

# ELIMINATING THE WORST FORMS OF CHILD LABOUR



A practical guide to ILO Convention No. 182

Eliminating the worst forms of child labour

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*A practical guide to ILO Convention No. 182*

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## Foreword

Today tens of millions of children work in the most abhorrent conditions which rob them of their childhood, their health, and sometimes even their lives. None of these children have ever had the slightest chance to realize their potential. ILO Convention No. 182 brings the plight of these children out of obscurity and sets the goal of eradicating the worst forms of child labour.

Parliamentarians have a key role to play in making this happen. As lawmakers, they can encourage ratification of the Convention. They can also help to fashion policy, adopt the requisite national legislation, vote the necessary budgets and oversee the day-to-day action of the government.

This Handbook is intended to serve as a practical guide for parliamentarians in the fight against child labour. But there can be no doubt that it will also prove to be a valuable resource for many others who wish to see sustainable development and human rights enjoyed by all: governments, workers' and employers' organizations, civil society organizations, and anyone wishing to become involved in the movement to end the exploitation of children.

There is a long history of institutional partnership between the Inter-Parliamentary Union (IPU), the world organization of parliaments, and the International Labour Organization (ILO), the United Nations specialized agency mandated to promote social justice. This Handbook was developed with the input and careful guidance of three seasoned parliamentarians (Ms. Beth Mugo, Kenya, Mr. Jim McKiernan, Australia, and Mr. Ricardo Vazquez, Argentina) and senior officials of both the IPU and the ILO, especially those in charge of its International Programme on the Elimination of Child Labour (IPEC).

In June 1999, the ILO launched a global campaign for the ratification of Convention No. 182. The IPU has backed this campaign from the start, encouraging parliamentarians everywhere to call for its ratification and contribute to the development of the multifaceted strategies that are needed to come to grips with the problem in a viable and lasting manner. Only through such partnerships will it be possible to achieve the kind of global and sustained mobilization that is indispensable to win a cause which transcends differing levels of development, culture, tradition or political opinion.

Indeed, Convention No. 182 has seen the fastest ratification rate in ILO history. Nevertheless, ratification is only the beginning. Implementing this Convention will require commitment, solidarity and hard work from each country. As we face up to

the challenge, we will need to bear in mind that decent lives for children cannot be separated from decent work for adults.

Eliminating the worst forms of child labour thus involves a sustained combat that goes much beyond legislating; it presupposes a vision of society and of development. To be effective and sustainable, any action aimed at prohibiting and eliminating the worst forms of child labour should be inspired, on the one hand by an awareness of the complexity of the economic, social and cultural issues involved, and on the other by practices that have proved to be effective. This Handbook aims at providing inspiration and guidance to this effect.

The ILO and the IPU are committed to bringing an end to the abomination of exploitative child labour without further delay. We owe no less to the children whose futures are already lost and to the many who will have none if we do not act now.



Juan Somavia  
Director-General  
International Labour Office



Anders B. Johnsson  
Secretary-General  
Inter-Parliamentary Union

## What does the Handbook contain?

- In the form of seven questions, a presentation of the problem of the worst forms of child labour, of international labour standards and other international treaties that are relevant to the problem – and of programmes that can be implemented to deal with it. Under each question, the Handbook provides a general overview of what parliamentarians can do to contribute to the elimination of these particularly abhorrent forms of child labour.
- In seven sections, the measures to be taken to bring about the elimination of the worst forms of child labour. They cover a wide range of actions, some of which may be taken directly by parliamentarians. In other cases, parliamentarians may act as catalysts by virtue of their role as overseers of governments, as key political figures and as leaders of public opinion. Each measure is presented following the same outline:
  - Why?** Before they act or persuade others to act, parliamentarians will have to be convinced of the purpose and the need for action. The meaning and importance of each suggested action are therefore explained.
  - How?** Before they act or persuade others to act, parliamentarians need to have knowledge of what needs to be done in concrete terms.
  - What is the role of parliamentarians?** For parliamentarians to be able to take effective action, they need to know where and how their work can make a difference with regard to each measure.
  - What can you do?** A checklist of steps that parliamentarians can take.
- Texts of ILO Conventions and Recommendations concerning child labour and the worst forms of child labour, a model instrument of ratification and other reference material. Parliamentarians may find it easier to persuade and assist their governments to ratify the relevant Conventions, to apply the provisions of these standards and to take action against child labour, and particularly its worst forms, with the help of these materials.
- Practical additional information.

