

Working Children: Children without Childhood or Opponents against Age-Based Discrimination?

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Abstract¹

Working children are not only discriminated against because they are still children, but also because they live in a way that is not foreseen in the prevailing pattern of childhood from the Global North: they work. Their discrimination is expressed, among other things, by the fact that their work is not recognised and that they are more economically exploited than adults, as well as by the fact that they are denied labour rights and participation in all matters that affect them as working children. To counteract their discrimination, the author argues for rethinking childhoods as well as work. In this context, he refers to the concept of adultism as a fundamental feature of a society in which adults determine how young people should live and in which children are prevented from participating in a meaningful way. The author explores the forms of adultism and discrimination against working children and describes the specific ways in which they experience and resist it.

1 Introduction

Working children are among the most discriminated young people. They are not only discriminated against because they are still children, but also because they live in a way that is not provided for in the prevailing Western-European pattern of childhood: they work. This pattern, which has spread throughout the world over the last 250 years, provides special educational reservations for children in which they are separated from the ‘seriousness of life’ and the ‘adult world’. It is understood as an *incomplete* or *immature* preparatory stage for what is imagined to be perfect adulthood. It goes hand in hand

1 The chapter is based on an intensive exchange with Philip Meade and collaboration with activists in the ProNATs association, which campaigns for the rights of working children (see <https://pronats.org/en/>). I would like to thank the anonymous reviewers and Monique Voltarelli for comments on the manuscript.

with children being subordinate to adults and excluded from activities that are considered essential for social production and reproduction. This attribution is sometimes criticised as the ‘infantilisation’ or ‘colonisation of childhood’ and is considered characteristic of an ‘adult-centred’ society.² In this context, discrimination against working children is expressed, among other things, in the fact that their work is not recognised and they are economically exploited to a particularly high degree compared to adults, as well as in the fact that they are denied labour rights and participation in all matters that affect them as working children.

To counteract their discrimination, I consider it necessary to rethink childhood as well as labour/work. Instead of understanding childhood as a state in which children are excluded from any kind of work, children (can) also work without jeopardizing their lives and well-being and restricting their life prospects. However, this requires a society to change in such a way that work can become a life-affirming activity that enhances the lives of people of all ages and makes them more satisfying.

In this chapter, I examine the specific ways in which and the specific reasons why working children are discriminated against in societies with capitalist modes of production – which today affects the largest part of the world. I pay particular attention to those aspects and reasons that go hand in hand with the low age and minority status of children. I describe a society in which the young age of children becomes a major reason for discrimination as *adultist*. This is a society in which adults generally determine – either directly through their authoritarian stance, or indirectly by framing norms and expectations or denying resources – how young people should live and in which children are prevented from participating in a meaningful way in the matters that affect their lives.³ In the case of working children, adultism takes on special forms.

2 See e.g. A. Prout, *The Future of Childhood* (Routledge-Falmer, London and New York, 2005); G. S. Cannella and R. Viruru, *Childhood and Postcolonization: Power Education, and Contemporary Practice* (Routledge-Falmer, New York and London, 2004); M. Liebel, *Decolonizing Childhoods: From Exclusion to Dignity* (Policy Press, Bristol and Chicago, 2020); X. Bañales, ‘Decolonization: ‘A Framework to Understand and Transgress Adultism’’, 22:1 *Taboo: The Journal of Culture and Education*, Special issue: Adultism (2024), pp. 7–27.

3 See 22:1 *Taboo: The Journal of Culture and Education*, Special issue: Adultism (2024); P. Alderson, ‘Adultism’, in D. T. Cook (ed.), *The SAGE Encyclopedia of Children and Childhood Studies* (Sage, Thousand Oaks, 2020), pp 538–542; A. Fletcher, *Facing Adultism* (Common Action Books, Olympia, WA, 2015); B. A. LeFrançois, ‘Adultism’, in T. Teo (ed.), *Encyclopedia of Critical Psychology* (Springer, New York, 2014), pp 47–49.

First, I will outline what I mean by working children, discrimination and adultism. I will then discuss the specific ways in which working children are affected by discrimination in societies with a capitalist mode of production, paying particular attention to labour and participation rights. Finally, I will use the example of the movements of working children to show how children defend themselves against the superiority of adults and the discrimination that goes hand in hand with this, and what can be learnt from this for an open and adultism-critical understanding of childhood.

2 Who Are Working Children and What Is Age-Based Discrimination?

Contrary to the dominant notion enshrined in many laws, that the role of children is to be prepared in school for their role as future workers, millions of children around the world continue to engage in activities that directly contribute to the reproduction of life.⁴ Many of these children, especially in the regions of the Global South⁵, do so to contribute to the livelihoods of their families, who need the economic cooperation of their children. Other children, especially in the regions of the Global North, engage in activities to have their own income, to participate in the lives of adults and to be more independent from their parents. When I refer to these activities as work, I do not only have in mind activities that are paid, but all activities that are essential to life or – in the words of Karl Marx – that produce ‘use values’ or contribute to the reproduction of life.⁶ This includes, for example, looking after younger siblings or taking on tasks in the household of one’s own family or of other people in the neighbourhood and wherever else.

The vast majority of working children live in regions of the Global South, i.e. areas whose people were colonised by European powers and are still suffering the consequences (even if some of these sufferings are meanwhile home-

4 See e.g. M. Liebel, *A Will of Their Own: Cross-Cultural Perspectives on Working Children* (Zed Books, London and New York, 2004); M. Bourdillon et al., *Rights and Wrongs of Children’s Work* (Rutgers University Press, New Brunswick and London, 2011); V. Morrow and J. Boyden, *Responding to children’s work: Evidence from the Young Lives study in Ethiopia, India, Peru and Vietnam. Summative Report* (Young Lives, Oxford, 2018).

5 I use the terms Global South and Global North not in a geographical but in a geopolitical sense.

6 See e.g. T. Bhattacharya (ed.), *Social Reproduction Theory* (Pluto Press, London, 2017); R. Rosen, ‘Childhood in and through Social Reproduction Theory’ in S. Balagopalan et al. (eds.), *The Bloomsbury Handbook of Theories in Childhood Studies* (Bloomsbury Academic, London, 2023), pp. 690–725.

made).⁷ The statistics and reports of the International Labour Organisation (ILO)⁸ are focussed on these regions, but they only cover a small part of the children working there, because they only understand as work what contributes to the 'economic value added', i.e. work for third parties that is remunerated somehow – in money or in kind. They also provide only very limited information about how the conditions vary under which children work. And – perhaps even more important – they provide no information at all about what the work means to the children and what they themselves think about it.

