

# The ILO Conventions on Minimum Age: the Case of Ethiopia

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## **Abstract**

The ILO Minimum Age Conventions, adopted from 1919 - 1973, got their form in the post World War I context of industrialization, urbanization, social instability and a growing trade union movement, and were modelled on the late 19th century European labour legislation. It was a time of heavy unemployment, and the workers perceived child labourers as competitors on the labour market.

Ethiopia is one of the poorest countries of the world with a population of 90 million and a median age of 17.5 years. Primary education has been expanded and now reaches about 75% of the relevant age-group, while only 15% continue into secondary education. The contribution of the younger generation to productivity is essential and child labour is the prevailing norm. In the Ethiopian Constitution adopted 1995, the rights of children were addressed: the right to life, to education and to protection from labour exploitation. Ethiopia is signatory to the ILO-Convention 138 and its national law has set the age-limit to 14 years. Ethiopia is a beneficiary of the World Bank's lending program to strengthen market economy, which has implications for children's employment and working conditions.

During 2012 we did a study interviewing children working in the agricultural sector to discern how the globalisation of economy and human rights norms affect their lives. The situation for child agricultural workers in Ethiopia is an illustration of how child workers as agents are finding ways to manage within the legal and economic structures based on experiences from the West.

## **1 Introduction and Outline**

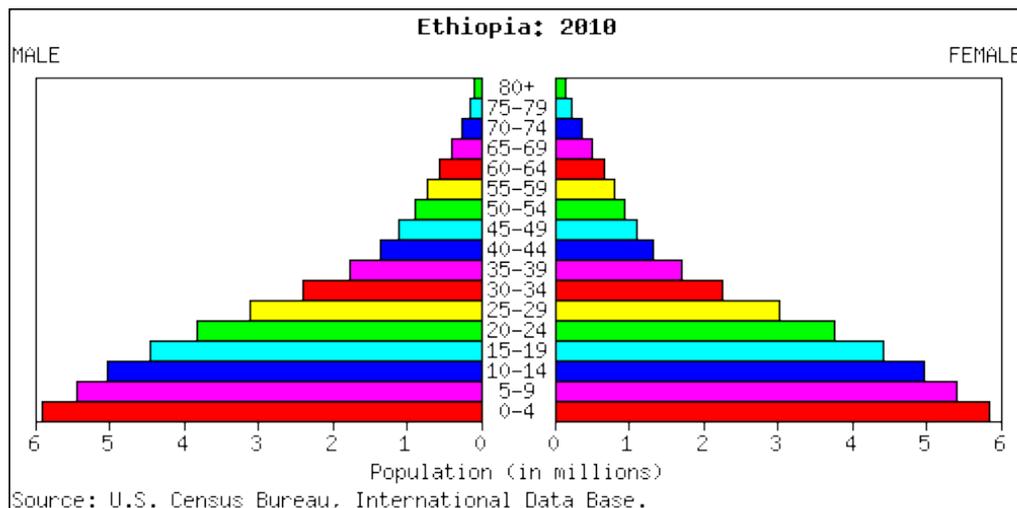
In this paper, we will discuss the discrepancies between the international child labour regime, which has its historical roots in the Industrial Revolution, and the realities of working children in one of the poorest countries in the world, Ethiopia. The realities of childhood in Ethiopia are presented in a few figures and citations from children participating in a study on children working in the agricultural sector. This is contrasted to international conventions regulating children's rights, particularly children's work, as the Convention on the Rights of the Child (CRC, 1989), the ILO Minimum Age Convention (No. 138, 1973), and the ILO Convention on the Worst Forms of Child Labour (No. 182, 1999), all of them ratified by Ethiopia (in 1999 and 2003). After ratification, Ethiopia has passed laws corresponding to the international regimes. The concept of modern childhood informing international law is however seriously challenged by the actual situation of a majority of poor children in Ethiopia.

