour is an old phenomenon, contemporary knowledge about child labour is still sparse. A good understanding of child labour is needed to ensure that there is accurate causal theory behind the policies adopted to deal with the problem. The UCW is well placed to develop knowledge of child labour, but to date it has been forced to spend much of its time negotiating between the knowledge centres in the three partner institutions, the ILO, UNICEF and World Bank.

Policy makers should consider ways to empower the UCW. One suggestion is to build on the UCW to create a secretariat servicing a high-level panel of prominent personalities of global reputation, tasked by Member States, or the United Nations Secretary-General, with examining child labour in the context of social and economic development. If provided with sufficient resources and staff, the UCW could act as the research secretariat for such a panel, drawing on the different expertise presently available internationally, particularly within its three founding

partners. Policy makers should be aware that to move in this direction will require intense domestic policy coordination to ensure that Member States are not sending different messages to different multilateral organisations, which would only aggravate the potential for inter-agency tensions.

4. Establish a monitoring mechanism

The monitoring of policies and programmes to combat child labour is still ad hoc. Governments do report on their implementation of ILO conventions every four years, including C182 and C138, but the monitoring of implementation is as important for policy makers as it is hard to achieve. For example, the main problem with a review conference is that, in the absence of multilateral or non-governmental monitoring, the declarations made by governments are impossible to verify, particularly as concerns effectiveness. Yet, such meetings can help create a baseline of information about implementation that can assist the policy community in evaluating the overall level of progress on the issues. To do so will require that governments, multilateral organisations and NGOs agree to a programme of implementation review research and monitoring prior to such a conference.

Member State hesitancy to have their compliance monitored in a number of international policy areas is being met by increasingly innovative forms of monitoring, for example mutual self-assessment mechanisms and peer review. There are a number of models of this available.⁴³ The main objective should be to address the need for information about implementation in a way that takes into account states' fears of allowing outsiders to evaluate their implementation record. To launch such an idea effectively will require significant political support from leading groups of countries, such as the G8. Policy makers will have to consider carefully where to locate such a monitoring mechanism.

⁴³ The Financial Action Task Force of the OECD is one example of a technocratic review process of states' implementation of anti-money laundering measures.

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Appendix 1: Persons interviewed

Consultants

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William Myers

Government of Burkina Faso

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Hege Araldsen, Ministry of Foreign Affairs
Asbjørn Eidhammer, Ambassador, Ministry of Foreign Affairs
Liv Elden, UNICEF, Accra/Ghana (Ministry of Foreign Affairs)
Gunvor Alida Endresen, Ministry of Foreign Affairs
Anja Sundby Hem, ILO/IPEC (Ministry of Foreign Affairs)
Ove Thorsheim, Ambassador, Ministry of Foreign Affairs

ILO

Panudda Boonpala, IPEC, Geneva/Switzerland
Hans van de Glind, IPEC, Bangkok/Thailand, Mekong Project to Combat Trafficking in Children and Women, Regional Office for Asia and the Pacific
Roger Nkambu Mavinga, Kinshasa/DRC, Programme Assistant
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Eric Appiah Okrah, IPEC, Accra/Ghana
Mariama Ouedraogo, IPEC, Ouagadougou/Burkina Faso
Almoustapha Nouhou Touré, IPEC, Bamako/Mali
Makan Traoré, IPEC, Ouagadougou/Burkina Faso

International Federation of Terre des Hommes

Eylah Kadjar-Hamouda, International Secretariat in Geneva

LO (Confederation of Trade Unions Norway)

Leif Iversen, Ethical Trade Initiative – Norway (LO)

Save the Children

Tor Elden, Save the Children Norway

Julian Kramer, Save the Children Norway

Michel Larouche, Save the Children Canada, West Africa Region

Javier Aguilar Moline, Save the Children UK, Kinshasa/DRC

Sub-regional Working Group (SRWG) in Bangkok

Dominique Pierre Plateau, Save the Children Sweden, Bangkok/Thailand (SRWG)