In the reports and statistics, working children do not appear as subjects, but are reified as a 'social problem' under the label of *child labour*. In the concept of the 'worst forms of child labour' (ILO Convention 182)⁹, the understanding of labour is even extended to processes such as child trafficking, recruitment of children for use in armed conflict or the use of children for prostitution and pornography, whereby it is only a question of what children are used for. Something seems happening to them that can supposedly only be remedied by measures taken by the state or other authorities. Working children are treated as if they were something to be banned or 'abolished', for example by striving for 'child labour-free zones' or decreeing blanket bans on work up to a certain age. All of this may be well-intentioned, but it does nothing to protect them; in fact, it usually increases their vulnerability.¹⁰ Moreover,

7 This also applies to many children of migrants from these countries who live, for example, in Southern Europe. See L. Gaitán et al. (eds.), *Children's Lives in Southern Europe: Contemporary Challenges and Risks* (Edward Elgar Publishing, Cheltenham UK and Northampton, MA, 2020); or in the USA: J. T. Mortimer, *Working and Growing Up in America*. (Harvard University Press, Cambridge, MA and London, 2003); E. Estrada, *Kids at Work: Latinx Families Selling Food at the Streets of Los Angeles* (New York University Press, New York, 2019).

8 See e.g. International Labour Organisation and UNICEF, *Child Labour: Global Estimates 2020, Trends and the Road Forward* (ILO and UNICEF, New York, 2021).

9 C182 – Worst Forms of Child Labour Convention, 1999 (No. 182), <https://normlex.ilo.org/dyn/normlex/en/?p=NORMLEXPUB:12100:0::NO::P12100_ilo_CODE:C182>.

10 See e.g. B. Hungerland et al. (eds.), *Working to be someone: Child focused research and practice with working children* (Jessica Kingsley Publishers, London and Philadelphia, 2007); Bourdillon et al., *supra* note 4; E. V. Edmonds and S. Maheshwor, 'The Impact of Minimum Age of Employment Regulation on Child Labor and Schooling: Evidence from UNICEF MICS Countries', 114 *IZA Journal of Labor Policy* (2012), pp. 1–14; P. Bharadwaj et al., 'Perverse Consequences of Well-Intentioned Regulation: Evidence from India's Child Labor Ban', *NBER Working Paper No. 19602* (October) (National Bureau of Economic Research, Cambridge, MA, 2013); D. I. Putnick and M. H. Bornstein, 'Is Child Labor a Barrier to School Enrolment in Low- and Middle-Income Countries?', 41 *International Journal of Educational Development* (2015), pp. 112–120.

these practices make working children invisible as people who feel, think, speak, and (want to) act. This already brings us to a form of discrimination that could be called 'epistemic injustice'¹¹ or even 'epistemic violence'.¹² In contrast, some regional branches of NGOs, such as *Save the Children*, *Defence for Children International*, *terre des hommes*, *Enda Tiers-Monde* or *Concerned for Working Children* take a more differentiated position. For the reasons mentioned, they reject a blanket ban on child labour and advocate a policy that recognises the subjectivity and views of working children.¹³

When I speak of working children here, I am using a term chosen by working children of the Global South themselves. It is the result of a decades-long learning process, handed down from generation to generation, in which children constitute themselves as social subjects who do something vital and which they understand as an integral part of their identity.¹⁴ These processes take place predominantly in age-appropriate groups of children, sometimes taking the form of child-led social movements and organisations.¹⁵ By describing themselves as working children, children oppose a discriminatory way of

11 M. Fricker, *Epistemic Injustice: Power and the Ethics of Knowing* (Oxford University Press, Oxford, 2007).

12 G. C. Spivak, 'Can the Subaltern Speak?' in C. Nelson and L. Grossberg (eds.), *Marxism and the Interpretation of Culture* (University of Illinois Press, Urbana, IL, 1988), pp. 66–111.

13 Some examples: *Save the Children's Position on Child Labour*, February 2019, available at <https://resourcecentre.savethechildren.net/pdf/child_labour_position_feb_2018.pdf/>; Defence for Children International, 'DCI's Position on Child Labour: A Contribution to Debate and Practice', February 2002; available at <<https://www.dci-is.org/Static/childldesk/DCIs-position-on-CL-menu-5-sousmenu-1.html>>; 'Terre des Hommes calls for participation of working children in identifying sustainable solutions', June 2021; available at <<https://reliefweb.int/report/world/terre-des-hommes-calls-participation-working-children-identifying-sustainable-solutions>>. In Africa, the NGO Enda Tiers-Monde accompanies the African Movement of Working Children and Youth. See e.g. <https://endatiersmonde.org/aiovg_videos/how-to-join-the-movement-of-working-children-and-youth-in-africa/>. In India, the NGO Concerned for Working Children is committed to the self-organisation of working children. See <<https://www.concernedforworkingchildren.org/empowering-children/childrens-unions/>> (all retrieved 22 July 2024).

14 Since for most children in the Global North work is not existentially necessary and comprises only a small temporal share of their lifetime, they rarely see themselves explicitly as working children.

15 On the origin and significance of working children's movements, see M. Liebel et al. (eds.), *Working Children's Protagonism: Social Movements and Empowerment in Latin America, Africa and India* (IKO, Frankfurt/M. and London, 2001); Liebel, *supra* note 4; O. Nieuwenhuys, 'From Child Labour to Working Children's Movements' in J. Qvortrup et al. (eds.), *The Palgrave Handbook of Childhood Studies* (Palgrave Macmillan, Basingstoke, 2009), pp. 289–300; J. K. Taft, *The Kids are in Charge: Activism and Power in Peru's Working Children Movement* (New York University Press, New York, 2019); E. van Daalen,

speaking that sees children's vital activities not as work that deserves recognition, but at best as 'help' for close adults. This reproduces a pattern of childhood according to which it is incompatible with a 'proper childhood' to take responsibility for one's life through work and other activities. From my point of view, working children are not 'children without childhood',¹⁶ but they embody other childhoods that have yet to be deciphered and which I understand in this chapter as an alternative design to the uniform Eurocentric pattern of childhood. In this way, I wish to contribute to a better understanding of the discrimination against working children and to counteract it.

Age-related discrimination is receiving increasing attention in research and policy. However, the focus has so far been primarily on older people, usually called *ageism*. Age-based discrimination of young people, also referred to as *adultism* or *adult-centrism*, on the other hand, is still largely a research desideratum and is only gradually being considered as a policy challenge.¹⁷ In the following, when I refer to age-based discrimination against young people as a structural feature of societies, I will speak of adultism or adult-centred societies.

The UN Convention on the Rights of the Child (CRC)¹⁸ does not explicitly mention (young) age as a possible ground for discrimination. Article 2 calls on the States Parties to respect and ensure the children's rights "without discrimination of any kind, irrespective of the child's or his or her parents or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status". The UN Committee on the Rights of the Child is increasingly addressing the issue of age, but it still plays a minor role in the General Observations of the State

Decolonising the Global Child Labour Regime: The ILO, Trade Unions and Organised Working Children (PhD Thesis, University of Geneva, Faculty of Law, 2020).

16 See e.g. M. Winn, *Children without Childhood: Growing Up to Fast in the World of Sex and Drugs* (Penguin Books, New York, 1984); UNICEF, *Zur Situation der Kinder in der Welt. Kinder ohne Kindheit* (S. Fischer, Frankfurt/M., 2006); M. Winkel, 'Children Without Childhood: Robbed Innocence and Its Implications for Violence', 1 *Voices in Bioethics* (2014), pp. 1–5.