We look at economic and legal structures, both international and national, that affect children's lives either by enhancing their possibilities or by creating obstacles, as well as at children's agency and their ability to overcome difficulties and mature and develop.

## 2 Ethiopian Childhood

Too old for school and too young for work is a dilemma for many children in the poor countries of the world. Even though most countries are achieving well on Millennium Development Goal number two – to achieve universal primary education - and are showing high enrolment rates in primary education, a majority of the children leave school after six to eight years or earlier due to high drop-out rates, with few chances for any more formal education, (Boyden & James, 2014). The parents have no funds to pay for any further schooling and often the work input of the child is needed for the survival of the family. The quality of education is often also poor due to big classes, lack of resources and poorly educated teachers. For many governments the investment in universal primary education is all they can manage and access to secondary and higher education remains limited. This is especially true in countries with young populations, such as many African and South Asian countries with around 50% of their population under 18 years. Children here find themselves in a ‘vacuum’ the day they finish primary school at age 12 to 14. For many of them continued schooling is not an option for financial, geographic or socio-cultural reasons. As a working girl explains: *“In my hometown, old people say that girls do not need to learn a lot. They only need a few classes and then they can stay home”*. At the same time the 12 – 16 year old child is considered too young for work, at least for any formal employment. What is left is the informal and unregulated sector. This leaves many children vulnerable to abuse and exploitation by unjust employers, or without meaningful activities and exposed to harmful and risky behaviour (Rubenson et al, 2005a).

Ethiopia is Africa’s second most populous country with about 90 million inhabitants of which more than 50% are children below 18 years of age. Birth rates are still high (TFR 5.39) as are infant and child mortality rates and the median age in the population is only 17.5 years (CIA, 2013).



This means that the burden of productivity, both in agriculture, industry and service falls heavily also on the young: Ethiopia’s dependency ratio of 81,2 (World Bank, 2011) is among the highest in the world and even if it is going

down it still means that nearly every adult has to also produce for one dependent – a child younger than 15 or an elderly above 65. This can be compared to the situation in e.g. Vietnam, a country of similar population size and economic growth with a dependency ratio of 42,1 (World Bank 2011). Vietnam had its peak in dependency ratio already 1967 and has since shown a fast decline. It has promoted small families, access to contraceptives and liberal abortion laws.<sup>1</sup>

Ethiopia has had an economic growth of 8% - 12% over the last years (World Bank, 2012); it is however still one of the poorest countries in the world, with 40% of the population below the poverty line (UNICEF, 2010) and placed as number 157 of 169 countries on the UNDP Human Development Index 2010. When 40 - 50% of the population are children and young people this also manifests in high youth employment with many children leaving school at 12 – 14 years of age with low levels of education and competence for the labour market (Guarcello & Rosati, 2007).

Educational levels in Ethiopia are low, as neither the state nor the parents can afford to give children more than six to seven years of education (Woldehanna & Jones, 2009) and more than 40% of the population is illiterate (CIA Factbook 2013). Primary school enrolment is high in Ethiopia with 81% of boys and 75% of girls attending school until the age 10 to 12 years of age, but only 50% continue into junior secondary school. Many school children combine work with unpaid domestic work at home and/or with paid work outside the home (CSA, 2002). This for many impacts negatively on their education and is a common reason for dropping out of school early (CSA, 2004), but it may also be what makes paying for education possible. Working may mean coming late to class, or not having the necessary time for doing home-work (Woldehanna & Jones, 2009). That children work is a prevailing norm in the Ethiopian context and both children and their parents see work as a natural part of children's growth and development, with a majority of children involved in agricultural and domestic work with their parents (Bourdillon et al, 2010). It is seen as an important means of socialization for adulthood and it is culturally and socially expected that children participate in chores adequate for their age. With low levels of educational opportunities and with severe rates of poverty, it is also seen as a necessary means for family survival (Taferé & Camfield 2009). Their contribution is necessary for the family's production, there are no alternative activities and schools with a decent quality of education are rare (CSA, 2002). Studies from several other countries show the same pattern (Bourdillon et al, 2010).