Swiss Agency for Development and Cooperation

Jean-François Giovannini, former Ambassador/Deputy Director-General

Terre des Hommes Geneva

Vincent Kaboré, Ouagadougou/Burkina Faso

Jean-Luc Pittet, Geneva/Switzerland

UNESCO, Paris

Florence Migeon, Division of Basic Education, Education of Children in Difficult Circumstances Programme

UNICEF

Sekou Diarra, Bamako/Mali, Child Protection

Beatrice Duncan, Accra/Ghana, Child Protection Officer

Kari Egge, Tehran/Iran, Representative

Alec Fyfe, New York/USA, Child Protection

Margie de Monchy, Bangkok/Thailand, Child Protection, East Asia and Pacific

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Appendix 2: Agenda for Action

Children and Work

Oslo Conference on Child Labour – October 27-30, 1997

Agenda for action – adopted at the conference

1. Context

1.1 The Oslo Conference on Child Labour reflected the growing international concern about child labour. The conference was based on broadly accepted international instruments, particularly the Convention on the Rights of the Child and the ILO Minimum Age Convention (No. 138, 1973) and the Forced Labour Convention (No. 29, 1930), and on a framework consisting of the Plan of Action from the World Summit for Children (1990) and the Jomtien Declaration on Education for All (1990). The conference was a close follow-up to the Amsterdam Child Labour Conference (1997).

1.2 The participants at the Oslo conference recognised the importance of the many international and regional meetings having a bearing on the issue of child labour. Particular reference was made to the following:

Vienna Declaration and Programme of Action from the World Conference on Human Rights (1993),

Programme for Action from the Cairo Conference on Population and Development (1994),

Declaration and Programme for Action from the Copenhagen World Summit for Social Development (1995),

Beijing Declaration and Platform for Action from the Fourth World Conference on Women (1995),

Stockholm Declaration and Agenda for Action of the World Congress against Commercial Sexual Exploitation of Children (1996),

Chair's Summary and Conclusions from the Amsterdam Child Labour Conference (1997),

Declaration of the Ninth SAARC Summit in Malé (May 1997),

Cartagena Declaration on the Elimination of Child Labour (May 1997),

Recommendations of the OAU Summit in Harare (June 1997).

1.3 Investment in the physical, mental, spiritual, moral and social development of children is an ethical, social, and economic imperative for all societies. The Convention on the Rights of the Child constitutes the legal framework for the promotion and protection of the civil, political, economic, social and cultural rights of all children in an integrated manner. This means that all children, without exception, must be ensured survival, personal and social development, and physical, psychological and moral integrity, and that special protection measures must be taken for those in especially difficult circumstances.

1.4 Child labour is both a consequence and a cause of poverty. Thus, strategies for poverty reduction and elimination need to address this problem. Use of child labour slows down economic growth and social development and it constitutes a severe violation of basic human rights. The interconnection between child labour and the social conditions of the child and his/her family should be at the centre of sustainable social development policies. The 20/20 initiative, which invites interested developed and developing countries to allocate, on average, 20 per cent of official development assistance (ODA) and national budget, respectively, to basic social programmes including basic education and primary health care, can effectively contribute to the fight against child labour. There is evidence that investment in human capital from early childhood, e.g. education and health, provides a society with a greater potential for economic and social development.

1.5 Child workers, especially girls, are at high risk, because child labour jeopardises the child's health, safety and education and physical, mental, spiritual, moral and social development. Girls are particularly vulnerable to the dangers of child labour and require special attention.

1.6 Effective action against child labour requires political commitment and the creation of a broad coalition that includes both government and all sectors of society and adequate resources. The obligation to develop and implement policies,

legislation, strategies and measures for the elimination of child labour rests with governments. Good governance can maximise the potential for equitable and sustainable economic growth as a strategy to counter child labour. Preventive measures should be recognised as the most cost-effective means of eliminating child labour.

1.7 Education, particularly basic education, is one of the principal means of preventing and eliminating child labour. (1) Children outside the school system are vulnerable to various forms of exploitation, particularly to economic exploitation such as child labour. Child workers or potential child workers and the flow of children into work can be stemmed by establishing a system of accessible, relevant, high-quality, universal, compulsory basic education that is free for all.