17 See M. Liebel, 'Adultism and age-based discrimination against children', in D. Kutsar and H. Warming (eds.), *Children and non-discrimination. Interdisciplinary textbook* (Children's Rights Erasmus Academic Network – CREAN and University of Estonia Press, 2014), pp. 119–143. M. Liebel and P. Meade, *Adultism: A Critical Introduction to Discrimination Against Children* (Policy Press, Bristol, 2026).

18 UN Convention on the Rights of the Child (1989).

Reports and the General Comments.¹⁹ Moreover, working children are hardly considered in these contexts.

Discrimination is always rooted in unequal power, in the case of age-based discrimination on the greater power that adults usually have over children. It is a form of exercising power by older people over younger people, which has negative consequences for the younger people.²⁰ It can manifest itself in verbal and symbolic forms, such as how adults speak about and to children, or how children are portrayed figuratively. It can manifest itself in physical and material ways, such as violence, paternalism, violation of physical and psychic integrity, or denial of rights and vital resources. Or it can happen seemingly 'by itself' whereby norms are set according to which children are judged as inadequate, insufficient or incompetent. In the broadest sense, it negates children as social subjects, making them invisible as persons with specific characteristics, up to and including the threat of extermination.

In the case of working children, who are the focus of this chapter, an *intersectional* perspective and a broad understanding of discrimination are particularly important.²¹ Working children are never discriminated against solely because they are children, but also because as working children they live in ways that are not envisaged in the prevailing pattern of childhood or are seen as backward and harmful to the development of society. Age-based discrimination or the adultist treatment of working children manifests itself primarily in

- that children's work is equated with economic exploitation and condemned as harmful in a blanket manner, mainly with reference to their young age,
- that protection from the negative consequences of work is achieved solely through prohibitions on work and that working children are denied any labour rights,

19 See A. Daly et al., 'UN Convention on the Rights of the Child, and Article 2 discrimination on the basis of childhood: The CRC Paradox?', 91:3 *Nordic Journal of International Law* (2022), pp. 419–452.

20 See e.g. Liebel, *supra* note 17; Fletcher, *supra* note 3; M. Liebel and P. Meade, 'Adultism, children's political participation and voting rights' in M. Liebel (in collaboration with R. Budde, U. Markowska-Manista and P. Meade), *Childhoods of the Global South: Children's Rights and Resistance* (Policy Press, Bristol, 2023), pp. 98–115.

21 See M. Liebel and P. Meade, 'Intersectional tensions in theorizing adultism', 22:1 *Taboo: The Journal of Culture and Education*, Special issue: Adultism (2024), pp. 96–123. In the case of working children, adultism is particularly intertwined with the discriminatory dimensions of classism, sexism and racism.

- that working children are denied the right to participate in policy decisions and actions that affect their work and their lives.

3 Discrimination by Equating Children's Work with Economic Exploitation

Today it is common to equate the work of children up to a certain age with economic exploitation. 'Exploitation' is a kind of metaphor meant to signal that the mere fact that a child is working is reprehensible and to be rejected. While a distinction is occasionally made between exploited work (*child labour*) and non-exploited work (*child work*), the dominant idea is that work is unsuitable for children and robs children of their childhood.

In the prevailing view of children's work, wage labour becomes the measure of all things. By attributing a 'value' only to this, all other forms of work, especially those described as 'reproductive', are devalued. From such a perspective, most of the labour practised by children today can neither be adequately analysed nor valued. This applies to the Global South as well as to the Global North.

If we really want to get to the fundamentals of child exploitation in its social contexts, it is necessary to understand it as an unequal social relationship between persons or social groups (classes) in which one side, due to greater power and possibly by force, gains economic advantages at the expense of the other side. Its essence is that one side becomes the object of the other.

It is obvious that exploitation in the sense outlined here is common in contemporary capitalist societies. While the manifestations and trajectories of exploitation have changed throughout history, and in some respects violence and arbitrariness in working conditions have been reduced or regulated by protectory legal norms, exploitation remains a common reality as economic and political power continues to be unequally distributed. As deregulation and informalisation of labour relations and labour markets continue to increase worldwide, exploitation is taking on more blatant forms and dimensions again. New forms of exploitation are emerging as classic wage labour or *dependent* work is being replaced by forms of *fictitious self-employment* in growing parts of the economy.²²

22 See e.g. S. Edgell, *The Sociology of Work: Continuity and Change in Paid and Unpaid Work*. Second Edition (Sage, London, 2010); U. Bröckling, *The Entrepreneurial Self: Fabricating a New Type of Subject* (Sage, London, 2016).

A large part of children's work takes place under these conditions. On the one hand because they have no legal possibility to enter formal employment relationships due to the ban on child labour and only have access to informal work, and on the other hand because they are considered particularly flexible and are easy prey for those who have power over them due to their marginal and subordinate social position. It is also important to remember that economic exploitation is not limited to traditional labour relations. Today, it also increasingly takes place in the run-up to work, in the field of digital media and on the commodity market. Young people are being instrumentalised with their creativity to increase the design and marketing of products as 'trendsetters'. For young people, work and non-work can no longer be strictly separated in terms of space, time and concepts.

One way of understanding the nature of exploitation and the associated discrimination against children is to ask why their labour is valued less and exploited more than that of adults. This is expressed, for example, in the fact that they are generally paid less than the comparable work of adults, or that there is no payment at all, with the indication that it is not 'real' work, but a form of 'help', 'initiation' or 'training'. Or that the wages are not paid to the children but to the parents and the work of the children is treated as a seemingly self-evident part of the family labour force. Or that children are not 'rewarded' with money, but (if at all) with goods in kind. But discrimination is also expressed in the fact that it is not considered necessary to grant working children the same labour rights that apply to adults (see section 4).

Like the economic exploitation of adults, the exploitation of children is a structural phenomenon of capitalist societies. But the reference to the structures and functioning of capitalist economies is not sufficient to explain the risks of exploitation and discrimination of working children. Nor can it be used to understand the different levels of risk and the specific and quite different forms and degrees of exploitation to which children are exposed in the South on the one hand and in the North on the other.

The subordinate social position of children in the age hierarchy can be considered a risk factor for the exploitation of children that cannot be directly derived from the functional laws of the capitalist economy. To describe this, as is usually done, as 'weakness' is problematic insofar as it suggests that it is a primarily biological phenomenon. In fact, however, the weakness of children, which makes them more susceptible for external interests and purposes, is largely the result of a social construction, i.e. it results from social power relations, and it is therefore also changeable. Children's weakness manifests itself in two directions: as disregard for their subjectivity and as exclusion from social responsibility.

The subjectivity of children is despised above all in authoritarian and strongly hierarchically structured societies in which postulates of equality and individual as well as collective rights do not play a significant role. This is often the case in societies of the Global South, where communal forms of life and work based on reciprocity are dissolving under the pressure of 'modernisation', globalisation and individualisation, without new rules and institutions of coexistence and social responsibility being able to develop.²³ In the 'advanced' societies of the North, a higher value is placed on the subjectivity and protection of children, but in the same breath children are excluded from the 'society of adults' and 'infantilised'.²⁴ Here, it is above all the bourgeois ideology of childhood that places children in a status of dependency and makes them disadvantaged.

