

**To Eradicate or to Legalize?
Child Labor Debates and ILO Convention 182 in Bolivia**

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Abstract

International human rights agreements promote rights-based norms as a guide for policy-making. But the appropriateness and legitimacy of these norms is sometimes questioned in local contexts where they can generate intense disagreement as to their meaning and implementation. Convention 182 of the ILO led to an international commitment to eliminate the worst forms of child labor; but the agreement has been subject to intense criticism, especially in societies where child labor is prevalent, such as Bolivia. The paper sheds light on the complex impact of global right-based norms in local contexts and reminds us of that civil society is always a heterogeneous and political space of action, as well as tracing the complex debate on eradication vs. legalization of child labor within Bolivia.

Introduction

However well intentioned, international rights agreements do not always lead to changes in practices and policies and do not always resonate in local contexts¹. Nonetheless, if they can be made salient through processes of translation, there is evidence that local civil society actors can use the legitimacy attaching to an international norm to good effect². This happens especially when norms are interpreted in ways that speak directly to local rights abuses and challenges³ or when they generate a consensus among civil society and open up a ‘group-specific opportunity’⁴ for mobilization. What happens, however, when there are divisions locally about the rightness or appropriateness of an international norm? In these cases, it may be that the norm or convention can intensify existing disagreements within civil society. Furthermore, divisions about the rightness of the norm may be more difficult to avoid when the norm itself is very directive. We focus in this paper on a case where a widely agreed upon international norm on child labor, codified in ILO Convention 182, is generating intense disagreement, both within civil society and the state.

Bolivia has one of highest rate of working children and adolescents, and child labor is on the agenda of civil society and the government. But ratification of Convention 182 has contributed to entrenching views within civil society at the polarized extremes - especially at the eradication end of the eradication-legalization spectrum - rather than generating consensus or opening up opportunities for shared advocacy. Convention 182 seems to have deepened, not bridged, ideological differences, while for civil and political actors, the importance of being on what they see as the ‘right’ side of the debate has trumped the option of negotiation, despite the fact that cooperation and the design of a more effective regulatory framework on children and work could have significant benefits for working children.

The paper is structured as follows. The first section provides an overview on international norms and the challenges of local implementation in general and child labor-related norms in particular. We then proceed to a discussion of the reception of ILO 182 in Bolivia and explore the interplay between norm specificity and the profound and pre-existing divisions within Bolivian civil and political society on child labor. We are intrigued in particular by how strongly key civil society actors hold fast to their views, even when there is, in fact, a potential middle ground between the two positions, consistent with ILO norms and potentially beneficial to child workers. In the final section, we discuss the wider implication of this case study.

A Note on the Case Study

Bolivia is an important place to explore the domestic impact of international child labor norms for three reasons. Firstly, the high numbers of children active in the labor force mean that international norms about children’s work are relevant domestically. According to the National Labor Survey in Bolivia in 2008, more than 28 per cent of Bolivian children and young people between the ages of 5 and 17 – almost 850,000 – take part in some kind of economic activities. Levels of participation are much higher in rural areas (65 per cent). The majority work as agricultural workers (50,2 per cent) while others sell on the streets (21 per cent), or work as laborers (13,7 per cent). Very few (13 per cent) are qualified workers. Most children work in occupations that are classified as dangerous (746,000); 491,000 are below the legal minimum age of 14.⁵ Common hazardous activities in Bolivia include working in the sugar and chestnut industries, brick making, sale of alcoholic beverages, garbage collection, cleaning of

hospitals and sexual exploitation. Children also work in gold, silver, tin and zinc mines. According to the ILO Committee of Experts⁶, indigenous children are particularly vulnerable to the worst forms of child labor, including bonded labor. Child labor in Bolivia is also falling at a slower rate than in other countries in the region.