1.8 Cooperation at the international level may contribute to the setting of standards, to overall poverty reduction, to better assessment of the impact of measures against child labour on the children and their families and in the framework of regional and international cooperation, and to promoting commitments with the aim of eliminating child labour.

1.9 Developed countries will strive for the fulfilment of the agreed United Nations target of 0.7 per cent of gross national product (GNP) for overall ODA as soon as possible, and to a more effective use of existing resources in close cooperation with developing countries.

2. Goal and priorities

2.1 The main goal is the effective elimination of child labour.

2.2 The objective is to protect the child 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.

2.3 Priority should be given to the immediate removal of children from the most intolerable (extreme) forms of child labour and to the physical and psychological rehabilitation of children involved. In line with such measures, adequate alternatives have to be provided for these children and their families.

2.4 Countries should progressively move towards the elimination of all child labour for children of school age (age depending on legislation in each country), to include any activity that interferes with children's development and their education.

2.5 The participants at the Oslo Conference agreed on the urgency of addressing the issues of child labour as discussed at the conference, and in particular of giving priority to the actions at national and international levels listed below.

3. Action at national level

Policy and programme development

3.1 Ensure that social and economic policies aimed at combating poverty focus on the needs of families and the community in their productive and caring activities, especially by implementing measures to provide the families of child workers with sustainable employment and income opportunities.

3.2 Design or accelerate implementation of existing National Plans of Action for the Child, as defined in the final document from the World Summit for Children, including strategies which integrate at long, medium and short term, social, political and economic measures for the elimination of child labour, and ensure the necessary resource allocation for their sustainable implementation.

3.3 Improve national systems for collection of gender disaggregated information, starting with birth, civil and death registration and comprising the scale, distribution and characteristics of child labour and related socio-economic data, including work carried out by very young children and work within the informal sector, inter alia through national censuses and household surveys, and develop the collection of statistical documentation on the progress made in accordance with appropriate indicators.

3.4 Draw up and implement a time-bound programme of action to prevent and eliminate all forms of child labour, starting with the most intolerable (extreme) forms. This should include adequate measures for the reintegration of children removed from work.

3.5 View the child in its social context, including his/her family and general situation, and ensure that the voices of civil society, including those of the children themselves, their families and the local community, are heard in an appropriate and

meaningful way when policies are developed and actions against child labour are decided.

3.6 Establish cross-sectoral and integrated institutional mechanisms for the progressive elimination of child labour, such as a high-level body, comprising all relevant ministries, and special committees for coordinating the activities of the various actors combating child labour, and define their complementary roles. These mechanisms should also involve local authorities, workers' and employers' organisations, NGOs and other relevant organisations. They should be administered at governmental level and avoid duplication of the work being done by other bodies.

3.7 Establish multisectoral rehabilitation programmes for children withdrawn from work, with a view to reintegrating the children into the family, the community and the formal education system.

Social mobilisation and role of civil society

3.8 Promote changes in social perception and increased social awareness, especially at the local level, by informing, educating, and sensitising parents and children, teachers, communities and society in general, with regard to the rights of the child, especially the right to basic education and to protection from economic exploitation.

3.9 Identify all groups concerned with and affected by child labour and define the different strategies necessary for awareness-raising within each group, recognising the need for involving all parties and establishing systems for assessing the impact of the various strategies.

3.10 Promote the empowerment of women, starting with the girl child, and ensure their full and equal participation in all aspects of society, including decision-making and participation in education and economic development on all levels. Education and improvement of women and girl's economic situation will have a positive impact on the well-being of children in general, and contribute to the elimination of child labour.

3.11 Support the tripartite cooperation between government and workers' and employers' organisations in their efforts to reduce incentives for using child labour, and in the implementation of labour legislation in all areas of work, including agriculture, domestic work and small businesses.

3.12 Encourage action by trade unions against child labour, in particular by supporting such action as a core issue for their policies, programmes and regular activities, and recognise and support the role of the unions in combating child labour, among others by involving them in the drafting of national plans and policies and in their implementation at all levels, and by encouraging them to promote awareness-raising among their members and the public.