In her now classic theoretical study on 'The Differentiation of Children's Labour in the Capitalist Labour Market', economist Diane Elson²⁵ attributes the 'dominant' forms of work that disadvantage children to three 'authority sources' which, according to her, mark the 'seniority system' of contemporary capitalist societies: 1. the authority of the adults in the family; 2. the requirements of the educational system, which is also governed by adults; 3. the 'needs' of capitalism for the easy and profitable utilisation of labour power.

The seniority system obviously encompasses a range of gradations, not simply the division between children and adults, but children are at the bottom of it. And this means it is extremely difficult for them to secure full recognition in monetary terms for the skills they possess and for the contribution they make to family income. Only when they have passed over to adult status can they be recognised as 'skilled' or 'breadwinners' – or rather, only when the boys have passed over to adult status, for the girls the problem remains.²⁶

The low status of children has the result that a) the children's abilities are poorly regarded; b) children are primarily given tasks that are considered eco-

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- 23 C. Katz, *Growing Up Global: Economic Restructuring and Children's Everyday Lives* (University of Minnesota Press, Minneapolis, 2004); M. Liebel, 'Children without Childhood? Against the Postcolonial Capture of Childhoods in the Global South', in A. Invernizzi, et al. (eds.), *Children Out of Place and Human Rights* (Springer, Cham, 2017), pp. 79–98.
 - 24 Cannella and Viruru, *supra* note 2; Prout, *supra* note 2, pp. 7–34; K. Wells, *Childhood Studies* (Polity Press, Cambridge, 2018), pp. 147–157; Liebel, *supra* note 2, pp. 9–32.
 - 25 D. Elson, 'The Differentiation of Children's Labour in the Capitalist Labour Market', *13 Development and Change* (1982), pp. 479–497.
 - 26 *Ibid.*, p. 493.

nomically less valuable, especially so-called 'reproductive' jobs; c) despite the large quantity of work that they do, children are not recognised as workers with their own rights.²⁷

Elson brings the educational system into the picture, because the 'pupil role' that it assigns to children makes their out-of-school work appear a marginal activity compared with their school obligations. This activity deserves no recognition and may even be devalued and discriminated against as a possible source of interference with what is important school performance. In the societies of the Global South, work is the main activity for most children, and they often struggle to reconcile their work with their educational interests and, in some circumstances, with school attendance. Quite a few children would not be able to attend school at all without their earnings from work. However, from the point of view of those who want to promote 'development' towards more 'modernity', children's work is seen exclusively and even as the main obstacle to regular and successful school attendance. The enforcement of compulsory education is seen as an alleged magic cure to eradicate child labour. This pushes children into a marginal social position that limits rather than expands their opportunities to achieve better living and working conditions.

Elson describes the seniority system as a socially constructed age hierarchy 'in which those in junior positions are unable to achieve full social status. They are not full members of the society.'²⁸ According to her, their subordination does not mean that they lack the personal capacity for autonomous behaviour; indeed, many children have more ability than many adults. What, on the other hand, it brings with it is the 'lack of public means for recognition of the right to autonomy; and the lack of public means to sustain and extend autonomy'.²⁹ In the seniority system, the lack of readiness of adults to question their own power over children manifests itself. 'The desire of adults to preserve adult power over children, through constructing certain forms of family, for instance, and certain forms of education, has given children an unenviable choice between exploitation at work and subservience in home and school.'³⁰ By contrast, children should

27 Ibid., p. 491; see also O. Nieuwenhuys, 'The Household Economy and the Commercial Exploitation of Children's Work: The case of Kerala' in B. Schlemmer (ed.), *The Exploited Child* (Zed Books, London and New York, 2000), pp. 278–291, with special reference to the Global South.

28 Elson, *supra* note 25, p. 491.

29 Ibid., p. 492.

30 Ibid., p. 494.

be granted an appropriate income of their own as their right, as well as the connection between education and income-generating activities. The exclusion of children from the sphere of work, even if it is the capitalist labour market, ‘simply changes the way in which children are subordinated, rather than ending that subordination’.³¹

4 Discrimination by Denying Labour Rights

Working children are also discriminated against by being denied labour rights. These are defined in international law as the rights set out in the conventions of the International Labour Organisation (ILO).³² The most important of these conventions are summarised in the ILO Declaration on Fundamental Principles and Rights at Work. This declaration highlights the following ‘fundamental principles’ or ‘core labour standards’:

- Freedom of association and the effective recognition of the right to collective bargaining
- The elimination of all forms of forced or compulsory labour
- The effective abolition of child labour
- The elimination of discrimination in respect of employment and occupation
- A safe and healthy working environment.³³

Looking at the labour rights enshrined in international law, it is easy to see the contradictory statements on children. The ILO’s Fundamental Principles do not include age provisions on ‘freedom of association’ and the ‘elimination of discrimination in respect of employment and occupation’, so they should apply to all workers regardless of their age. Yet the ILO principles contain a provision that is incompatible with this logic. When the ILO Principles refer to

³¹ Ibid., p. 495.

³² Labour rights are to be distinguished from economic rights, which are codified in the International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966). They are a continuation of the rights first formulated in the Universal Declaration of Human Rights of 1948. Economic rights and labour rights differ in the sense that economic rights are intended for all people, while labour rights apply only to those who are in an employment relationship. For details see M. Liebel, ‘Economic and labour rights – a blind spot in the discourse on children’s rights’, 39:2 *Nordic Journal of Human Rights* (2021), pp. 163–179. In the following, I will only deal with labour rights.

³³ *The International Labour Organization’s Fundamental Conventions*. Second impression (International Labour Office, Geneva, 2003), amended in 2022, available at <https://www.ilo.org/ilo-declaration-fundamental-principles-and-rights-work> (retrieved 28 September 2024).

the 'effective abolition of child labour' as a fundamental right, this can logically only be understood as a right of adults, since children are affected by it but are not seen as a separate subject of this right. As the Principles are based on ILO Conventions, they are governed by Convention No. 138, which sets minimum age requirements for employment.³⁴ While these provisions are intended to meet the special needs of children and to protect them, they constitute a serious restriction of their rights. They raise the question of whether they are an age-specific form of discrimination by implicitly nullifying the claimed function of child protection. For example, it is not possible for working children under the minimum age to claim rights in their workplace.