Simmons and Grugel and Peruzzotti⁷ suggest that human rights norms have more chance of gaining traction in cases where civil society organizations (CSOs) are strong and well organized. Bolivia has a dense and very active civil society⁸, an important sub-set of which was already active around child labor before 2003, when the 182 Convention was ratified. This strong civil society is the second reason explaining the case selection, since strong public interest is linked with implementation. In Bolivia, alongside NGOs that act for working children, there are also organizations of working children known as *Niños Niñas y Adolescentes Trabajadores* (NATs). As is the case with similar movements across Latin America, these organizations are also well connected internationally and have links to development cooperation agencies mainly in Europe, and networked international NGOs, such as Save the Children (STC), World Vision, Defense for Children International (DCI) and des Terre des Hommes.

Thirdly, Bolivia is a good case to explore the potential of international norms around child labor to shape possible policy options because the issue has been high on the political agenda at least since the election of Evo Morales in 2005. An ex-child worker himself, Morales has led a process of political and institutional change, including the convocation of a Constitutional Assembly and of a referendum for the approval of a new Constitution in 2009. An in-depth reform of the legislative framework around childhood is also ongoing. A national consultation opened in 2008 to update the Children and Adolescents' Code, scheduled for approval in 2014. The Code is expected to contain guidelines about child labor.

All of this points to the salience of child labor as an issue in Bolivia. But it also shows that Bolivia is far from being a clean slate on which international norms can simply be written. Morales himself has expressed his unease about lowering the minimum age for children to enter the labor market (currently, 14, there are pressures to reduce it to 12), as well as his concerns about exploitation of young people. The child labor issue has the potential to polarize public opinion between groups in favor of international law and an issue they see as vital to promote the rights to protection and education, and those who feel that the norm is a violation of Bolivia's traditions ('*usos y costumbres*', according to an officer of STC Bolivia⁹) of children and young people contributing to the family income and taking on family responsibilities from a young age. The Bolivian case, in short, allows us to explore the reception of a global norm, in a setting where it is highly relevant but where there is no local agreement as to its appropriateness.

Scholarly work on human rights spans the quantitative-qualitative divide¹⁰. We have opted here for a qualitative study of a single case as a way of creating intimate and detailed knowledge that is useful in own right, as well as being helpful for later comparison and theory-building¹¹. Since our aim is to explore the complex interaction between international rights norms and local contexts – and our assumption is that local contexts matter very much - it seems sensible to focus on the detail of one set of local responses. Such knowledge is useful, we would argue, for scholars and for policy-makers and rights activists alike. In order to carry out the study, intensive fieldwork to gather first hand data was carried out between July and August 2013. Twenty-two semi-structured interviews were conducted with representatives of national and international organizations (Ministries, Ombudsman Office, Members of

Parliament, ILO, UNICEF, OHCHR) and CSOs (children movements, national and international NGOs and foundations). Interviews were complemented with participant observations at several workshops and events organized for NATs representatives, civil society groups and state authorities, as well as analysis of a range of relevant documentation.

International Human Rights Agreements, Domestic Politics and Civil Society

The recent proliferation of international human rights conventions and agreements reflects the global spread of liberal norms. Simmons shows how human rights agreements have multiplied especially since the 1980s alongside democratization and a more liberal global political economy, and draws attention to the expansion of agreements, guiding principles and other human rights declarations, as well as formal Conventions, during this time¹². Human rights have been written into a range of new issue-areas, including business and labor practices, where they are seen as a way to create a ‘better’ world, characterized by increasing respect for the rights of all individuals, irrespective of age, gender, ethnicity, (dis)ability etc. From a governance perspective, international rights norms are thought to provide guidance for states and an over-arching framework that allows different stakeholders to come together and implement reforms to existing practices in rights-respecting ways.

The prominence of international rights talk today also reflects the importance of non governmental actors in an increasingly complex world, characterized by multiple and overlapping domains of decision-making and the dependence of states on transnational and local civil society organizations for the generation of ideas, as well as implementation and oversight of policy. The contemporary world is more sensitized to rights and rights’ abuses thanks, in fact, to the authority of transnational advocacy networks¹³ and their capacity to shape international opinion in key areas of global politics¹⁴.

