



HARMONIZING MINIMUM AGES FOR COMPULSORY EDUCATION AND WORK

A PAPER PRESENTED
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AT

THE REGIONAL SYMPOSIUM ON
HARMONIZATION OF LAWS IN
EASTERN AND SOUTHERN AFRICA

May 9 – 10, 2007

EDUCATION AND WORK - BACKGROUND

- Worldwide there is a growing consensus that all children need to be educated to become productive adults.
- Children out of school will highly likely be working, often in hazardous, exploitative conditions.
- Children combining work and school have their education compromised and highly likely to drop out of school before attaining basic education

EDUCATION AND WORK - BACKGROUND

- It is a consensus that child labour jeopardizes children's development, Investment in education, in particular primary education for girls, gives a high return.
- Since 1919 the ILO has sought to put an end to child labour by adopting international labour standards to set minimum ages for different types of work by children, and to regulate the nature and duration of children's work.

EDUCATION AND WORK - BACKGROUND

- No fewer than 250 million children aged between 5 - 14 are working worldwide.
- At least 120 million of them are working full time and close to 80 million in hazardous work. They are the children who have no education at all or have very little education.
- 145 million of the world's children aged 6-11 are out of school (85 million girls, 60 million boys) 283 million children aged 12 – 17 are out of school (151 million girls, 132 million boys)

EDUCATION AND WORK - BACKGROUND

There are many reasons why children are not in school but in workplace:

- Basic education in most countries is not free and in mostly in developing countries schooling is not available for all children; Where schools are available, the quality of education is poor and the content is not relevant.
- In situations where education is not affordable or parents see no value in education, families send children to work, rather than to school. This affects children in poverty and those belonging to the culturally and socially disadvantaged and excluded groups. As a result, they easily become victims of child labour exploitation.

Link between Child labour and Education

- Providing children with education was clearly seen as one of the objectives of ILO child labour policy. In 1921, Convention No.10 established the link between child labour and education. Article 1 reads:
“Children under the age of 14 years may not be employed or work in any public or private agricultural undertaking, or in any branch thereof, save outside the hours fixed for school attendance. If they are employed outside hours of school attendance, the employment shall not be such as to prejudice their attendance at school.”

Link between Child labour and Education

- The Universal Declaration of Human Rights, has the right to education. ILO calls for action against child labour because it believes that children should be at school and not at work and be given opportunities to enter gainful skilled employment on attaining employable age.

The ILO Minimum Age Convention 1973 (No. 138) is the most comprehensive international labour standard on child labour.

Link between Child labour and Education

- The principal commitments for ratifying states are:
 - (i) to pursue a national policy to ensure the effective abolition of child labour and
 - (ii) to raise progressively the minimum age for admission to employment or work.
- The Convention while setting the general level of the minimum age at 15 years, lays down the principal that school age children should not be employed or work, requiring the minimum age for employment or work to be NOT less than age for completion of compulsory schooling.

Link between Child labour and Education

- Convention 138 allows for light work for children 13 -15 years of age (12 -14) in developing countries. Goes on to define light work that should not in any way jeopardize the child's possibilities to benefit from education (schooling and or vocational training). Likewise, the almost universally adopted UN Convention on the Rights of the Child states that children must be protected from economic exploitation and from performing any work that is likely to interfere with education, or is harmful to a child's health and well-being.

Link between Child labour and Education

- The ILO Convention on Worst Forms of Child Labour (No.182 – 1999) emphasizes importance of education:

Article 7.1 “Each Member shall, taking into account the importance of educational in eliminating child labour , take effective and time-bound measures to ensure access to free basic education, and wherever possible and appropriate, vocational training, for all children removed from worst forms of child labour.

Legal/Policy Harmonization – Kenya Context

- The legal and policy framework in regard to harmonization of the minimum age of entry into employment and completion of basic education in Kenya is lacking. Compulsory education is not defined in the education act. The concept of free and compulsory basic education is yet to be enacted
- The revised employment bill has defined a child as any human being below the age of 18 years. however the bill still retains minimum age at 16 years, referring to such children as young persons
- The revised education bill carries a definition₁₁ of basic education

MAKING A CASE FOR HARMONIZATION

- Clear legal definition of compulsory education should influence other legal and policy framework, e.g. employment policy/law since minimum age of entry into employment should not be lower than age of attaining basic education
- Education and training is a development process that ideally precedes work. It should contribute to the holistic development of young persons in readiness for productive, un-exploitative work
- Education is the social vaccine to child labour (ILO Global Report, 2006), hence education and work laws & policies should complement each other

THE END

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