The same logical contradiction is reproduced in the CRC. Article 32 of this Convention, the only one directly related to children's work, reads as follows:

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.
2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:
 - (a) Provide for a minimum age or minimum ages for admission to employment,
 - (b) Provide for appropriate regulation of the hours and conditions of employment,
 - (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Although the CRC does not use the term child labour as do the relevant ILO conventions, the requirement to set a minimum age or ages for admission to employment also contradicts the stated right of all children to be protected from economic exploitation or hazardous work. If protection for children is to be achieved only through exclusion from work, it is insufficient and may even entail additional risks for children. To avoid this, children who start or con-

34 ILO Convention No. 138, concerning Minimum Age for Admission to Employment (1973).

tinue working for whatever reason must be entitled to rights at work and to protection measures.³⁵

Regarding the rights of working children, legal scholars Karl Hanson and Arne Vandaele speak of a 'difference dilemma'.³⁶ This means that working children can be considered both as workers and as children. As workers, they are entitled to the same labour rights as adults. On the other hand, as children they also need special rights because of their specific developmental needs, their relative powerlessness and their greater vulnerability. The latter is the purpose of the CRC, which contains both rights that correspond to the rights of adults and specific rights that differ from the rights of adults. The difference dilemma arises when children are deprived of rights that adults possess by reference to their situation, or when children's rights are accompanied by the restriction of universal human rights. Such restrictions can also increase children's vulnerability and discrimination.

Regarding labour rights, the question arises whether, in addition to the right to protection from exploitation and hazardous work, children are also granted other rights that are considered essential for adults. This applies to the following rights, which can be found in various formulations both in the ICESCR³⁷ and in some ILO conventions and their Fundamental Principles (here summarised):

- the right to work and to free choice of employment
- the right to just and favourable conditions of work
- the right to protection against unemployment
- the right to equal pay for equal work, without any discrimination
- the right to form and to join trade unions for the protection of his or her interests, including the right to collective bargaining
- the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

35 The UN Committee on the Rights of the Child has not yet drafted a General Comment on Article 32. It recommends that States Parties ratify the ILO conventions on child labour but, unlike the ILO, emphasises the indivisibility of the CRC rights and in particular respecting the views and associations of (working) children. See UNICEF, *Implementation Handbook for the Convention on the Rights of the Child*. Fully revised third edition (UNICEF Regional Office for Europe, Geneva, 2007), pp. 479–501.

36 K. Hanson and A. Vandaele, 'Working Children and International Labour Law: A Critical Analysis', 11:1 *International Journal of Children's Rights* (2003), pp. 73–146; K. Hanson and A. Vandaele, 'Translating working children's rights into international labour law', in K. Hanson and O. Nieuwenhuys (eds.), *Reconceptualizing Children's Rights in International Development: Living rights, Social Justice, Translations* (Cambridge University Press, New York and Cambridge, 2013), pp. 250–274.

37 ICESCR, *supra* note 32.

The fact that work continues to belong to the lives of many children, and that it is part of their childhood, makes it seem appropriate to grant all adult economic and labour rights to children as well. I shall illustrate, why, unlike labour prohibitions, this would help protect working children from exploitation, preserve their human dignity, and improve their working and living conditions. This would also contribute to making social rights enshrined in the CRC real, such as the rights to health (Art. 24), social security (Art. 26), adequate standard of living (Art. 27), education (Art. 28 and 29), and rest and leisure (Art. 31).

It should also be borne in mind that the right to form independent associations and to promote common interests in an organised manner, is also, as a general matter, established in the CRC. Article 15 states as follows:

- (1) States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.
- (2) No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.

Although these rights are not formulated as economic or labour rights, they have this meaning for children who work or want to work. Working children in many regions of the Global South have long used these rights by forming their own social movements and organisations. They usually do not call themselves trade unions but social movements, but they (also) fulfil trade union tasks. The main reason why they are not part of the trade union movement so far is that adult trade unions refuse to accept working children as equal members. That forces working children to form their own organisations as a response to the discrimination they experience because of their age.

The refusal to grant children labour rights is particularly stubbornly advocated by most trade unions and the ILO. After the Second World War, the ILO initially tried to align its long-term goal of abolishing child labour with the need to protect working children. However, this 'two-plank approach',³⁸ which included the goal of regulating and 'humanising' child labour, was re-

38 E. van Daalen and K. Hanson, 'The ILO's Shifts in Child Labour Policy: Regulation and Abolition', 11 *International Development Policy* (2019), pp. 133–150.

placed in the 1990s by the single goal of the complete eradication of child labour, starting with its 'worst forms'.³⁹

One of the conventions that the ILO considers to be a particularly important part of its framework is ILO Convention No. 138, which sets minimum ages for employment.⁴⁰ It does not refer to human rights in general or children's rights in particular but defines measures to prevent children from working below the specified age limits. Although working conditions for children vary greatly, the Convention assumes that age alone is decisive in determining that work is harmful to children and should therefore be prevented by all legal means. Here, as in the numerous previous conventions against child labour,⁴¹ it becomes obvious that their main purpose is to ward off wage competition feared by children. While humanitarian motives are cited, it has not yet been proven that this Convention has contributed significantly to improving the situation of working children. On the contrary, various studies have shown that excluding children from work simply because of their young age has had counterproductive effects and has actually worsened the situation of many working children, including their families.⁴² Moreover, they provide evidence that other rights of children are also violated by child labour elimination policies and that they can unduly undermine survival strategies and livelihoods, as well as access to education and other social rights. For the same reasons, some child rights practitioners have long advocated for the 'unwritten right' of children to work under fair conditions and for fair wages.⁴³

Although the difficulties in this area have been documented in research for years, neither the ILO nor governments have yet undertaken a holistic assessment of the supposed protection of children through measures and programmes to eliminate child labour.⁴⁴ Although the ILO Global Reports published since 2002 speak of a decline in child labour worldwide – at least up to

39 ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999).

40 ILO Convention No. 138, *supra* note 34.

41 M. Dahlén, *The Negotiable Child: The ILO Child Labour Campaign 1919–1973* (Uppsala Universitet, 2007).

42 On references, see footnote 10.

43 J. Ennew, 'Outside Childhood: Street Children's Rights', in B. Franklin (ed.), *The New Handbook of Children's Rights: Comparative Policy and Practice* (Routledge, London, 2002), pp. 388–403; see also M. Liebel et al., 'Working Children as Subjects of Rights: Explaining Children's Rights to Work', in M. D. Ruck et al. (eds.), *Handbook of Children's Rights: Global and Multidisciplinary Perspectives* (Routledge, London, 2017), pp. 417–453.

44 M. Bourdillon and W. Myers, *Child Protection in Development*. (Routledge and INTRAC, London, 2013); M. Bourdillon and R. Carothers, 'Policy on Children's Work and Labour', 33:4 *Children & Society* (2019), pp. 387–395.

the Covid-19 pandemic –, they also note that the conditions under which children work have deteriorated in many areas. Report after report emphasises that the planned complete elimination of child labour by 2025 can only be achieved if the pace accelerates significantly.⁴⁵ In this context, the participation of organisations of working children is not only a right enshrined in the CRC. It would also be an appropriate and obvious way for children to present their problems and name violations, and for policymakers to obtain information on the actual results of current policies and practices.

5 Discrimination by Denying Participation

At least since the adoption of the CRC, it has been repeatedly emphasised that children must have the opportunity to participate in decisions that affect them. In its General Comment No. 12,⁴⁶ the UN Committee on the Rights of the Child explicitly emphasises that this also applies to working children: They ‘should be included in the search for a solution, which respects the economic and socio-structural constraints as well as the cultural context under which these children work’ (para. 116). And: ‘Children and, if existing, representatives of working children’s associations should also be heard when labour laws are drafted or when the enforcement of laws is considered and evaluated’ (para. 117). Nevertheless, working children are still denied the opportunity to exercise their participation rights.