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**This Handbook was prepared with input from the following parliamentarians**, all Officers of the Committee on Parliamentary, Juridical and Human Rights Questions of the Inter-Parliamentary Union (IPU) and of the IPU Committee to Promote Respect for International Humanitarian Law: Ms. Beth Mugo (Kenya), Mr. Jim McKiernan (Australia), and Mr. Ricardo Vazquez (Argentina).

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**Note:**

This Handbook is intended as a practical aid to the understanding of the problem of child labour and its worst forms and aims to encourage effective action to tackle it. For legal purposes, the full texts of the relevant ILO Conventions and Recommendations should be referred to, and, if necessary, further information can be obtained from the International Labour Office.

National experiences are mentioned in order to illustrate concrete examples and encourage action. References to particular countries do not imply any judgement of their child labour practice. Failure to mention a particular country is not to be construed as a sign of inaction in the country, since it was not possible to reflect all existing initiatives and good practices in this volume.

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## Executive summary

A majority of countries have adopted legislation to prohibit or place severe restrictions on the employment of children, much of it stimulated and guided by standards adopted by the International Labour Organization (ILO). In spite of these efforts, child labour continues to exist on a massive scale, sometimes in appalling conditions, particularly in the developing world. If progress has been slow or apparently non-existent, this is because child labour is an immensely complex issue. It cannot be made to disappear simply by the stroke of a pen. It is inextricably linked to poverty.

Children work because their survival and that of their families depend on it, and in many cases because unscrupulous adults take advantage of their vulnerability. It is also due to inadequacies and weaknesses in national educational systems. It is deeply ingrained in cultural and social attitudes and traditions.

For all these reasons, even when it has been declared illegal, child labour continues to be tolerated and accepted as the natural order of things – and much of it is invisible. It is frequently surrounded by a wall of silence, indifference and apathy.

But that wall is beginning to crumble. The process of globalization and the development of modern means of communication have made the plight of working children a major issue on the agenda of the international community. While it is now widely recognized that the **total elimination of child labour** can only be a very long-term goal in most developing countries, there is a growing international consensus that **certain forms of child labour are so unacceptable and harmful to the welfare of the children concerned that they can no longer be tolerated.**

This Handbook attempts to show how determined and concerted action involving several departments of government, as well as actors in all sections of society – among which parliamentarians have a particularly important role to play – can bring about the elimination of the worst forms of child labour within a relatively short time-frame. The basis of such action must be legislation, which keeps the total elimination of child labour as the ultimate goal of policy, but which explicitly identifies and prohibits the worst forms of child labour to be eliminated as a matter of priority. Such legislation must also provide adequate sanctions for violators and adequate compensation for victims, and be rigorously and impartially enforced.

However crucial, legislation alone will have little impact unless it is accompanied by measures to:

- *sensitize public opinion* and to *mobilize public support* for action to combat the worst forms of child labour;
- *prevent* children from being lured into the worst forms of child labour;
- *remove* children from the worst forms of child labour;
- *rehabilitate* children who have been so removed and reintegrate them into the schooling system;
- *improve* the schooling system by making more schools and teachers available and making it more relevant to local needs;
- *provide subsidies and income support* for the children in greatest need and their families.

Multifaceted time-bound programmes to meet these requirements need to be drawn up and adequately funded, and their implementation needs to be rigorously monitored. Since the problem has important international dimensions, a major effort of international cooperation is required to support national efforts.

**“We recognize and respect the human dignity of every child.”**

Inter-Parliamentary Workshop on Children, February 1997.

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**Seven questions  
concerning child labour  
and its worst forms**

## **What is meant by child labour and the worst forms of child labour?**

### **What is meant by child labour?**

#### **Where to draw the line between the acceptable and the unacceptable**

It is first necessary to clarify what is *not* meant by the term *child labour*. Children's or adolescents' participation in work that does not affect their health and personal development or interfere with their schooling, is generally regarded as being something positive. This includes activities such as helping their parents care for the home and the family, assisting in a family business or earning pocket money outside school hours and during school holidays. It contributes to children's development and to the welfare of their families; it provides them with skills, attitudes and experience, and helps to prepare them to be useful and productive members of society during their adult life.

In no way can such activities be equated with **child labour**, as that term is used in this Handbook. Child labour refers to work that:

- is mentally, physically, socially or morally dangerous and harmful to children; and
- interferes with their schooling:
  - by depriving them of the opportunity to attend school;
  - by obliging them to leave school prematurely; or
  - by requiring them to attempt to combine school attendance with excessively long and heavy work.