3.13 Raise the awareness of employers' organisations, including the corporate sector, and involve them in the fight against child labour. Measures aimed at eliminating the demand for child labour could include identification of where in the chain of production child labour occurs, and support the development of voluntary codes of conduct on child labour combined with financial and material investment in programmes and projects to assist children and their families.

3.14 Stimulate private sector investment in ways that may contribute to the elimination of child labour, especially where and when rapidly growing investment may provide opportunities for new technologies and for replacing child workers by adults.

3.15 Encourage and support the replacement of child workers by unemployed adults, preferably from the same extended family wherever possible, and support initiatives to improve economic conditions for poor households. Any economic incentives given to parents of children withdrawn from work should be part of larger income-generating programmes.

3.16 Support the non-governmental sector in its efforts to complement and stimulate government action against child labour and to identify and denounce child labour abuses, encourage its further involvement and innovation to include children's participation in child labour action, support its efforts to carry out specific research on child labour and improve information networks and to promote intervention programmes in sectors of risk.

3.17 Support and encourage journalists and other media professionals who may contribute to social mobilisation by providing information of the highest quality, reliability and ethical standards concerning all aspects of child labour.

Education

3.18 Every child has the right to education. All work which interferes with the child's education must be regarded as unacceptable.

3.19 Formulate and implement a time-bound programme for universal compulsory basic education free for all that will ensure the necessary quality and relevance, as a central component of the national plan of action. This programme should encompass comprehensive policies indicating the current percentage of GNP allotted to basic education, a target percentage for future allocations, and plans for improvement of education in terms of scope, quality and relevance. Laws and regulations to ensure that all children have access to education are required.

3.20 Advance the goal of equal access to education by taking measures to eliminate discrimination in education at all levels on the basis of gender, race, religion, national origin, age or disability.

3.21 Create a gender-sensitive educational system in order to ensure equal education and training opportunities and full and equal participation of women in educational administration and policy- and decision-making.

3.22 Ensure access to and completion of relevant high-quality compulsory basic education free for all children, paying special attention to girls to ensure their full and equal access to and possibility of completing such education. Develop job training programmes within the general framework of public education, and make educational and vocational information and guidance available and accessible to all children.

3.23 Create vocational training opportunities and apprenticeship programmes for both boys and girls above school age, which focus on education and training, to be monitored by the competent authorities as a deterrent to exploitative practices, and strengthen such programmes where they already exist.

3.24 Integrate working children, wherever possible, into the formal education system. Non-formal education, such as part-time schools and open schools, is a useful transitional measure for reaching working children and children without access to formal education, as are special programmes that give working children access to education.

Legislation

3.25 Adopt and implement national legislation and policies on child labour in conformity with international standards and harmonise child labour legislation and policies with legislation and policies governing basic education, including protection of children in the informal sector, taking into consideration gender-specific

needs and the effects of ethnic, religious and other forms of discrimination on the incidence of child labour. National legislation should make provision for inspection.

3.26 Promote awareness-raising and dissemination of information in an easily understandable form on local, national and international legislation concerning child labour among adults and working and non-working children alike.

3.27 Strengthen and improve the judiciary and the legal enforcement processes by sensitising and training such personnel as prosecutors and judges, police and correction officers in child labour-related legislation.

3.28 Strengthen and improve the labour inspection system, for example by training labour inspectors and involving different governmental and non-governmental actors in the preparation of a cross-sectoral mechanism of labour inspection that also covers child labour in the informal sector, agriculture and domestic work. Promote community-based monitoring systems and establish such systems at the lowest possible administrative level.

3.29 Participate actively in the development and adoption of a new ILO convention on the most intolerable (extreme) forms of child labour.

4. Action at international level

4.1 Increase overall poverty orientation in aid programmes in promoting economic growth while focusing on the most disadvantaged population groups, facilitating their access to productive employment, education, primary health care and basic social services.

4.2 Encourage the ratification and implementation of relevant international instruments, e.g. the Convention on the Rights of the Child and ILO Convention No.138 and other relevant conventions, and provide technical assistance to efforts aimed at fulfilling the requirements of these instruments.