45 ILO, *A Future without Child Labour. Global Report on Child Labour* (International Labour Office, Geneva, 2002); ILO, *The End of Child Labour: Within Reach: Global Report on Child Labour under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work* (International Labour Office, Geneva, 2006); ILO, *Accelerating Action against Child Labour: Global Report on Child Labour under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work* (International Labour Office, Geneva, 2010); ILO, *Making Progress against Child Labour: Global Estimates and Trends 2000–2012* (International Labour Office, Geneva, 2013). ILO, *Global Estimates of Child Labour: Results and Trends 2012–2016* (International Labour Office, Geneva, 2017).

ILO and UNICEF, *Child Labour: Global Estimates 2020, Trends and the Road Forward* (United Nations Children’s Fund, New York; International Labour Office, Geneva, 2021).

ILO and UNICEF, *Child Labour: Global estimates 2024, Trends and the Road Forward* (International Labour Office, Geneva; United Nations Children’s Fund, New York, 2025).

46 UN Committee on the Rights of the Child, General Comment No. 12: The right of the child to be heard, CRC/C/GC/12 (2009).

With the sole exception of the Children and Adolescents Code of Bolivia in 2014⁴⁷ that I am aware of, working children have never been included in the drafting of other laws and conventions affecting them. In the ILO, which has played a central role in international law on children's work since its founding in 1919, working children are not represented in the relevant bodies. While there have been occasional attempts to give children a voice at child labour conferences, this has always been limited to symbolic gestures by mostly former or non-workers.

In December 1996, the first intercontinental meeting of working children's movements took place in Kundapur, South India. At this meeting, which was attended by delegates from children's movements from 33 countries in Latin America, Africa and Asia, a declaration was adopted ('The 10 Points of Kundapur'), which demanded, among other things:

We demand to be involved in the decision-making processes that affect us, whether it is at a local, national or international level. [...] Concerning the conferences that are being organised we demand participation on an equal footing (*e.g.* if there are twenty ministers, there should be twenty working children). We are prepared to discuss with ministers, but they do not represent us.⁴⁸

For the first time, representatives of working children's movements were invited to an International Child Labour Conference, which was organised by the Dutch government together with the ILO in Amsterdam in February 1997. Eight children from Africa, Asia and Latin America participated. In the following years, informal meetings with representatives of the ILO took place from time to time at the request of the movements of working children, but participation in official ILO events was constantly refused.

47 This participation only came about after massive pressure from the Union of Working Children of Bolivia (UNATSOB). See M. Liebel, 'Protecting the Rights of Working Children instead of Banning Child Labour: Bolivia Tries a New Legislative Approach', 23:3 *International Journal of Children's Rights* (2015), pp. 491–509. The parts of the law that the children fought for, and which affected them have since been withdrawn by international pressure, particularly by the ILO and the US government. See M. Liebel, 'Children's Rights: Bolivia bows to International Pressure', *D+C – Development and Cooperation* (May 2019), pp. 14–15.

48 The full text of the declaration and the following discussions on the international level are documented in M. Liebel and A. Invernizzi, 'The Movements of Working Children and the International Labour Organization: A Lesson on Enforced Silence', 33:2 *Children & Society* (2018), pp. 142–153.

At none of the Global Child Labour Conferences held between 1997 and 2022 were representatives of the movements of working children allowed to participate. At the II Global Child Labour Conference, which took place in The Hague in 2010, the 'participation' of children was limited to a five-minute decorative performance by a Dutch children's dance group at the opening event and the apparently coordinated acceptance speech by a 14-year-old 'former child worker' from India at the end of the conference. The fact that working children were once again excluded from the III Global Child Labour Conference, which took place in Brasilia in 2013, led some NGOs to attempt at least for the IV Global Child Labour Conference, which was held in Buenos Aires in November 2017, to make the voices of working children heard. They organised a wide-ranging consultation in which more than 1800 working children from 36 countries participated.⁴⁹ However, even the representatives of these children were not allowed to present the results of the consultation at this conference. In coordination with the Argentinian government at the time, all persons under the age of 18 were even banned from attending the conference 'for security reasons.'⁵⁰ This blatant violation of the participation rights enshrined in the CRC prompted the Latin American Movement of Working Children (MOLACNATS) to file a complaint with the UN Committee on the Rights of the Child. In response to the protests since then by working children and some children's rights organisations, a 'Children's Forum' was held at the v Global Child Labour Conference in Durban (South Africa) in May 2022, but this forum was again limited to the ritual staging of the voices of a few children, sent by NGOs, who supported the ILO's position.⁵¹

Although the ILO occasionally calls on children to participate in discussions and sets up online platforms before its Child Labour Conferences (to which working children often have no access due to their precarious living conditions), it sets the questions and the framework and only allows opinions

49 See https://www.dialogue-works.com/wp-content/uploads/2018/05/T2T_Report_EN.pdf (retrieved 23 November 2024).

50 See E. van Daalen and N. Mabillard, 'A tale of two conferences: exploring the politics of global child labour policies' (2017), available at: <https://www.opendemocracy.net/beyondslavery/edward-van-daalen-nicolas-mabillard/tale-of-two-conferences-exploring-politics-of-glob> (retrieved 26 July 2024).

51 See the film of the forum, which the ILO itself published on its website: <<https://www.5thchildlabourconf.org/en/session/thematic-panel-12-children-forum>>; see also the 'joint declaration' of working children's movements: <<https://www.concernedforworkingchildren.org/news/2022/05/joint-declaration-of-the-movements-of-children-and-adolescent-workers-in-light-of-the-ilos-5th-global-conference-on-child-labour/>> (both retrieved 26 July 2024).

to be expressed that are subordinate to the ILO's goal of banning all forms of child labour. Child rights advocates Antonella Invernizzi and Brian Milne pointed out more than 20 years ago that under these conditions the participation of working children even 'becomes discriminatory':

On the one hand, there will be some children who will be allowed and encouraged to use their participatory rights *as long as they conform* to the controls that are now subtly being imposed on them. On the other hand, those children who are attempting to claim their rights through the channel of social action that conforms to the pertinent articles of the CRC will be chastised for so doing since they are speaking out for children *who work illegally*.⁵²

In all attempts to give children a voice, it is noticeable that while there is some willingness to listen to them – especially by street and social workers who have direct contact with the children –, this is explicitly refused when they present themselves as *working* children and want to participate in decision-making.

6 How Working Children Resist Age-Based Discrimination

Working children, at least when they explicitly position and organise themselves as working children, come into contradiction with the prevailing pattern of childhood. By claiming to be recognised as working children, they express that they embody a different childhood or childhoods. This claim is perhaps most clearly expressed in their claiming the right to work *as children* and their understanding of children's *protagonism*.⁵³ Studies over various decades show that working children practise a kind of 'situated agency' in their daily confrontation with their living and working conditions and the

52 A. Invernizzi and B. Milne, 'Are Children Entitled to Contribute to International Policy Making? A Critical View of Children's Participation in the International Campaign for the Elimination of Child Labour', 10:4 *International Journal of Children's Rights* (2002), pp. 403–431, 404, emphasis in original.