### **3 Changing Structures with Economic Growth**

In Ethiopia agriculture has been and still is the main area of production, with more than 85% of the population involved in farming, while only 10% work in the service sector and 5% in industry (CIA, 2013). The distribution of labour

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<sup>1</sup> In 2011 Sweden had a dependency ratio of 54, it is slowly increasing from a low level as in many European countries.

between the sectors is the same for children as for adults and they work mainly within the extended family. Most children working outside their families work in the informal sector often as self-employed entrepreneurs (CSA, 2002). With a growing market-oriented economy land is becoming more of a commodity and many small farmers start vegetable production through irrigation schemes producing for the local market, but also for the urban centres. This creates opportunities for children to find paid employment but under uncertain conditions. Also both Ethiopian and foreign investors buy or lease land for more large-scale production of e.g. roses for export. This on one hand increases the income for the families, but on the other hand exposes children to greater risks than work within the traditional family setting. With the labour market becoming more formalised with more of an employer – employee relationship the requirements for employment become stricter e.g. minimum age restrictions and requirements school leaving certificates. The large numbers of children leaving school with low levels of education make it hard for them to find employment and employers have difficulties finding workers with enough competence (Guarcello & Rosati, 2007; CICRED 2005).

#### **4 Child Work Regulations in Ethiopia**

Against this background, it is noteworthy that the Committee on the Rights of the Child in its Concluding Observations to Ethiopia in 2006, expressed deep concern about “the high prevalence of child labour among young children, including as young as 5 years” and that Ethiopia has not taken “comprehensive measures to prevent and combat this large-scale economic exploitation of children” (CRC/Ethiopia, 2006). It is problematic that there is no discussion of which types of child work should be prohibited and no reference to the actual situation of the children involved, particularly considering the Committee’s concern about the widespread poverty and its effects on children or the demographic reality of the country. This is a striking example of the conflict between adhering to the concept of protecting the child from work and the concept of protecting the child from poverty.

There is today a broad acceptance that children have human rights as shown in the almost universal ratification of the *Convention on the Rights of the Child* (CRC). The early international instruments on children’s rights (1924 and 1959) had a focus on the rights to protection and care of children grounded in a view of the child as inherently vulnerable, as in the *Charter on the Rights and Welfare of the Child* (1959). In contrast, in the CRC, as well as in the *African Charter on the Rights and Welfare of the Child* which came in force 1999, the rights to autonomy and self-identity are highlighted and political and civil rights are included together with the social, economic and cultural rights. The inherent conflict in how we understand childhood is thus built into international law, seeing the child both as the dependent passive receiver and as the independent actor contributing to his/her own development. This conflict has yielded extensive academic discussion e.g. in law, psychology and pedagogics (Hafen & Hafen, 1996). A group of children often targeted in the discussions are the working children. Either work is seen so harmful that

children should be protected from it, or as a human right for children as for everyone else (Boyden et al, 1998; Rubenson 2005; Dahlén 2007; Bourdillon et al, 2010). Child protectors want to prohibit most forms of child work before the age of 15, with the International Labour Organisation (ILO) as a leading actor, while others underline the developmental aspects of work as well as the right to and need for work to survive, and the lack of adequate alternatives (Anker 2001). Ever since its founding in 1919, ILO has been striving to limit children's work through the introduction of 14 years as a minimum age limit in different branches, increased to 15 years during the depression in the 1930's. The ILO Minimum Age Convention from 1973 (No. 138) states that the aim is "to achieve the total abolition of child labour". The Convention builds on earlier conventions on minimum age, starting in 1919, which in turn were the 'lowest common denominator' of European labour law at the time, and thus an expression of how child labour was perceived in Western industrialist countries around the turn of the century 1900 (Dahlén 2007). One aspect that contributed to the adoption of the conventions, and later to the increased minimum age, was that children competed with adult male workers (Dahlén 2007).