**In its most extreme forms**, it involves children being enslaved, separated from their families, exposed to serious hazards and illnesses and/or left to fend for themselves on the streets of large cities – all of this often at a very early age.

**“The child is to be respected as a subject of rights and a human being needing special attention and assistance from the State and society”.**

Inter-Parliamentary Workshop on Children, February 1997.

**Child labour is work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development.**

But it is difficult to give a precise dictionary definition of the term “child labour” applicable to all situations and all countries. How can a line be drawn between “acceptable” forms of work by children on the one hand and child labour on the other? Whether or not particular forms of *work* can be called *child labour* depends on the child’s age, the types of work performed, the conditions under which it is performed and the objectives pursued by individual countries. The answer varies from country to country, as well as among sectors within countries.

### **The ILO’s approach to the problem – establishing a minimum age for admission to employment**

Throughout its existence, ILO action has been based on establishing a **minimum age for admission to employment** as a yardstick for defining and regulating child labour. At the very first session of the International Labour Conference in 1919, the ILO adopted the first international treaty on child labour – the Minimum Age (Industry) Convention, 1919 (No. 5), which prohibited the work of children under the age of 14 in industrial establishments. During the following fifty years, nine further Conventions were adopted, all of them setting standards for minimum age in different sectors – industry, agriculture, maritime work, non-industrial employment, fishing, underground work. The adoption of these standards demonstrated a growing international commitment to abolish child labour, and to draw a line distinguishing child labour from more acceptable forms of work by children.

#### **Box 1**

#### **International labour standards**

ILO standards can take the form of either Conventions or Recommendations. They are negotiated by the Organization’s tripartite constituents – representatives of governments, employers and workers of ILO member States – at the International Labour Conference, which meets annually. Conventions are international treaties which are open to ratification by ILO member States. When a State ratifies a Convention, it is obliged to bring national legislation and practice into line with the provisions of that Convention, and to report to international supervisory bodies on the steps it has taken to respect the obligations that it has entered into. Recommendations establish guidelines to influence the action of member States, but are not open to ratification. Many Recommendations accompany a Convention on the same subject and aim to give detailed guidance to States on the means of implementing the requirements laid down in a Convention.

It was not until 1973 that it proved possible to adopt a comprehensive Convention on the subject – the **Minimum Age Convention, 1973 (No. 138)**. This landmark Convention applies to all economic sectors and to all working children, whether they

are employed for wages or working on their own account. It represents the most comprehensive and authoritative international definition of minimum age for admission to employment. It is also innovative in that it provides for a progressive and flexible approach to the problem, particularly for developing countries. Thus, it places on ratifying States the obligation to fix a minimum age and defines a range of minimum ages below which no child should be required to work. These minima vary according to the level of development and according to the type of employment and work, as follows:

**Table 1** Minimum ages according to Convention No. 138

General minimum age	Light work	Hazardous work
<b>In general</b>		
Not less than age of completion of compulsory schooling, and in any case not less than 15 years	13 years	18 years (16 years under certain strict conditions)
<b>Where the economy and educational facilities are insufficiently developed</b>		
Not less than 14 years for an initial period	12 years	18 years (16 years under certain strict conditions)

### Beyond the minimum age approach

During the 1990s, there was an unprecedented surge in the concern of the international community with the problem of the welfare of children in general, and of child labour in particular. Among the most important developments have been:

- The adoption by the United Nations General Assembly in November 1989 of the **United Nations Convention on the Rights of the Child** – the most complete and comprehensive treaty on the rights of children ever adopted, which has been ratified by almost all countries in the world. Among the wide range of children’s rights proclaimed by this Convention is the **right to be protected from economic exploitation and 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. (See question 4 below.)
- The ILO’s 1992 launch of the **International Programme on the Elimination of Child Labour (IPEC)**, designed to mobilize international action – including technical assistance – in support of national programmes to combat child labour. (See question 6 below.)