53 On protagonism, see M. Liebel, 'Paternalism, Participation and Children's Protagonism', 17:3 *Children, Youth and Environments* (2007), pp. 56–73; M. Liebel, *Childhoods of the Global South: Children's Rights and Resistance* (Policy Press, Bristol, 2023), pp. 165–179; J. K. Taft, 'Protagonismo and Power: Building Political Theory with Young Activists', in S. Balagopalan et al. (eds.), *The Bloomsbury Handbook of Theories in Childhood Studies* (Bloomsbury Academic, London, 2023), pp. 180–193.

search for 'better forms of work', ranging from small improvements in their daily lives to more far-reaching demands for a socially and generationally just society.⁵⁴

Unlike the right to protection from economic exploitation – codified in CRC Article 32 – the right to work, which organisations of working children have been demanding for decades,⁵⁵ is a claim that children themselves assert. The demand is the result of the experience of working children that existing laws and policies to protect them from exploitation have rarely, if ever, helped to improve their situation, but have increased their discrimination and vulnerability.

The discriminatory effects are a result of laws and policies that, while intended to protect children from exploitation, are based on the blanket assumption that all work necessarily harms children. Therefore, they do not consider the reasons that motivate children to take up or pursue work. The underlying belief is that work is unsuitable for children and therefore there is no need to consider their views. As a result, working children are seen as victims and objects in need of help, rather than as individuals who reflect on their situation and identity – and how they can solve their problems.

The claim for the right to work responds to the demand of working children for a higher social valuation of their work and their contributions not only to their own and their families' lives, but also to the production and reproduction of society in general. The children who demand the right to work have experience of work and exploitation, and of the inadequacy of many measures to protect them. These children demand solutions that consider their living conditions and experiences. They want to be respected as persons who have a stake in and can contribute to the solution of their problems. In this sense, they see the right to work as an instrument of self-determination, where they take control of their own situation.

As children do not yet have full access to political rights, they are often excluded from the most important opportunities for political participation.

54 See e.g. A. Invernizzi, *La vie quotidienne des enfants travailleurs. Stratégies de survie et socialisation dans les rues de Lima* (L'Harmattan, Paris, 2001); B. Leyra Fatou, *La niñas trabajadoras. El caso de México* (Los Libros de la Catarata, Madrid, 2012); L. Frasco Zuker et al., 'Agencia infantil situada. Un análisis desde las experiencias de niñas y niños que trabajan en contextos de desigualdad social en Argentina', 27:60 *Horizontes Antropológicos* (2021), pp. 163–190.

55 See M. Liebel, 'Do children have a right to work? Working children's movements in the struggle for social justice' in K. Hanson and O. Nieuwenhuys (eds.), *Reconceptualizing Children's Rights in International Development: Living Rights, Social Justice, Translations* (Cambridge University Press, New York and Cambridge, 2013), pp. 225–249.

They can neither contribute to legislation as citizens entitled to vote (or be voted for) nor can they interpret and make use of laws.⁵⁶ Children's perspectives and demands, which are collectively formulated and voiced by their social movements and organisations, are of particular importance. Children demand that adults, who are in a privileged situation compared to children, be more inclusive in terms of their needs and perspectives.

The consideration of how the right to work might come into play for children is not necessarily linked to the codification of the right. Like all human rights, the right to work can claim validity – before any formal codification in national laws or international conventions. It gains legitimacy through being articulated and practised by children themselves. For example, the 'twelve rights' formulated in the founding document of the *African Movement of Working Children and Youth* (MAEJT/AMWCY) in 1994⁵⁷ correspond in part to some articles of the CRC but are not included in any 'official' legal document. In contrast to governmental and intergovernmental legal documents, the 'twelve rights' are characterised by the fact that they relate specifically to the lives and interests of the working children who formulated them or to the children represented by this movement. In all countries where the movement is present, young members regularly assess the extent to which their 'twelve rights' are being put into practice and discuss the role of responsible adults and governments in supporting their goals.⁵⁸

The right to work would also have significance for the implementation of other rights of children. The fundamental new beginning that the CRC promises by granting children the right to dignity and a self-determined social identity will not unfold its full potential as long as children remain dependent on and reliant on the goodwill of adults. If children can legally engage in economic activity and have their own income, they are more likely to expect to gain the independence and social significance necessary to assert their own rights in society.

56 J. Wall, *Give Children the Vote: On Democratizing Democracy* (Bloomsbury Academic, London and New York, 2021); Liebel and Meade, *supra* note 20.

57 *Voice of African Children: Work, Strength and Organisation of Working Children and Youth*. Occasional Papers no. 217 (Enda Tiers-Monde, Dakar, 2001), pp. 21–87.

58 See M Liebel, 'Children's Work, Education, and Agency: The African Movement of Working Children and Youth (AMWCY)', in G. Spittler and M. Bourdillon (eds.), *African Children at Work: Working and Learning in Growing Up for Life* (LIT, Zurich and Berlin, 2012), pp. 303–332; S. Fuchs, 'Towards the democratization of the future: The struggle for social recognition and economic success of a West African association of working children and youth', 26:2 *Childhood* (2019), pp. 139–152.

In declarations and statements of the movements of working children,⁵⁹ the right to work does not refer to *any kind* of work, but children repeatedly emphasise that it should be ‘work with dignity’, ‘light’ or ‘not too heavy work’ and ‘work appropriate to the child’s abilities’. At first glance, this could be understood as children claiming only a limited right to ‘child-specific’ work. However, the context suggests that age is not the main criterion for them, but respect for human dignity. The understanding of the right to work for children aims at doing the ‘best’ work possible and actively counteracting any kind of exploitation and degradation at work. It thus contains a utopian surplus that points beyond the wage labour that prevails in capitalist society. Moreover, the children themselves want to decide whether the future work corresponds to their specific criteria or not.

A common characteristic of working children is that they are not simply different from adults and are often not strictly separated from their lives. They take on – often out of necessity, but also of their own free will – tasks that are attributed to adults according to the prevailing childhood pattern (‘adult roles’). But this does not necessarily mean that they are to be regarded as little adults, as the stereotypes of ‘adultification’⁶⁰ or ‘children without childhood’ suggest, but as people who shape their lives – often in exchange with close adults – more independently and responsibly than seems possible and desirable according to the Eurocentric concept of childhood. Through their existence and practices, they question the developmental time scheme underlying this childhood pattern, according to which childhood is always understood as a ‘not yet’ or a preliminary stage to adulthood.⁶¹ This raises the question of

59 See <https://pronats.org/en/materials/declarations> (retrieved 26 July 2024).

60 The term is used to explain and brand the racially motivated repression of Black children and youth in the USA. For a critique of the term based on a problematic understanding of childhood as a ‘time of innocence’, see A. A. Gilmore and P. J. Bettis, ‘Antiblackness and the Adultification of Black Children in a U.S. Prison Nation’, in *Oxford Research Encyclopedia of Education* (2021), pp. 1–32; S. Patton, ‘The Children of Children: Why the Adultification Thesis is a Misguided Trap for Black Children and Families’, in C. J. Bergman (ed.), *Trust Kids! Stories on Youth Autonomy and Confronting Adult Supremacy* (AT Press, Chico, CA and Edinburgh, 2022), pp. 167–175. In a sense like the thesis of adultification, a study on Palestinian children in the territories occupied by Israel speaks of ‘unchildling’ the children: N. Shalhoub-Kevorkian, *Incarcerated Childhood and the Politics of Unchilding* (Cambridge University Press, Cambridge, 2019).