Yet it is still unclear whether the proliferation of global rights norms improves the lives of ordinary people. As Simmons puts it, we have only ‘an underdeveloped theory of the conditions under which we might expect human rights treaties to influence state behavior’¹⁵. Certainly, we know that the real purchase – or not – of international human rights agreements occurs at the national and local levels since rights must ultimately be respected by states. For this reason, considerable attention has been devoted to whether international norms generate compliance and how compliance can be achieved. Some studies have suggested that they can provide civil society with the confidence and skills to demand policy changes and mobilize against rights-abusing states or encourage governments to consider reform¹⁶. In general, most scholars view civil society as a key actor, whether through the provision of skills and information, mobilization, translation of norms into domestic settings or monitoring and implementation¹⁷. But we know very little about outcomes when domestic civil society groups contest the value of the global norm or refuse to stand together behind it. Perhaps because so much qualitative research in this area is based on a fundamental optimism about rights, it tends to paint a positive picture of how international norm ratification provides support for civil society cooperation and the subsequent consolidation of advocacy platforms. The cases where ratification feed into domestic spaces of conflict or contribute to polarization may, as a result, go under-explored. However, we should not necessarily assume that civil society is willing or unable to act in unison or to mobilize behind shared platforms. The ideological complexity of civil society is widely acknowledged¹⁸. Even within groups concerned with similar issues, it

is not uncommon for viewpoints to vary considerably, personal antagonisms to be marked and disagreement common¹⁹. In cases where conflict is already profound, it may even be that ratification deepens differences and widens division. Ultimately, the reaction/adaptation/appropriation of the state and social actors to international norms will depend in part on the character, the conflicts and alliances of local civil society itself.

A final point to consider here is that research on the positive translation of global norms to local settings has mainly drawn on empirical studies of conventions and agreements that codify big, broad rights claims. Simmons' ground-breaking study on how concerned stakeholders mobilize to claim rights draws her evidence from conventions on economic, social and cultural rights and gender and children's rights (also on torture, a more specific norm, but in relation principally to authoritarian or transitional regimes)²⁰. Engle Merry and Grugel and Peruzzotti²¹ also draw positive conclusions from studies of broad cluster of rights (gender and children rights, respectively), which are then applied imaginatively in quite different settings to a diverse range of problems. But in cases where the norm seems more specific and, consequently, less open to interpretation, we need to consider whether the room for translation is more limited.

Children's Rights and Children's Labor

Before 1989, children were largely invisible in international human rights treaties. The United Nations Convention on the Right of the Child (UNCRC) rectified this omission and set out a full range of individualized entitlements for children and young people. Rapidly and widely ratified, the UNCRC nonetheless faces problems of justiciability and implementation. With only a weak monitoring system internationally, the children's rights regime depends almost entirely on civil society actors and international networks to push for reforms. Furthermore, the Convention offers little in the way of detail about policy and targets, with the result that it has been applied to a very diverse set of issue areas in accordance with the advocacy strategies of civil society groups²². This looseness, of course, has a positive side: the Convention has been made to speak to issues ranging from children's education, migration and asylum-seeking, poverty and family law. In their study of the reception of the UNCRC in Ecuador, Argentina and Chile, Grugel and Peruzzotti show how national civil society networks have pushed for quite different reforms as priority following ratification²³.