**Table 2** General minimum age for employment or work declared by States parties to the Minimum Age Convention, 1973 (No. 138)

Entry into force: 19 June 1976. Situation and ratification status at 1 January 2002: 116 ratifications

14 years	15 years	16 years
Angola: 13.6.2001	Austria: 18.9.2000	Albania: 16.2.1998
Argentina: 11.11.1996	Barbados: 4.1.2000	Algeria: 30.4.1984
Bahamas: 31.10.2001	Belgium: 19.4.1988	Antigua and Barbuda: 17.3.1983
Belize: 6.3.2000	Bosnia and Herzegovina: 2.6.1993	Azerbaij�n: 19.5.1992
Benin: 11.6.2001	Burkina Faso: 11.2.1999	Belarus: 3.5.1979
Bolivia: 11.6.1997	Chile: 1.2.1999	Brazil: 28.6.2001
Botswana: 5.6.1997	Costa Rica: 11.6.1976	Bulgaria: 23.4.1980
Cambodia: 23.8.1999	Croatia: 8.10.1991	Burundi: 19.7.2000
Cameroon: 13.8.2001	Cuba: 7.3.1975	China: 28.4.1999
Central African Republic: 28.6.2000	Cyprus: 2.10.1997	France: 13.7.1990
Colombia: 2.2.2001	Denmark: 13.11.1997	Hungary: 28.5.1998
Congo (Republic of the): 26.11.1999	Dominica: 27.9.1983	Jordan: 23.3.1998
Democratic Rep. of the Congo: 20.6.2001	Finland: 13.1.1976	Kazakhstan: 18.5.2001
Dominican Republic: 15.6.1999	Georgia: 23.9.1996	Kenya: 9.4.1979
Ecuador: 19.9.2000	Germany: 8.4.1976	Kyrgyzstan: 31.3.1992
Egypt: 9.6.1999	Greece: 14.3.1986	Lithuania: 22.6.1998
El Salvador: 23.1.1996	Guyana: 15.4.1998	Malta: 9.6.1988
Equatorial Guinea: 12.6.1985	Iceland: 6.12.1999	Republic of Moldova: 21.9.1999
Eritrea: 22.2.2000	Indonesia: 7.6.1999	Papua New Guinea: 2.6.2000
Ethiopia: 27.5.1999	Iraq: 13.2.1985	Portugal: 20.5.1998
Gambia: 4.9.2000	Ireland: 22.6.1978	Romania: 19.11.1975
Guatemala: 27.4.1990	Israel: 21.6.1979	Russian Federation: 3.5.1979
Honduras: 9.6.1980	Italy: 28.7.1981	San Marino: 1.2.1995
Malawi: 19.11.1999	Japan: 5.6.2000	Spain: 16.5.1977
Mauritania: 3.12.2001	Republic of Korea: 28.1.1999	Tajikistan: 26.11.1993
Namibia: 15.11.2000	Kuwait: 15.11.1999	Tunisia: 19.10.1995
Nepal: 30.5.1997	Lesotho: 14.6.2001	Ukraine: 3.5.1979
Nicaragua: 2.11.1981	Libyan Arab Jamahiriya: 19.6.1975	United Kingdom: 7.6.2000
Niger: 4.12.1978	Luxembourg: 24.3.1977	
Panama: 31.10.2000	Madagascar: 31.5.2000	
Rwanda: 15.4.1981	Malaysia: 9.9.1997	
Sri Lanka: 11.2.2000	Mauritius: 30.7.1990	
United Republic of Tanzania: 16.12.1998	Morocco: 6.1.2000	
Togo: 16.3.1984	Netherlands: 14.9.1976	
Venezuela: 15.7.1987	Norway: 8.7.1980	
Yemen: 15.6.2000	Philippines: 4.6.1998	
Zimbabwe: 6.6.2000	Poland: 22.3.1978	
	Senegal: 15.12.1999	
	Seychelles: 7.3.2000	
	Slovakia: 29.9.1997	
	Slovenia: 29.5.1992	
	South Africa: 30.3.2000	
	Sweden: 23.4.1990	
	Switzerland: 17.8.1999	
	Syrian Arab Republic: 18.9.2001	
	The Former Yugoslav Republic of Macedonia: 17.11.1991	
	Turkey: 30.10.1998	
	United Arab Emirates: 2.10.1998	
	Uruguay: 2.6.1977	
	Yugoslavia: 24.11.2000	
	Zambia: 9.2.1976	

- The adoption of a **Declaration and Programme of Action** by the **World Summit for Social Development** (Copenhagen, 1995), which recognized the prohibition of child labour as being one of the four categories of basic workers' rights to be respected by all countries.
- The adoption by the International Labour Conference in 1998 of a **Declaration on Fundamental Principles and Rights at Work**, which affirmed that all member States of the ILO, whether or not they have ratified the relevant Conventions, have an obligation to respect, promote and realize four fundamental rights. Together with freedom of association and the right to collective bargaining, the abolition of forced labour and non-discrimination in employment and occupation, these rights encompass **the effective abolition of child labour**. (See question 4 below.)