61 L. Rabello de Castro, ‘Age epistemology and the politics of age’, in C. Baraldi and L. Rabello de Castro (eds.), *Global Childhoods in International Perspective: Universality, Diversity and Inequalities* (Sage, Los Angeles, 2020), pp. 33–50; K. Hunfeld, ‘The coloniality of time in the global justice debate: de-centring Western linear temporality’, 18:1 *Journal of Global Ethics* (2022), pp. 100–117; C. da Rosa Ribeiro et al., ‘Childhoods and

whether alternative ideas and patterns of childhood(s) are embodied in working children's mode of existence and self-understanding, which could contribute to rethinking the Eurocentric concept childhood.

7 Conclusion and Outlook

In this chapter, I did not perceive childhood as a social construction in a value-neutral sense, but as a contested site of political change. In this sense, I see children and childhood as normative re-constructions in which various interests and unequal power structures are manifested. From a normative point of view, childhoods are not mere statuses, but active expressions of corresponding interests and values. To call oneself or others a child or infant is to performatively participate in an ongoing public discourse.⁶² Similar to philosopher Jacques Rancière⁶³ and ethicist John Wall,⁶⁴ I understand children and childhoods not as fixed structures, but as negotiations of power relations. Childhood is a sign of deviation from an assumed norm that can oppress or empower. According to Wall, being a child in the Western-European sense may entail structural advantages such as parental investment, educational resources, protection from exploitation or openness to growth. But it also always includes structural disadvantages such as being defined as 'not-yet-adult', being labelled according to developmental stage and age, being assumed to be dependent, overprotected or having a notion of innocence. These normative reconstructions intersect with equally powerful dynamics of the social systems of gender, ethnicity, class, and so on. Therefore, one cannot speak of the 'privileges of childhood', as is often done, since the supposed advantages of not yet being an adult are bought at the price of their 'infantilisation'.

Time: A Collective Exploration', 48:1 *Journal of Childhood Studies*, 2023, pp. 134–148; S. Balagopalan, 'Editorial: On racialized linear time and temporal "othering"', 0:0 *Childhood* (online), 2024, pp. 1–9. DOI: 10.1177/09075682241240839; P. N. Shabel, 'Intergenerational Present: Unexpected Proximity in the Adultist Temporality', 22:1 *Taboo: The Journal of Culture and Education*, Special issue: Adultism (2024), pp. 214–226.

62 See J. Butler, *Notes toward a Performative Theory of Assembly* (Harvard University Press, Cambridge, MA, 2018).

63 J. Rancière, *The Politics of Aesthetics* (Bloomsbury Academic, London and New York, 2013).

64 J. Wall, *Ethics in light of childhood* (Georgetown University Press, Washington, DC, 2010); J. Wall, 'Childhoods as Normative Reconstructions', in M. Tesar et al. (eds.), 54:3 *Infantographies: Education Philosophy and Theory* (Routledge, London, 2021), pp. 5–6.

This is especially true of the temporal construction of childhood as a stage prior to adulthood, in which the (chronologically measured) age of life is fetishised and turned into an unequal power structure. Such a power structure has so far manifested itself both in thinking and discourse about children and corresponding patterns of childhood, and in policies towards children and childhood. As sociologist Lucia Rabello de Castro⁶⁵ describes, age is often used as a universal index of children's level of understanding and capacity. According to her, it is necessary to analyse in depth the strong and often repeated discourse on age (in legal texts, common language and scientific explanations), which tends to consider age as an objective measure, for example, of the presence or absence of certain capacities. The author sees an example of this in the way age permeates different knowledge systems. She describes it as 'the notion of human life as the acquisition of rational competences according to progressive temporality, the perspective of the future as indeterminate and demanding early preparation, and the view of human capacities as individualized assets.'⁶⁶

When childhood is categorised as a stage of life that is considered inferior, immature or incapable, what is sometimes referred to today as adultism or adult-centrism arises. In this sense, sociologist Santiago Morales and lawyer Gabriela Magistris⁶⁷ refer to adult-centrism as the analytical point of view from which the biological fact of being born, growing up and developing is seen in a straight line (chronological time) and in ascending order. This hierarchises the development of the subject not only in terms of age, but also in terms of the characteristics and values assigned to growth. From there, they see the emergence of hegemonic notions of childhood and adulthood that 'reaffirm a natural and desirable way of being a child; as a social representation assimilated as natural for children, it is the annulment and pathologization of all other ways of being a child, adolescent and young person. As such, children and young people from popular classes and/or non-Western cultures, who do not fit into this model of the child, are the targets of a set of policies deployed by states aimed at their control and normalization'.⁶⁸ This cultural practice of assigning age as a universal and natural fact is also a practice of

65 Rabello de Castro, *supra* note 61.

66 *Ibid.*, p. 34.

67 S. Morales and G. Magistris (eds.), *Niñez en movimiento. Del adultocentrismo a la emancipación* (El Colectivo, Buenos Aires, 2018).

68 *Ibid.*, p. 27, translated from Spanish. See also S. Morales and M. Martínez Muñoz, *Adultocentrismo. ¿Qué piensan chicas y chicos?* (Octaedro, Barcelona, 2024).

temporal power, which philosopher Elizabeth Freeman⁶⁹ calls 'chrononormativity'. In it, the body is linked to a socially meaningful embodiment through the management of time. According to her, the individual body thus simultaneously becomes a collective body to which certain properties are attributed.

This attribution of supposedly natural characteristics to being a child is questioned and challenged by the movements and struggles of working children. It is about the defence and recognition of human dignity, the search for humane living conditions and social relations, new forms of independence and coexistence, and thus liberation from paternalism and adultism. Children appear as actors with new individual and collective forms of agency, as children on the move who intervene and change the conditions of their lives. In doing so, they draw on new discourses and rights without considering them sufficient.

The childhoods that emerge in this way remain contradictory in themselves and must always be seen in relation to other childhoods. They can be seen as *liberating* and *emancipating* childhoods in the sense of a *utopia of possibility* in which prospects for future struggles and developments become visible. They do not produce 'new children' (in the sense of 'new men'), nor 'little adults', but rather redefine the generational order: young people understood as equals in the framework of social relations of equality and social justice, as well as recognition of diversity. The perspective is to overcome divisions and oppositions between adults and children in the sense of mutual respect and recognition of their specific needs and forms of communication.

69 E. Freeman, *Time Binds. Queer Temporalities, Queer Histories* (Duke University Press, Durham, 2010).