The CRC states the conditions for when child work is accepted: *that it is not hazardous or interferes with the child's education, or is harmful to the child's health or physical, mental, spiritual, moral or social development*. The CRC also refers to other international instruments, i.e. the ILO Convention, as a guide for national legislation. ILO (2011) estimates that at least 215 million children under the age of 15 are working. For these children their right to protection as well as participation is mostly lacking. Ethiopia has ratified the ILO conventions as well as the CRC in 1999 and 2003. The Ethiopian government has adopted a National Plan of Action for Children 2003-2010 (MOLSA, 2005) and passed regulations stipulating a minimum age of 14 years for admission to formal employment and designated specific criteria regarding permissible types of work, working conditions and environments in which children between the ages of 14-18 can participate (Labour Proclamation No. 42/1993).

The Convention on the Rights of the Child (CRC) recognises 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" (CRC, Art. 32) and the African Charter of the Health and Welfare of the Child has provisions similar to the CRC concerning child work (OAU, 1999). The ILO Minimum Age Convention stipulates that member states should specify a minimum age for admission to employment or work "in any occupation" (ILO 138, 1973), and the Worst Forms of Child Labour Convention defines the worst forms of child labour as all forms of slavery or practices similar to slavery, the use of children for prostitution or pornography, section the use of children for illicit activities as trafficking or drugs, and hazardous work (ILO 1999).

## **5 Agency Childhood and a Child-centred Perspective**

The responsibility for nurturing and guiding the child into a mature adult was in the traditional society the responsibility of the family and other adults around the child. Within the family setting children had their defined roles, which included participating in household chores in relation to age and ability, just as anybody else (Boyden et al 1998). With the period of enlightenment the interest in the individual child and his/her development emerged. The formation of the mature, rational adult was in focus and the understanding of the child's nature and how children learn and mature became important (Cunningham 1995). The child was seen as immature and incomplete, as a becoming on the way to adulthood, and childhood was set aside as a special period for learning in separate institutions. From having been an activity for some all through life, education changed into a special territory for children. The lives of children, as students, became more and more separate from that of the adult world of work and responsibility, and they became more and more invisible in society (Boyden 1997). Also education engaged more and more of children's time, thus prolonging childhood into what was previously seen as adulthood (Abramson, 1996).

A result of the extensive research on children's growth and development is the construction of the 'normal child' as developing through a set of stages/milestones, one building on the other. Most of the studies were conducted on middleclass children in the Western context of relative affluence with school and play as main activities. This developmentalist approach is being universalised through textbooks and media, ignoring the fact that the milestones refer to a special context with its accent on childhood education (Woodhead, 1999). This concept of childhood has become the dominant in the world and has also informed the Convention on the Rights of the Child (Mayall, 2000).

Many children, however, grow up in other contexts, where learning and maturing have other routes and where expectations on what children should master is judged according to other measures. Blanchet (1996) in her study of domestic servants in Bangladesh demonstrates how social background, gender and class are more decisive than age for how a child is judged. In rural areas in many parts of the world, the emphasis on what children have to learn to manage everyday life and the tasks they are assigned differ totally from what is expected of the urban Western child. While Western culture stresses the development of individuality of each child, many other cultures value the collective – the family – as the unit for which its members have mutual responsibility (Kagitcibasi, 1996). For the majority of the world's children, for whom resource scarcity is still the norm, participation in production for their own and their family's survival is a daily reality. For most of them it is within the family's production: domestic and agriculture or small-scale trade. For many children in Ethiopia this would include starting already around the age of five with herding and feeding animals, as well as simple domestic chores (CSA, 2002).