The growing international concern with the problem of child labour, reflected by these and other events, has been the result of a number of developments, notably:

- The trend towards greater liberalization of trade and capital movements. This has brought about increasingly vocal **demands that children should not be victims of the increased competition** among countries and firms struggling to obtain a comparative advantage in world markets through the cheap and docile labour of children.
- Greater transparency in the world economy and the abolition of blocs after the end of the Cold War.
- The indignation of consumers at the thought that the goods they purchase may have been produced in **abusive conditions, including child labour**; and
- The publicity given to the commercial sexual exploitation of children, particularly **children in prostitution and pornography and sex tourism**.

At the same time it has resulted in a fuller understanding of the complex **causes of child labour**, and in particular the fact that it is deeply rooted in **poverty**, in the lack or inadequacy of **schooling** and in **social and cultural traditions and structures** (see below, question 2). Its elimination cannot be achieved merely by a stroke of the legislator's pen, but is recognized to be a very long-term goal. However, growing concern has emerged that certain situations of child labour are so grave and inhumane that they can no longer be tolerated.

Thus a consensus emerged in the 1990s that the **highest priority should be given to eliminating the worst forms of child labour**, that visible results should be achieved within a **short time-frame rather than in some indefinite future**, and that a **concerted programme of action** should be launched at the national and international levels in order to achieve rapid results.

“The Conference calls on all national parliaments, governments and the international community ... to translate into concrete action their commitment to ... the immediate elimination of the worst forms of child labour”.

Inter-Parliamentary Union, 106th Conference, September 2001.

## What is meant by the worst forms of child labour?

It was in this context of increased world-wide attention and concern that the ILO prepared and adopted the Worst Forms of Child Labour Convention (no. 182), as well as an accompanying Recommendation (No. 190), in 1999.

### Box 2

### Worst forms of child labour as defined by Convention No. 182

1. Convention No. 182 requires ratifying States **to take immediate and effective measures to prohibit and eliminate the worst forms of child labour as a matter of urgency.**
2. Unlike Convention No. 138 mentioned above, Convention No. 182 contains no “flexibility clauses”, and makes no distinction between developed and developing countries. **The Convention applies to all girls and boys under the age of 18.**
3. It defines **the worst forms of child labour as:**
  - all forms of **slavery** or practices similar to slavery, such as **the sale and trafficking of children, debt bondage and serfdom**, as well as **forced or compulsory labour**, including forced or compulsory recruitment of children for use in **armed conflict**;
  - the use, procuring or offering of a child for **prostitution**, for the production of **pornography** or for pornographic performances;
  - the use, procurement or offering of a child for **illicit activities**, in particular for the **production and trafficking of drugs** as defined in relevant international treaties; and
  - work which, by its nature or the circumstances in which it is carried out, is likely to **harm the health, safety or morals of children**, such harmful work to be determined by national authorities.
4. Convention No. 182 neither revises nor is in contradiction with Convention No. 138. Rather it singles out an area of priority action which is well within the scope of the Minimum Age Convention, No. 138.

For further details on Convention No. 182 and Recommendation No. 190, see Question 4 below.

## **First things first**

The elimination of the worst forms of child labour is thus proclaimed to be a **major and urgent priority for national and international action**. The fact that by September 2001, only two years after its adoption, Convention No. 182 already had achieved a record rate of ratifications – having been ratified by 100 countries, which is well over half the ILO's member States – demonstrates that countries throughout the world accept it to be a major and urgent priority.

But the adoption and widespread acceptance of Convention No. 182 **does not mean that the ultimate goal of the elimination of all forms of child labour has been abandoned**. Giving priority to combating the worst forms of child labour is simply a matter of doing **first things first**. It provides an **entry point** to promote and facilitate further action to attain the ultimate goal.

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## What are the causes of child labour?

Although it has been condemned in clear and unequivocal terms by the international community, and has been declared illegal in many countries, child labour continues to exist on a massive scale.

“The causes of child labour are primarily rooted in poverty created by social and economic inequality as well as in insufficient educational facilities.”

Inter-Parliamentary Union, 96th Conference, September 1996.

### Why do so many children work, often in the most appalling conditions?

The precise answer will vary from country to country, but it is most important that each country should have a clear understanding of the magnitude and causes of child labour within its frontiers, and the conditions in which it is carried out. An appropriate and effective remedy can only be found if **the diagnosis is correct**.