ILO Convention 182 is quite different in spirit and intention from the UNCRC and should be seen as part of an expanding international *corpus* of norms dealing with child labor that has evolved throughout the twentieth century. The UNCRC deliberately ignored child labor because it was regarded as too contentious for many states in the Global South to sign up to²⁴. Convention 182, by contrast, is far less culturally mediated than the UNCRC and it reflects the ILO's long-term commitment to eradicate all forms of child labor. Thus far, however, it has only been able to forge international agreement around a more limited commitment to the elimination of children from all forms of hazardous work²⁵. ILO Convention 182, which dates from 1999, identifies four categories of intolerable child labor: a) modern slavery, debt bondage and similar practices, including forced or compulsory recruitment of children in armed conflicts; b) sex work, including pornography and prostitution; c) illicit activities, in particular drug trafficking; d) any other work that by its nature is likely to harm the health, safety and morals of children²⁶. In comparison with the UNCRC,

where norms are loose and ill-defined, Convention 182 is more targeted. The general categories are hazardous works are defined internationally and only the specific list of banned work is determined at the national level, in consultation with employers' and workers' organizations²⁷. In this sense, the Convention 182 leaves much less to be negotiated locally.

At the beginning of the 1990s, the ILO set up the International Program on the Elimination of Child Labor (IPEC) with the aim of strengthening the capacity and commitment of countries to this task, alongside the promotion of a worldwide movement to combat child labor. A hugely ambitious and expensive operation, the IPEC has a base in 88 countries and an annual expenditure that reached over US\$61 million in 2008²⁸. IPEC provides technical assistance, identifies those forms of labor that are harmful to children and designs plans aimed at taking children and young people out of those sectors.

The UNCRC has enjoyed widespread support in good measure because it is difficult to make arguments that children should not be subjects of human rights. However, there is no shared consensus around whether children should work. At the extreme ends of the debate on child labor, before and after Convention 182, there are two opposing positions that can be summed as eradication/abolitionism versus legalization/protectionism. Eradicationists take a view that the best interests of children and young people are served by active intervention by states to prevent children from entering the labor market and to stop businesses from employing them except in very minor ways. They therefore argue for the introduction of strict rules and codes of practice at national level. Protectionist arguments suggest, in contrast, that children and young people have the right to work in ways that are safe and appropriate according to their age, and that the state is responsible for their protection in the workforce²⁹. Convention 182 appears to come down firmly on the side of eradication and ideally, that is the ILO's preference; but, equally, there is, in fact, a recognition within the ILO that eradication can only be achieved incrementally. As a recent ILO report noted, eliminating child labor is really a question of relative gains³⁰. And, because even the ILO acknowledges child labor can only be dealt in an incremental fashion, there is much more space potentially for pragmatic cooperation amongst concerned actors within civil society and the state that might initially appear possible. Our study of Bolivia reveals that this middle ground exists, at least if we judge by what actors are beginning to say. But stakeholders are reluctant to make pragmatic choices publically because of the local politics surrounding the norm itself.

Conflict, Polarization and the 'unresolved issue'³¹ of Child Labor in Bolivia

As Freeman argues, implementation of human rights is a major political challenge³². Implementation issues arise even when there is agreement in principle around the need for reform. But, in Bolivia, the challenge is not so much how to implement an agreed way forward but a radical disagreement about what national policy *should* consist of and the value of Convention 182 itself. The debate as to whether children should be allowed to engage in paid labor is, in fact, extraordinarily contentious.

The political context explains, in good measure, the conflict. Convention 182 was ratified in the midst of an intense debate about national identity, itself the outcome of a new era of multiculturalism in the 1990s³³. 'Neoliberal multiculturalism', as it came to be known because it occurred alongside liberal economic reforms, promised a decentralization of political and economic power, increased consultation,

plurinationality and indigenous empowerment. Moreover, it was no longer only the poor or the vulnerable who claimed to have a distinct national heritage in Bolivia by the 1990s; as Fabricant and Postero argue, performing ‘indigeneity’ also became an important aspect of how elites have begun to exercise power³⁴. As a result, the indigenous issue has seeped into all aspects of political debate in Bolivia and shaped views across the political spectrum in ways that were simply unforeseen twenty years ago. As far as the debate on child labor is concerned, this has meant that local views do not line up along simple dichotomies of the more traditional left-right, state-market kinds or even along a straightforward local-international spectrum. Additionally, because Bolivia is a highly mobilized society, there are an almost bewildering number of social groups with quite diverse and strongly held views about an issue that appears to go to the heart of the family structure and family income.

