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Should Children Work? Dilemmas of Children's Educational Rights in the Global South

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The realisation of Children's Rights and the right to education, in particular, have for quite long left the children of the Global South at a crossroads. The ideal of a childhood free from work has in itself become a barrier to access this social good. As such, due to their country's minimal or non-existent educational funding and family abject poverty, some children in the Global South have realised that adopting a pragmatic strategy of combining school and work is the only feasible solution. This study, therefore, examines the interface between children's work and schooling in the Global South.

1. Introduction

Whether education is necessary for societal amelioration is no longer a subject of debate, although the form of schooling is debatable. Under the façade of human rights and children's rights discourses, in particular, schooling is almost replacing the phenomenon education and slowly childhood is becoming synonymous to schooling and playing. The kind of childhood such discourses advance is a school-play and free-from-labour childhood. In that regard, work is perceived as anti-schooling and a work-free childhood is framed as the only ideal form of childhood. As such, studies on children's work and schooling have mostly been informed or framed within two discourses: the first being the one that considers children's work as detrimental to schooling (Thu-Le & Homel, 2015; Mavrokonstantis, 2011; Bezerra et al., 2009; Beegle et al., 2008; Demir, 2006; Canagarajah & Nielsen, 1999); and the second is that which considers the intersection of schooling and work (Wambiri, 2015a; Wambiri, 2015b; Tafere & Pankhurst, 2015; Bourdillon, 2011 & 2016; Hart, 2008; Punch, 2003). Currently there is a new mode of thought which looks beyond the compatibility of work and schooling and considers work as a learning process. This position is advocated in 'Labour as Learning' by Bourdillon. He advances that:

> While formal schooling – including secondary schooling – is undoubtedly the dominant source of learning and skills for the vast majority of young people in the modern world, this is not the only form of education that children need, nor necessarily the best form for all children in all situations. [And] ... while excessive or harmful work can certainly hinder

> schooling, work and school are not always – or even generally – incompatible. (Bourdillon, 2016: 2).

This development reinforces the argument advanced during the symposium on 'Child labour in East and Southern Africa' held in Addis Ababa in March 2014. In their introduction to the publication based on this symposium, Pankhurst, Bourdillon & Crivello (2015: 8), observed the growing discontent with schooling as the only source of learning and they advanced the applicability of children's involvement in work as an alternative way for many who cannot benefit from the school system to learn skills that are rarely leant in schools. This is a remarkable line of argument that 'presents a more nuanced approach to children's work than what appears in the dominant discourse of abolishing "child labour"' (Bourdillon, 2016: 1). This challenges the neo-liberal ideology of anti-work childhood by embracing labour as a learning process in itself.

In the children's rights discourse, like in the children's work discourse, this tension has always been present. Central has been the perceived conflict of interests among different groups in society between children's rights to education and their rights to work. On the one hand there are those who would prefer that children's lives be characterised by school and play only (UNCRC, Articles 28 & 31; Qvortrup, 2001; Hindman ed., 2009; Shackel, 2015) while on the other hand there are those who see work as an important characteristic of children's lives, in addition to school and play (Punch, 2003; Abebe & Aase, 2007; Hart, 2008; Bourdillon, 2011). When this tension is translated into policy it depicts Bourdillon's (2016: 2) recent observation that: 'global policy on children's work and education is dominated by two assumptions: that school is the best way to secure a future for all children and that work generally hinders schooling and is therefore to be avoided during childhood.' While there has been little contestation over children's rights to schooling and play, for school and work the contestation has translated into a schooling versus working binary (Alber, 2012) which to a large extent has been detrimental to children's wellbeing.

In this essay, I argue that setting up such a dichotomy between work and education is not healthy for the majority of children in the Global South, because it is by combining work and schooling that the majority of these children earn a living, which is a prerequisite for realising codified rights. I organise my essay into three parts. The first part is an introduction which gives a snapshot of major debates that have informed children's work and rights scholarship. This is followed by the second and main part of the essay, in which dilemmas to realise children's right to education are developed and discussed. It encompasses critical comments on the implication of the progressive implementation of social and economic rights within an international human rights regime on children's educational rights. This is followed by a problematisation of whether children should work and it ends with a sub-part that advocates for the need to combine work and education/schooling. In the third and last part, the conclusion, I will sum up issues raised during the essay.