And any diagnosis has to begin by recognizing the **complexity of the problem**. Legislators and policy-makers have to **beware of oversimplified explanations** for the existence of child labour.

For instance:

- there is a widely held belief that there is nothing much that can be done to combat child labour – that it is **a result and a manifestation of poverty and can only be eliminated when poverty itself has been eliminated**;
- according to another school of thought, child labour only exists because **unscrupulous adults exploit children** in order to make quick profits and to gain an unfair advantage over competitors. All that needs to be done, according to this school of thought, is to **bring the full force of the law against the offenders** and to send the children back to school where they belong.

There is much truth in both of the above explanations, but the reality is generally far more complex than either of them suggests. The reasons why so many children are at work have to do with **an interplay of supply and demand factors**, which need to be fully understood and analysed in order to design appropriate remedial measures.

**Box 3**

**How many children work?**

Precise figures of the extent of the problem are hard to come by, since a large part of child labour – particularly its worst forms – is hidden in underground sweat-shops, brothels and other establishments or in domestic service, while much more of it is in remote farms, mines and workshops.

Estimates by the ILO in 1997 put the total number of working children at 250 million between the ages of 5 and 14, of which about a half are working full time. In relative terms, Africa comes highest in the rate of working children estimated at a little more than two children out of five (or 41 per cent) of the total children of that age. The corresponding proportion in Asia is about one in five children (or 21 per cent), and it is one in six (or 17 per cent) in Latin America, and one in ten (10 per cent) in Oceania.

**Proportion of “working” children**



Source: ILO Bureau of Statistics (1998).

While this type of estimation gives an idea of the magnitude of the problem worldwide, it does not strictly represent the extent of child labour to be abolished. This is because, as mentioned earlier, there is a certain flexibility for countries to set the minimum age, and in addition, there are exceptions such as light work that are allowed, within limits, for children below the statutory minimum age for admission to employment. Besides, the number of working children in the worst forms of child labour is difficult to assess. The age group is larger for these forms, and children aged 15-17 engaged in hazardous work and other worst forms have to be added to the above estimate.

By no means is the problem confined to the developing world. It exists in many industrialized countries and has been emerging as a problem in some countries of Eastern Europe and Asia whose economies are in transition.

To take effective action for the elimination of child labour, much more information is required. The ILO is continuing to conduct studies and surveys to obtain more up-to-date and detailed information to assess the extent of child labour and its worst forms in order to help the design of programmes and monitor their effectiveness.

## On the supply side

- **Poverty** is certainly the greatest single force driving children into the workplace. Income from a child's work is felt to be crucial for his/her own survival or for that of the household. As Box 4 shows, the tragic impact of the **HIV/AIDS pandemic** has greatly aggravated this problem, particularly in Africa.

“The most tragic victims may be the increasingly large number of children in the developing countries orphaned by the disease...”

Inter-Parliamentary Union, 87th Conference, April 1992.

### Box 4

#### The impact of the AIDS pandemic on child labour

Before the AIDS pandemic, about 2 per cent of children in developing countries were orphans. Today the proportion of children who have lost one or both parents to AIDS is 7 per cent in many African countries and over 10 per cent in some others.

Sub-Saharan Africa is home to 90 per cent of the AIDS orphans in the world, and there are likely to be 40 million African children orphaned by AIDS over the next decade.

Not surprisingly, it has been found that a very large proportion of such orphans drop out of school and become child labourers because they have to find work in order to survive. And, since many of them become homeless, they often work in worse conditions than other child labourers.

Girl children are particularly vulnerable to commercial sexual exploitation and are therefore exposed to the risk of becoming infected themselves at a very early age.

- **Popular perceptions and local customs and traditions** (even when they are well-intended) also play an important part, such as:
  - the view that work is good for the **character-building and skill development** of children;
  - the tradition that children are expected to **follow in their parents' footsteps** in a particular trade, and to learn and practice that trade at a very early age;
  - traditions that push poor families into **indebting themselves** heavily for social occasions or religious events, then relying on their **children's work to pay off the debt**. The phenomenon of **bonded labour**, recognized as one of the worst forms of child labour, is still widespread largely because of the vulnerability of poor families to such pressures;
  - the widely held view that **girl children are less in need of education than boys**, which leads to them being taken out of school at an early age and placed in work at home, or sold into domestic employment or sex work.