In 2005, Evo Morales, head of coca growers’ union, from the Movimiento al Socialismo (MAS) led a mixed coalition of social organizations and peasant and indigenous groups into office after five years of political crisis and instability³⁵. Morales offered what was initially viewed as a rupture with neoliberal multiculturalism and a leftist rearticulation of class, ethnicity and nationality in what Postero called a ‘post-multicultural moment’³⁶. Since then, the government has tried to mix ethnic politics with economic growth and the articulation of a new national-popular project. But internal contradiction and ambiguity have increased the tensions between different social and political sectors³⁷ and have aggravated existing conflicts around the place of international human rights charters – which are based, above all, on the belief that all people everywhere share the same kind of rights - in national politics. At its crudest, with regard to child labor, this comes down to a view of civil society and state sectors that the ILO is pushing an inappropriate ‘international’ agenda onto Bolivia; as one NATs’ representative told us ‘the ILO has policies on labor but they work more internationally. What we would like more is a national organization that reflects the politics of Bolivia because we have our own national reality. We don’t live in the same world as other countries’³⁸.

Certainly, as the NATs’ representative picked up, the ILO takes the position that, in principle, child labor is fundamentally intolerable, in all circumstances and everywhere. Along with UNICEF, the ILO regards children working as a violation of their innocence and their right to protection. Moreover, inside the organization the prevailing view is that work removes children from education and therefore negatively affects their intellectual development. Taking children out of the labor market thus becomes a good in and of itself because it should allow them to acquire educational and social capital. There is also a tendency to believe that children do not choose to work but that it is a consequence of ‘family dysfunctionality’³⁹. Even very poor families, the ILO argues, can choose to invest in children’s education, especially if the government provides incentives to do so. One ILO representative we spoke to argued that child labor was, at bottom, ‘a cultural problem of understanding rather than “just poverty”’⁴⁰, while a UNICEF staff officer told us: ‘there are different scenarios. There are families that are very poor and their children do not work and there are families that are poor and their children work’⁴¹.

Of course, these kinds of views are contested – and not just in Bolivia⁴². But on the whole, international organizations have hung onto the idea that child labor is rooted above all in family dysfunctionality and parental decision-making. What is perhaps more remarkable is that, although these views have been articulated for decades inside Bolivia, they have not been able to shape the national agenda on children and work in any definitive and unquestioned way. ILO views have certainly gained a foothold

within the Ministry of Labour, where the Unit of Fundamental Rights has developed an outline national Plan for the eradication of child labor. But the ILO has not won over the Presidency, and Morales has recently made clear his own far more nuanced position⁴³. Yet, although the Bolivian government seems to be unwilling to accept the ILO position fully, it has not been able to articulate a coordinated and clear alternative and has, consequently, offered little in the way of leadership. As a representative of the ILO in Bolivia told us, with some frustration: ‘there is no agreed position in the Government...there is just what the Ministry of Labour says, or the Foreign Office, there is no position from above’⁴⁴.

The ILO has local allies in pro-eradication national and international NGOs that have branches in Bolivia. Some local foundations and NGOs have also drifted towards the ILO position over the last decade, most of which are funded internationally (e.g. Gregoria Apaza, CEMCE, Fundación Desarrollo y Autogestión, Fundación, CEPA). In March 2013, the NGO Gregoria Apaza took a novel line, trying to link the eradication of child labor to the paradigm of the ‘*Vivir Bien*’ (Live Well) associated with MAS and the new Constitution, and more usually deployed in favor of arguments around Bolivia’s ‘differences’ with the West⁴⁵. Others NGOs and stakeholders used the opportunities presented by the periodic review of Bolivia’s progress towards implementation of the UNCRC in 2005 to set out positions similar to the ILO view. The World Organization Against Torture (OMCT) and DCI, for example, submitted a report to Geneva that focused heavily on abuse of child workers in the sugar industry, child soldiers and child workers at risk of sexual exploitation, in an effort to build international pressure⁴⁶.