## 6 Agency and the Convention on the Rights of the Child

The adoption of the Convention on the Rights of the Child, and the continued interpretation of its articles as different countries and cultures strive to implement it, has led to questioning the childhood concept it is based on. The welfare- and protection rights in the CRC, where the child's vulnerability and dependency are highlighted and the role of the state/parent is underlined have found fertile ground in most societies. The focus of implementation has to a large extent focused on the need for care and support to grow and learn, and the adult perspective has been dominant. Primary education and under-five health care have been a strong focus. The state also has an important role in protecting the child from risks and harm. The Convention on the Rights of the Child (CRC) is, however, double-faced; on one hand it underlines the vulnerability and dependency of children, on the other it stipulates that children have rights to freedom of association, thought and conscience, and to express their views and be listened to (CRC, Articles 12 – 17). The Convention does not give any limitations to these rights such as age limits or competence, but states that they should be exercised in accordance with the child's evolving capacity. With increasing age the child should be given more and more opportunity to voice views and have them listened to, be involved in decision-making and allowed to make own decisions. The lack of fixed age-limits indicates that children's ability to exercise varies between children, that it also is context bound and that it is dependent on the way children are brought up. Lansdown (2005) discusses in her Innocenti paper how children attain different abilities and competences depending on socio-cultural context and the expectations of parents and society at large. Children who are given tasks and responsibility learn to exercise agency to a larger extent than children who are shielded and over protected. Liebel et al (2012) describe in the book *Children's Rights from Below – Cross-Cultural Perspectives* how children themselves reason around their right to autonomy and self-determination and how the adult world often hinders their growth and participation instead of supporting it. Allowing children more autonomy and power to decide about their own lives means for the adults around them to give up some of their power and to accept that children may choose other solutions than they would.

In relation to child work the actions taken by society and the adult community have mainly been to restrict children's access and involvement as a means of protecting them from exploitation and harm instead of adjusting the conditions to be beneficial and unharmed. In relation to work it has meant to establish age limits for employment, which should coincide with the time for leaving school at around the age of fifteen, even where education is not an option. But to exclude children from paid work while allowing them to undertake unpaid chores is rather a reflection of children's lack of power than a reflection of systematic evidence about how to best promote children's well-being (Levison, 2007). Less emphasis has been given to supporting the child's introduction to work and income generation, developing the participatory skills and including the child in decision-making about its own life and future. Working children themselves express their right to autonomy and self-

determination more clearly than most other groups. For them working is most often a necessity and a choice. It is also something giving them satisfaction and sometimes pride as they contribute to their families' livelihood (Rubenson, 2005b). For children with few chances for education it is also the obvious choice of activity and a demand by parents, who would not want them idle and at risk of developing a negative life-style (Rubenson, 2005c). In a society as Ethiopia with a large youth generation with low levels of education and difficulty to find employment the possibility to combine school with part-time work in the informal sector is the best way to develop the skills and competence needed for the future.

When children themselves are given the possibility to express their views they speak about the need to work to survive and pay for costs such as health care and education, about their wish to be treated with respect for what they contribute to their families and to society, and about their claim to decent working conditions and a possibility to get a good and useful education (Liebel, 2013). Working children's organisations in Latin America, Asia and Africa claim their right to work as a means for their development and integration in society (Liebel, 2013). Hanson & Vandaele (2013) refer to working children's associations and conferences and their demand for the right to work under decent conditions. In relation to the issue of exploitation and risk for harm they underline that, as risks and harm are mostly the result of adults' actions e.g. economic and sexual exploitation '...it is unfair to restrict children's actions instead of adults'.

## **7 Children Working in Ethiopian Agriculture**

In 2012 we did a study among children working in the agricultural sector in Southern Ethiopia, as well as with parents and employers (unpublished). The area chosen for the study was Ziway about 120 km South of Addis Abeba on the shores of Lake Ziway in the rift valley. Ziway is a fast growing town and area depending on cattle breeding, fishing, vegetable growing and cash-crops. It has a population of about 50 000 with a majority belonging to the Oromo ethnic group. The area is arid and traditionally livelihood depended on rain-fed agriculture, cattle breeding and fishing. With the development of communications and better transport facilities production has become more market-oriented and both local and international investors are active in the town and its surroundings. Water from the lake is pumped and used for irrigation by farmers cultivating their old land for better harvests, by local investors renting land for vegetable production for the urban markets and by an international company developing a rose plantation for the global market. Also fish can now be transported for the markets in urban centres.