- Child labour may be so deeply ingrained in local customs and habits that neither the parents nor the children themselves **realize that it is against the interests of children and illegal**;
- Children from **large families** are more likely to be at work than those from small families, simply because the **parents' income is quite insufficient to support a large family**.
- **The availability and quality of schooling** is among the most important factors:
  - many communities **do not possess adequate school facilities**;
  - even where schools exist the education provided is often not perceived by children or their parents to be a **viable alternative to work**. For many families, schooling is simply unaffordable. Even when it is “free” it involves a perceived **opportunity cost** of the income foregone when a child is at school rather than at work;
  - the education provided is frequently of poor quality, and/or perceived by the parents and the children themselves to be **irrelevant to local needs and conditions**. It is hardly surprising therefore that they **see no point in attending school**;
  - traditional views prevail that **girls** are better prepared for adult life by sending them to work than by investing in their education;
  - as a result of the above factors, vast numbers of children enter early into the unskilled labour market. They are frequently **illiterate** and remain so throughout their lives, and they **lack the basic educational grounding** which would enable them to acquire skills and to improve their prospects for a decent adult working life.

“We recognize the critical role of the family in the upbringing and development of the child.”

Inter-Parliamentary Workshop on Children, February 1997.

“In particular, girls are vulnerable to removal from school in order to work or to assume family responsibilities in place of working parents.”

Report of the Director-General to the International Labour Conference, 89<sup>th</sup> session, June 2001.

### On the demand side

Families themselves are a major factor. Large numbers of children are **unpaid workers in family enterprises** (farms, informal sector workshops, etc.), which depend on family labour in order to survive. Many national laws and regulations, as well as international standards like Convention No. 138, allow exceptions in such cases. However, even in family enterprises, children can be exposed to serious risks to their health and safety.

## Why do employers outside the family hire children?

The most common explanations are the **lower cost** and alleged **irreplaceable skills** (“**nimble fingers**”) of child workers compared with adults. The viability of entire industries depends, so it is claimed, on child labour. This line of argument has, in turn, given rise to fears that the process of **globalization, and of increased competition in world markets for certain goods** will only increase and worsen the phenomenon of **child labour**. At the same time, according to this argument, globalization will expose child workers to **still greater risks of exploitation**, as their employers strive to gain a competitive edge in world markets. How valid are these arguments?

As the Box 5 shows, serious research and data prove that child labour is not indispensable for the growth and survival of any industry.

### Box 5

#### How irreplaceable is child labour?

Research in some industries employing large numbers of children has cast considerable doubt on the “nimble fingers” argument. Nearly all the activities performed by children in these industries were also performed by adults. Even in the hand-knotting of carpets – alleged to be an activity where child labour is indispensable – children were found to be no more skilled than adults, and some of the finest carpets are in fact woven by adults.

It has also been demonstrated in a study on the carpets and bangles industries in India that, as a portion of the final price of exported carpets or bangles to the customer, any labour-cost savings resulting from the employment of children are very small. Producers could either absorb the additional cost of hiring only adults, or pass them on to the consumer, without the viability of their enterprises being threatened.

If the “nimble fingers” argument is not true of industries that are traditionally heavily dependent on child labour, such as the carpet-making industry, what economic justification can there be for child labour in any industry?

**The major reason for hiring children therefore appears to have nothing to do with economic efficiency.** Children are easier to manage than adults – although less skilled, they are **less aware of their rights, less troublesome, less complaining and more flexible – and ultimately expendable.**

For some employers they constitute **a reserve of casual labour** to be hired and fired at will. When their labour is illegal, they and their parents are less likely to complain to the authorities for fear of losing whatever meagre income they bring to their families. Moreover, some employers genuinely consider that they are doing a favour to the children whom they employ by offering them work and income. Thus, declaring child labour to be illegal may in some cases have the perverse effect of depriving child workers of much of the protection provided by labour legislation to adults. This only serves to highlight the point that **prohibition alone will not suffice.** Simple bans on child labour are not successful if they are not supplemented by a range of other measures.

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## **Why is it urgent and important to take action against the worst forms of child labour?**

With the adoption of the Worst Forms of Child Labour Convention, 1999 (No. 182), the ILO crystallized the wish of the international community to state in clear and unequivocal terms that certain forms of child labour have to be eliminated as a matter of urgency.

### **Why?**

#### **It is a matter of human rights**

All human beings, adults and children alike, are entitled to certain rights by virtue of being human, and it is recognized that children have rights of their own. Public opinion worldwide has been outraged by the appalling extent to which some of these rights have been **violated through particularly repugnant and unacceptable forms of child labour**. Putting a stop to these practices is not something that can wait.