By contrast, the most important voices that are critical of the ILO position come from working children themselves – the NATs – or groups closely associated with them. The NATs have become an integral part of the political landscape especially since 2005. The Bolivian NATs’ (*Unión de Niños, Niñas y Adolescentes Trabajadores de Bolivia*, UNATSBO) has been among the most active in Latin America, although, in a reflection of practices within civil society more widely, internal disputes have led to splits in the movement and the formation of a new group called UNATSBO *Independiente* (Independent UNATSBO). In 2006, a separate organization of working young people was also set up, the Working Adolescents’ Association (*Asociación Nacional de Adolescentes Trabajadores*, ASONATS)⁴⁷. Despite personal and ideological differences, all the NATs organizations agree that child laborers should not be stigmatized and their work eradicated: ‘We don’t want labor eradication, we want it to be valued, since at the end we are contributing to the country’⁴⁸. Interestingly, the NATs argue that eradicating child labor is a form of age-based discrimination. From their perspective, their right to work should be viewed as a human right. NATs’ organizations deploy some of the language that has typically come to shape policymaking around children everywhere since the UNCRC, suggesting that policies that affect children and young people should be based on a ‘rights-based participation model’, that recognizes ‘working children and adolescents as, above all, rights-bearing subjects’. States have a duty, they suggest, not to take work from them but to ‘protect their rights, including the right to work and to participate in public life’⁴⁹. Moreover, they suggest that eradication arguments ignore the complex situations in which children and young people can find themselves and assume the children are cared for by able parents. As they point out, it is not uncommon for older children to become responsible for younger siblings and take on head of household duties because parents are absent or unable to care for them or may even have died; and, in poor families, children sometimes work so that they can attend school, not in

order to avoid it, and use their income to pay for their own needs, including school books⁵⁰.

Despite the tendency of some local groups to understand different views about child labor through the prism of local cultures versus internationalism, it would be wrong to assume that the NATs are an entirely local phenomenon. In fact, they draw on considerable international alliances from groups that include Save the Children, Defense Children International, Terre des Hommes and World Vision.⁵¹ Some of these groups share the NATs' idea that children's right to work is a human right and argue that children above a certain age should be free to make decisions, whilst others take a view that accepting child labor exists makes regulation and labor protection⁵². Terre de Hommes Switzerland, views child labor in Bolivia a 'cultural' issue, above all, and works from an assumption that it is a matter of 'justice' to listen to how young people want to live their lives⁵³.

Child labor debates are of course profoundly polarized almost everywhere in the Global South because of the clash of radically ideas about childhood and the roles of children and young people in the family and society.⁵⁴ Should we listen to voices of adults and protect children from the world or should we assume that children act for themselves? Is attempting to eradicate or limit child labor about disciplining 'unrespectable' families or about investing in young people's needs? Does it uphold western versions of childhood in contrast to the multiple, messy, culturally determined childhoods that actually exist? But what is striking in Bolivia is how far the debate is a reflection of wider divisions in Bolivian society and a highly charged political environment that discourages compromise and accommodation of different. It is striking, in this regard, by how few of our interviewees, from either side of the divide, focused on the detail of the ILO Convention 182 and framed their arguments in only very general terms. We explore in the next section why these positions appear to be so entrenched.

Why no Middle Ground?

The worth of global human rights charters depends ultimately on whether they can inspire mobilization and help build a case for change. As Simmons and others show, some kinds of human rights discourses are able to promote change in some settings, whilst others are less successful⁵⁵. The key to success, for Grugel and Peruzzotti, lies in whether international conventions are able to set in motion a domestic politics of compliance, that links concerned civil society actors together and finds inroads into the state⁵⁶. This simply has not happened with regard to ILO attempts to limit children's employment in hazardous and dangerous enterprises in Bolivia – there is no middle ground that local civil society groups can agree to occupy together in order to develop advocacy strategies. We suggest that the reasons for this partly lie within Bolivian politics – *place-specific* obstacles. But the difficulties of finding an agreement in Bolivia also say something about Convention 182 itself. We call these *norm-specific* obstacles.