2. Difficulties to Realise Children's Rights to Education

Like any human rights discourse, children's rights to education have raised critical questions as to what is the appropriate approach to make this social good available to all children. While on the one hand children's rights advocates and institutions are continuously condemning children's involvement in work; on the other hand, many of the children in the Global South have realised that in the state of their country's minimal or non-existent educational funding and their family's abject poverty, if they do not work their right to education be jeopardised or will bypass them (Morrow, 2016). More interesting is that 'recent historical research that studies working children as active participants indicates that work for children could sometimes and somewhere be 'normal'' (Hanson and Vandaele, 2013: 251). These and similar findings have prompted various scholars (Abebe, 2008; Bourdillon, 2016; Klocker, 2014; Bessell, 2011; Hindman ed., 2009; Weston ed., 2005) to take a different position towards child work and child labour. Yet these positions and the acts of the human and children's rights regime have not only complicated the very rights they tend to defend, but in most cases they have left children in a dilemma. How to realise the right to education remains a puzzle and no single position concretely provides or specifies the way to follow to balance between a working and a work-free childhood.

2.1 The International Rights Regime and Children's Right to Education

There is a common saying among many human rights advocates that 'human rights cannot be given on a golden plate but have to be claimed'. Though this seems to refer to political and civil rights, it is also applicable to children's rights. In addition to this, however, in the Global South there are not only challenges in demanding social and economic rights, but also political and civil rights. Thus, demanding all rights is contentious. The demand for economic, social and cultural rights is particularly complex. These bottlenecks for enjoying economic and social rights emanate from the provision of the International Covenant on Economic, Social and Cultural Rights (CESCR). For example, Article 2 of the CESCR implicitly thwarts the rights of people to demand these rights by acceding power to the government to determine the extent to which it will make these social goods available, which are prescribed as being part of universal human rights. This article, in particular, has defined the special circumstances for citizen's access to economic and social rights. Such limitations are expressed in the CESCR Article 2 (3) which underscores that:

> Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization

> of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.

Such suggested progression in the provision of these rights, poses some challenges to the very rights it sets out to enforce. Things get complicated when it comes to children's rights and the right to education, in particular, given their low status in society. That is to say, as one of the social goods under these economic and social rights, education becomes another impossible right to claim. This can be attributed to the indifferent status expressed in CESCR in the realisation or claiming of this right. Article 13 (3) of this convention states that:

> The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

The message expressed in this provision strips children from claiming their rights to education, by making them depend on the intentions and goodwill of parents and guardians, with minimal help from the government. In that respect, one can argue that from the human rights point of view, children's rights to education are not guaranteed but depend on the goodwill of parents, guardians and government. In this way, it contradicts the common image portrayed of the active child with rights. Similarly, constraints to children's enjoyment of the rights to education are also expressed by some Articles of the CRC. For example, Article 28 (1) of the CRC stipulates that 'States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity.' Such a progressive approach reflects the spirit of CESCR Articles 2 (3) and 13 (3). In this manner the right to education is dependent on the goodwill of governments that are charged with providing a better environment for the realisation of social and economic rights.

2.2 Should Children Work?

In the Global South, as might be the case elsewhere, 'the role and value of child work are under scrutiny as never before … where the rapid expansion of formal schooling, as well as broader social, political and economic changes, bring into sharp relief competing definitions of what 'good childhood should look like for this generation of children' (Pankhurst et al., 2015: 41). In this regard whether children should or should not work is one of the most controversial questions, whose 'yes' or 'no' response has far reaching consequences on children's educational right. As some 'scholars have … argued … the issue of child labour is contentious not only because many children work illegally, but also because their work concurrently involves interdependent realities of survival, socialisation, participation, abuse

and exploitation' (Abebe & Bessell, 2011: 765). As such 'children are not perceived as workers ... [and] what they do is submerged in the low status realm of [the] domestic' (Nieuwenhuys, 1996: 243). That is to say, although children are actively engaged in work, they are deprived of its economic value or they can only work as long as they do not produce value or contribute to their families' welfare. This and similar entanglements have, for some time, deprived children's rights to produce value. In this way and as Hanson and Vandaele (2013: 262) argued, it becomes a critical challenge to understand or respond to whether children should work or not. Such approaches remain sceptical of the stance adopted in 1973 by the International Labour Organisation (ILO) Convention No. 138 in respect to child labour, which takes the prohibition of child labour as a starting point. The major question then is: given this approach to child labour, is it possible to regulate something that is legally prohibited, but nonetheless occurs in practice?

This approach to the universal prohibition of children to work is however contrary to other international documents. For example, Article 31 of the African Charter on Rights and Welfare of the Child (ACRWC) links children rights to their responsibilities towards their families, their communities and societies. Nevertheless, though ACRWC seems to be contrary to the globalised values of CRC, if critically assessed it is not. Instead it has been drafted to reflect the moral force expressed in the preamble of the CRC, which calls for 'taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child' (Bourdillon, 2011: 108). Nonetheless, children in the Global South do work, mostly not because the international convention forces them to do so, but as Nyerere (1968) argues, it should be part and parcel of their upbringing. In that regard, schooling should not be anti-work. This argument is the subject of the next part.