In this changing economic situation the labour market has diversified and more jobs are available. The flower production company producing mainly for the foreign market is an attractive employer for young women and to avoid criticism they are strict with employing only women above the age of 18 years, even though the Ethiopian labour law allows the employment of children over the age of 15 years. Many women migrate to Ziway to work in the flower

industry from other areas with less work opportunities. Children are instead expected to work within the family production and most children start already around the age of 5 – 6 to participate in cattle herding and domestic chores. With increasing strength and capabilities they take on more and more responsibilities in combination with going to school (focus group discussion with parents in Ziway). Most children attend school either in the morning or in the afternoon shift at least for 6 – 8 years. As opportunities arise they also work for others with transporting, irrigation, weeding and harvesting, juggling to manage home-chores, school-work and employment for income. The participants in this study live about 10 km north of the town-centre with their parents on the farmland in mud-houses, some with thatched roofs others with roofs of corrugated iron – a sign of cash income.

“The farm work helps me to learn agricultural skills. I also help my parents. The same is true with domestic work. I am happy to help my parents. We have to work and improve the livelihood of my family. It is also an obligation for children to work. If I refuse to work my parents may punish me. So I accept their orders and accomplish the works.” (girl 13 years, grade 6)

“Yes, I involve in daily labour in the irrigation farms. I started to work as paid labourer at the age of ten. At the beginning I was planting cabbages. Now, I can plant cabbages, tomatoes and onions. I also collect onions, weeds, and hoeing. I study early in the morning and immediately after I return back from school. I also study over the weekends. But I have to accept instructing from my parents regarding the work. So, I have tried not to be absent from school and study my lesson when I am not busy with family work. I have to serve my parents in both domestic and agricultural works.” (boy 14 years, grade 6)

For the children in the study working as well as studying were important contributions to the development of their agency and also signs of their growing independence and ability to make their own decisions and take responsibility for their own and family members lives. They all agreed that education was important for their future and had the support from their parents in this, but to achieve this funds were needed, which were not always available in their poor families. To be able to go to school they thus had to earn money mainly through working for small investors and landowners who employed them on a day-to-day basis, as needed depending on time of the year. For the girls it was mostly weeding and harvesting vegetables and for the boys it also could include digging and transporting to the markets. The children found it hard to find time for all the different responsibilities and were struggling to cope with the competing activities – their life-puzzle.

The government representatives who participated in the study were well aware of children’s rights and of the minimum age regulations, but saw the difficulties in the conflict between policy and reality.

“In Ethiopia children start working from the age of 10. This may not be good but age 18 is too long. So, the legal procedure itself is a threat and an obstacle. You cannot prevent the child to work. Some are even leading households and families. ... The policy is a bit problematic itself. So, we have to take into

account the local situations whenever we want to implement the policy thing.”  
(male 24 years)

## 8 Conclusion

For the children in the study, as well as for their parents and the employers, working was seen as normal and expected. The children's stories underline the need for work for the income it gives to the family and for the possibility to continue studying. They underline that it is their own decision to start working for an income, while doing domestic chores at home and on the parents' land is part of being a family member, and expected by the parents. The children in the study had had opportunity to find paid work on an hourly basis that could thus be combined with their education. For them education was a priority and they told about their wish to continue their education at university to be able to get a good income and support their parents and develop the country. Parents as well as children were aware of the changing norms relating to children and the need for good education and hard work through new means and technical development. They were standing at crossroad, where they were still part of the traditional rural society and at the same time moving into the new modern globalised world.

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