Let us examine the place-based obstacles first. Certainly, the highly charged political environment in Bolivia discourages compromise within civil society whilst the fact that child labor, and indeed socio-economic development issues in general, tend to be viewed through the prism of culture in quite a stark fashion, meaning that state and civil society actors have all been tended to set out their views in ways that are about 'winning' the argument outright. On the one side, pro-eradication stakeholders, and the Ministry of Labor have held fast to a view that reflects the letter of the ILO

position. On the other side, legalizationist actors do not want to abandon their deeply held ideals and, in the case of some extremes in this camp, there is a clear hostility to norms that are regarded as externally imposed and culturally inappropriate. The absence of spaces for encounter and discussion intensifies these divisions. The competing groups are simply not sitting down together and there is no effective national forum where preferences can be put on the table and compromise can be sought. So, although ratification of Convention 182 and the debate about the Constitution have put child labor issues at the forefront of civil and political society, opportunities for a constructive dialogue have been missing. We could find little evidence that stakeholders even considered holding discussions and the umbrella group that is supposed to bring groups together is too divided to be effective.

If anything, differences between groups in favor of eradication and those in favor of legalization intensified because of the mobilization and in-fighting in the run-up to the new Constitution. The NATs movements in particular used the opportunity presented by the Constitutional negotiations to become more visible politically. They took an active part in the Constituent Assembly, lobbying in favor of the recognition of the right to work also for minors. They were directly involved with the reformulation of Article 61 of the Constitution, which prohibits forced work and child exploitation⁵⁷ but adds that:

the activities of children and adolescents within their families and society shall be directed to their full development as citizens and shall have a formative function. Their rights, guarantees, and the institutional mechanisms for their protection shall be the object of special regulation.

The new wording was considered a real achievement for the NATs and their allies, who sensed a drift in favor of the legalizationist agenda. It was, UNATSBO claimed, a ‘fundamental change’ in Bolivian child labor legislation⁵⁸. But in fact, Article 61 says nothing about the principle of whether children can work or not. It is, in fact, entirely consistent in principle with Convention 182. Nonetheless, the NATs claimed the political high ground even though nothing really changed and the ILO and its backers became more defensive. Meanwhile, the government is seeking to reform the 1999 Children’s Code (*Código del Niño, Niña y Adolescente*), which established 14 as the minimum age to enter the labor force, amidst talk this will be lowered to 12. The new Education Law (*Ley Avelino Siñani*) promotes community-based education in order to permit working children to access education. Taken together, these seems to indicate that some sectors within the government are moving towards the NATs agenda of trying to permit children to work and acquire basic education but without seeking to prevent children from taking up any particular form of employment.

The difficulties of finding a middle ground are made worse by some specific issues that have arisen with Convention 182 itself and that seem to get in the way of local stakeholders being willing to advocate for working children in Bolivia – the norm-specific obstacles. First, the Convention is resolute in linking children and adolescent together as ‘children’. In so doing, the Convention is, of course, following the legal norms set down by the UNCRC. But in societies where young people routinely take on employment and see it as part of their journey to maturity, labeling young workers ‘children’ is highly contentious. In the case of Bolivia, this is aggravated by the fact that the Constitution explicitly refers to the positive role young people in the development of the nation. Even the Ministry of Labor, generally a close ally of the ILO, has recently accepted that ‘not all productive activities undertaken by

children and adolescents should be classified as child labor'⁵⁹. Some movement here might be needed for Convention 182 to work better as a tool for advocacy and it may be that lowering the age at which children are permitted to work to 12 in the Children's Code will help.