2.3. Working for Schooling or for Educational Rights Realisation Pragmatics?

The moral force of the disassociation between childhood and economic value creation is one of the many issues emphasised by the CRC and the ILO Convention No. 182. In that way 'dissociation of childhood from the performance of valued work is considered a yardstick of modernity, and a high incidence of child labour is considered a sign of underdevelopment' (Nieuwenhuys, 1996: 237). As a result, countries are conditioned to adopt and implement a set of idealised dichotomies between children and work, though they do not share similar or equal economic status. In that way, a work-free childhood is portrayed as the only universal and best childhood practice that protects and must be followed when raising children and, consequently, treating "school and work as exclusive opposites. In this view, school is appropriate, modern for learning, and investment in the future; work is inappropriate, backward, hinders learning and focuses on immediate exploitation rather than future' (Bourdillon, 2011: 100). In this way, these dichotomies and the projection of an idealised global childhood have, in most cases, been of no immediate help, apart from leaving the

majority of the children in the Global South at a crossroads since for most of 'them, school and work are not 'opposites' although many children find it difficult to juggle multiple and sometimes competing demands on their time' (Pankhurst et al., 2015: 41).

Most of the criticisms advanced have taken a positive stance towards combining schooling and working (Wambiri, 2015a; Wambiri 2015b; Tafere & Pankhurst, 2015; Bourdillon, 2016; Bourdillon et al., 2010; Abebe, 2009). To them work should not be divorced from childhood and schooling should be hand in hand with working. Some of the early criticism of the work-school dichotomy was expressed almost thirty years before the adoption of the CRC in 1989. For example, in his critical analysis of the ills of the inherited colonial educational system in Tanzania, Nyerere (1968: 70) in his *Education for Self-Reliance,* advocated for the mainstreaming of work in the educational curriculum, depending on the immediate economic activity available in the locality. To him 'children who attend school should participate in family work—not as a favour when they feel like it, but as a normal part of their upbringing'.

In a particular way, the post CRC era seems to be dominated by the children themselves. The criticisms and propositions from the Working Children's Association have made significant landmarks in the defence of children's combination of working and schooling. For example, the Kundapur Declaration which was the outcome of the first International Meeting of Working Children held in India, in 1996, is among the first and well elaborated pro-working and schooling documents from children's representatives. Two articles of the ten articles of this Declaration are worth of quoting here. They declared that: 'We want an education system whose methodology and content are adapted to our reality; [and] we are against exploitation at work but we are for work with dignity with hours adapted so that we have time for education and leisure' (Liebel, 2013: 233; Hart, 2008: 415). In addition to that, the most recent important landmark from the working children self-advocacy and their associations have been the current demands for active involvement in the 'discussions on how child labour is to be regulated nationally and internationally [and the demand for] recognition of their living right to work in dignity' (Hanson and Vandaele, 2013: 250). This is how children continuously express their views in which they have nailed down a feasible approach to realise the educational rights which are dependent on work. It is well noted that 'Children do not discover their rights after exposure to metropolitan rights discourse, but become aware of their rights as struggle with their families and communities to give meaning to their daily existence' (Hanson and Nieuwenhuys, 2013: 4).

Judging from these trends among the working children associations, one can appreciate the resistance to universalisation in favour of particularisation of childhood(s) in the implementation of rights expressed in the CRC. While this is genuine, for it to be effective and progressive to children demanding the right to schooling and working, there is a need to view children's contributions in a holistic manner and as a continuum, having multiple advantages and potential risks (Bourdillon et al.: 2010). Peru stands out among those countries that have granted children the right to work. Under the Children and Adolescent

Law promulgated on 28 December 1992, the Peruvian government stipulated and allowed children aged between 12 and 14 and 15 and 17 years four hours a day and twenty-four hours a week and six hours a day and thirty-six hours a week of work respectively (Liebel, 2013: 242-3). Thus, as Abebe (2015: 21) remarked, there is a revelation that 'for these children, growing up is linked to work, household responsibilities, and going to school, rather than just school and play.'

3. Conclusion

In this essay I have given a critical appraisal as to why there should not be dichotomies between school and work, while favouring for the combination of schooling and working beyond the cultural value of work and education (Morrow, 2016) as the best and feasible way forward and not just for meeting the ills of the conditionality of the international capitalist system (Abebe, 2015). Further to that, the essay has hinted towards how active working children can through their associations champion their rights to work in dignified working conditions. I have highlighted some of the tangible initiatives undertaken in order to codify children's work rights in Peru. Here I would like to conclude by reminding other countries who may follow the Peruvian footsteps, that codifying children's rights to work should not mean that governments withdraw from fulfilling their international obligation expressed by ratification of the CRC, but rather, this stance should serve as a stepping stone for contextualisation and implementation of children's rights expressed in such document. Children wishing to combine work and schooling should be given opportunities to do so without compelling all the children not to work. Parents should continue with their responsibilities while children should always know that they are not islands but part and parcel of the family or community.

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