4.3 Provide assistance to countries actively involved in the elimination of child labour, e.g. through bilateral and multilateral programmes, including the ILO's International Programme on the Elimination of Child Labour (IPEC), and examine the possibility of incorporating the obligation to combat child labour, as well as the

obligation to ensure the rights of children, into their programme mandates wherever appropriate.

4.4 Consider examining existing bilateral and multilateral development cooperation programmes to assess their effects on child labour and, where appropriate, in cooperation with the developing countries concerned, adjusting the programmes, also taking into account this aspect, to ensure a better use of resources and a greater impact.

4.5 Collaborate in the drawing up and implementation of national plans of action, including capacity-building measures.

4.6 Contribute to establishing and implementing quantitative and qualitative gender disaggregated indicators for governments to use in monitoring their commitment to combat child labour, including changes in the situation of working children.

4.7 Support the development in developing countries of national information collection, research capacity and monitoring systems related to child labour, such as the ILO's Statistical Information and Monitoring Programme on Child Labour (SIMPOC), to provide these countries with a tool for determine the incidence and root causes of child labour and for planning action and measuring progress in programme intervention.

4.8 Encourage international organisations, bilateral assistance agencies and international financial institutions to support national research, policy development and monitoring, with regard to the rights of the child, including the elimination of child labour.

4.9 Support existing or contribute to the creation of new regional systems for information on and analysis of the content and progress of national plans, legislation and statistics,

4.10 Encourage promotion of a cross-sectoral and integrated approach to child labour in general, and to related coordination, exchange of experience, and impact assessment.

4.11 Encourage national and international debates among media professionals on the economic and social conditions of children, including child labour.

4.12 Support and participate in the work done by multilateral organisations and international financial institutions to eliminate child labour, especially the ILO, UNICEF, the UN Committee on the Rights of the Child, the UN High Commissioner for Human Rights, the World Bank and the regional development banks, and promote better coordination between these organisations and institutions.

4.13 Encourage the development of voluntary codes of conduct on child labour and material and financial investment in programmes and projects to assist children and their families.

4.14 Support country-level coordination and monitoring, through the United Nations Development Assistance Framework (UNDAF) or other relevant, effective and adaptable coordination frameworks.

4.15 Support the following up of actions aimed at the elimination of child labour by initiating informal consultations between governments, UN funds and programmes and specialised agencies, the World Bank and other financial institutions, the workers' and employers' organisations, (2)the private sector and NGOs.

(1) The term basic education refers to the years of free compulsory education.

Appendix 3: ILO Convention No. 182

C182 Worst Forms of Child Labour Convention, 1999

Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

The General Conference of the International Labour Organization

- Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 87th Session on 1 June 1999.
- Considering the need to adopt new instruments for the prohibition and elimination of the worst forms of child labour, as the main priority for national and international action, including international cooperation and assistance, to complement the Convention and the Recommendation concerning Minimum Age for Admission to Employment, 1973, which remain fundamental instruments on child labour.
- Considering that the effective elimination of the worst forms of child labour requires immediate and comprehensive action, taking into account the importance of free basic education and the need to remove the children concerned from all such work and to provide for their rehabilitation and social integration while addressing the needs of their families.
- Recalling the resolution concerning the elimination of child labour adopted by the International Labour Conference at its 83rd Session in 1996.
- Recognizing that child labour is to a great extent caused by poverty and that the long-term solution lies in sustained economic growth leading to social progress, in particular poverty alleviation and universal education.
- Recalling the Convention on the Rights of the Child adopted by the United Nations General Assembly on 20 November 1989.
- Recalling the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, adopted by the International Labour Conference at its 86th Session in 1998.

- Recalling that some of the worst forms of child labour are covered by other international instruments, in particular the Forced Labour Convention, 1930, and the United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956.
- Having decided upon the adoption of certain proposals with regard to child labour, which is the fourth item on the agenda of the session.
- Having determined that these proposals shall take the form of an international Convention.

adopts this seventeenth day of June of the year one thousand nine hundred and ninety-nine the following Convention, which may be cited as the Worst Forms of Child Labour Convention.