Secondly, Convention 182 prohibits hazardous work while ILO Convention 138 permits children between the ages of 13 and 15 (or 12 and 14 in certain countries) to carry out certain types of 'light work', as long as it does not threaten their health and safety, or hinder their education. Many Bolivian children and young people work as part of a family (for example in agriculture) or within the community – is this light or hazardous employment?⁶⁰ The ILO sought to clarify this issue in 2006 by differentiating between economically active children, working children and children in hazardous work, and explicitly linked Convention 182 with the drive to eradicate the latter⁶¹. But the ILO's lack of clarity confuses practitioners, state officials and activists and efforts clarify matters do not always filter down to the field offices, where local politics tend to shape attitudes. Equally, there are questions around what 'hazardous work' consists of being asked on the ground in ways that are not always predictable. The NATs representatives we interviewed focused not just on certain kind of labor – brick-making or the sugar harvest - but were extremely hostile about applying the label of hazardous to sex work. All young male adolescents, they took the view that sex work should be treated under the criminal justice system. At the very least, this indicates some problems in communications between the ILO, field offices and groups on the ground and the need for much more debate and discussion with child workers themselves. Equally, it points to the absence of young sex workers (and perhaps adolescent girls) from the debates that are going on within both the legalizationist and eradicationist camps.

And thirdly, there are issues about the fact that the ILO and its allies are sending out mixed messages about children, young people and work. If the ILO were to focus all its attention on the eradication of only hazardous or dangerous work, then the possibilities for cooperation across civil society would undoubtedly be greater. But because the IPEC ultimately seeks to eliminate all forms of child labor, it opens itself up to the charge of inconsistency. There is real skepticism within the NATS about what the ILO ultimately hopes to achieve:

Its horizon [of ILO] remains the same: between work and children there is no compatibility whatsoever and therefore labor should be abolished (...). This is contradictory with respect to the title of the Convention, which refers to "the worst forms of child labor". Therefore there must be forms of labor that can be considered, under certain conditions, acceptable and even desirable for our training⁶².

Conclusions

Children and young people in Bolivia are often working in very difficult circumstances, sometimes in employment that is dangerous and damaging to their long term physical and mental wellbeing and sometimes from as young as seven or eight. It goes almost without saying that whatever disagreements about the age at which young people should work or even whether they should make the choice to work themselves, there would be merit in excluding the very young from employment; in ensuring the provision of education to working children; and in establishing some measures of health and safety protection, and perhaps some minimum wages. Yet the disagreements

between stakeholders on the principle of whether children should work at all is getting in the way of a sensible compromise that, in the short to medium term, would offer some protection to young workers and children. Middle positions of this sort would probably be 'second best' options for most of the stakeholders; but crucially they would benefit children. And yet there is little or no evidence that this is happening.

Pragmatic arguments are, it is true, beginning to emerge in both the pro-legalization and pro-eradication camps. Almost all stakeholders agree that the worst forms of child labor must be abolished (although they disagree on what those forms are) and that labor exploitation is unacceptable. But they are not particularly interested in what they share and they seem to avoid meeting to discuss differences or points of contact. As a result, reaching any agreement around a minimal agenda is extremely hard.

What does all of this mean for the wider debates on international human rights agreements? Clearly, the mere articulation of an international norm is insufficient as a driver of change. Norms need to be picked up and made relevant to local society. And, as Grugel and Peruzzotti show, the ratification of an international norm around children rights works when disparate and divided civil society movements form pragmatic alliances⁶³. But, for that to happen, there needs to be some agreement about the value of the norm itself. Child labor constitutes an interesting example of what happens when civil society is deeply divided and key elements of the state and society question whether the norm can even speak to local problems. This case study thus illustrates the difficulties of making sweeping generalizations about rights and interests in quite different political and cultural contexts. Norms only resonate when societies work with them, that is, when local actors legitimize them. There may have been something of a tendency of the literature on human rights to over-emphasize the willingness of civil society groups to work with international norms and an under-recognition of the heterogeneity within civil society itself.

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