Article 1

Each Member which ratifies this Convention shall take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency.

Article 2

For the purposes of this Convention, the term child shall apply to all persons under the age of 18.

Article 3

For the purposes of this Convention, the term *the worst forms of child labour* comprises:

- (a) 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;
- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- (c) 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;
- (d) 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.

Article 4

1. The types of work referred to under Article 3(d) shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned, taking into consideration relevant international standards, in particular Paragraphs 3 and 4 of the Worst Forms of Child Labour Recommendation, 1999.
2. The competent authority, after consultation with the organizations of employers and workers concerned, shall identify where the types of work so determined exist.
3. The list of the types of work determined under paragraph 1 of this Article shall be periodically examined and revised as necessary, in consultation with the organizations of employers and workers concerned.

Article 5

Each Member shall, after consultation with employers' and workers' organizations, establish or designate appropriate mechanisms to monitor the implementation of the provisions giving effect to this Convention.

Article 6

1. Each Member shall design and implement programmes of action to eliminate as a priority the worst forms of child labour.
2. Such programmes of action shall be designed and implemented in consultation with relevant government institutions and employers' and workers' organizations, taking into consideration the views of other concerned groups as appropriate.

Article 7

1. Each Member shall take all necessary measures to ensure the effective implementation and enforcement of the provisions giving effect to this Convention including the provision and application of penal sanctions or, as appropriate, other sanctions.
2. Each Member shall, taking into account the importance of education in eliminating child labour, take effective and time-bound measures to:

- (a) prevent the engagement of children in the worst forms of child labour;
 - (b) provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration;
 - (c) ensure access to free basic education, and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labour;
 - (d) identify and reach out to children at special risk; and
 - (e) take account of the special situation of girls.
3. Each Member shall designate the competent authority responsible for the implementation of the provisions giving effect to this Convention.

Article 8

Members shall take appropriate steps to assist one another in giving effect to the provisions of this Convention through enhanced international cooperation and/or assistance including support for social and economic development, poverty eradication programmes and universal education.

Article 9

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 10

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General of the International Labour Office.
2. It shall come into force 12 months after the date on which the ratifications of two Members have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member 12 months after the date on which its ratification has been registered.

Article 11

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.
2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 12

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and acts of denunciation communicated by the Members of the Organization.
2. When notifying the Members of the Organization of the registration of the second ratification, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention shall come into force.

Article 13

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations, for registration in accordance with article 102 of the Charter of the United Nations, full particulars of all ratifications and acts of denunciation registered by the Director-General in accordance with the provisions of the preceding Articles.

Article 14

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 15

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides —
 - (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 11 above, if and when the new revising Convention shall have come into force;
 - (b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.
2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 16

The English and French versions of the text of this Convention are equally authoritative.

Cross references

Conventions: (C29) Forced Labour Convention, 1930

Conventions: (C138) Minimum Age Convention, 1973

Recommendations:(R35) Forced Labour (Indirect Compulsion) Recommendation, 1930

Recommendations:(R36) Forced Labour (Regulation) Recommendation, 1930

Recommendations:(R146) Minimum Age Recommendation, 1973

Supplemented: (R190) Complemented by the Worst Forms of Child Labour Recommendation, 1999

Constitution: 22:article 22 of the Constitution of the International Labour Organisation

Achievements and setbacks in the fights against child labour

This report assesses the impact of the 1997 Oslo Conference on child labour and the status today of the issues addressed at that conference.

In spite of growing global public concern with the adoption of the Convention on the Rights of the Child (CRC) in 1989, international initiatives and actions were hampered by differences in approaches to child labour by key stakeholders. The Oslo Conference was successful in defining a common platform to combat child labour. Seven years after, there seems to be a new need for refocusing international strategies both to continue to mobilise donors and to increase impact of the work on the ground.

The report is the first in a series of working papers from a Fafo research program on child labour generously financed by the Norwegian Ministry of Foreign Affairs.



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