#### **Box 6**

#### **The significance of ILO Convention No. 182**

The adoption by the ILO of Convention No. 182 is a major landmark.

- **First**, it declares there are certain forms of child labour that **must be eliminated as a matter of urgency**. While elimination of all forms of child labour is inevitably a long-term goal – because it is so deeply rooted in poverty, underdevelopment and social and cultural attitudes – the adoption of this Convention means **there can be no justification** for delaying action against its worst forms. This is a **major breakthrough** in the attitude of the world community towards the problem of child labour.
- **Second**, this path-breaking Convention was adopted **unanimously** by representatives of the governments, employers and workers of all ILO member States represented at the International Labour Conference.
- **Third**, as noted earlier, the rate of ratification since its adoption has beaten all previous records for ILO Conventions. Only two years after its adoption it has been ratified by over half of the ILO's member States – signifying that the vast majority of sovereign States is ready to take **immediate and effective measures to prohibit and eliminate the worst forms of child labour as a priority**.

## **It is a matter of saving lives**

The effects of **hazardous work** on children can be even more acute than they are for adults because of physiological and anatomical differences; and in some cases children are forced into outrageously hazardous situations to which even adults are not exposed.

The exposure of **any** workers to hazards such as these needs to be carefully regulated. **Children should not be exposed to them at all**, and if they are, they should be removed immediately from such situations, which are much more likely to be life-threatening or to cause irreversible physical and psychological damage to children.

### **Box 7**

#### **Some examples of hazards faced by working children**

- Hauling wagons in underground mines
- Drawing molten glass in extreme heat
- Contact with solvents and glues in the leather industry
- Lead poisoning in glass works
- Mercury poisoning in gold-mining
- Deep-sea diving without protective equipment in the fishing industry
- Exposure to pesticides and herbicides in agriculture
- Bearing heavy loads in the construction industry

## **It is a matter of combating some particularly odious forms of organized crime**

These include the trafficking and prostitution of children, exploiting them for pornographic and sexual purposes, thus exposing them to the risk of AIDS and other diseases, and using them for drug trafficking and other criminal activities.

**“... countries with the highest illiteracy rates, lowest school enrolment rates and serious nutritional deficiencies are in general those that have the highest proportion of children working in exploitative situations.”**

Inter-Parliamentary Union, 98th Conference, September 1997.

“People-smuggling can lead, in the country of asylum, to sexual exploitation, forced labour ... being imposed by the traffickers on vulnerable illegal migrants, especially women and children.”

Inter-Parliamentary Union, 103rd Conference, May 2000.

### **It is a matter of protecting children from the horrors of war**

The forced use of children in military conflict exposes them not only to extreme physical danger, but also to profound psychological traumas which will mark them for life.

### **It is a matter of building a nation's future**

It is crucial to provide children with a decent childhood to prepare them for decent work during their adult life – i.e. work which is both productive to society and rewarding. The employment of children in conditions that are harmful to their dignity, morality, health and education seriously undermines the economic viability and cohesion of society and compromises its longer-term development prospects.

**Child labour has to be seen not only as a consequence, but also as a cause, of poverty and underdevelopment.** Children subjected to extreme forms of exploitation, with little or no basic education, are likely to grow into illiterate adults, physically and mentally stunted, who have virtually no prospect of breaking out of the trap of poverty into which they were born or contributing to the development of society. Likewise, their children's chances of doing so will be small. In today's competitive world, the prosperity of any country depends critically on the quality of its human resources; to tolerate the worst forms of child labour is inconsistent with the massive investment in its people, which every society must make in order to secure its future.

**Even if there were any short-term economic advantages to be gained from child labour, these must be weighed against the loss to a nation's longer-term development potential that it entails.**

### **It is a matter of international concern**

No longer can it be said that the manner in which children are treated is purely a domestic matter. The shrinking of the globe through modern communications technology has brought the plight of working children in developing countries to the attention of people throughout the world and has generated international pressure to put an end to the worst forms of exploitation of children.

Such pressure has, for instance, led to increased cooperation among countries for the prosecution of those responsible for the **prostitution and trafficking of children and child pornography**.

It has also given rise to calls for **consumer boycotts** of products made with child labour. Some companies importing goods from developing countries now demand that suppliers not use child labour and some companies **label products**, such as rugs, **to guarantee that they were not made by children**. Although the proportion of child labourers engaged in the production of goods for exports may be very small in most countries (according to some estimates, it represents less than 5 per cent of all working children), international concern about their fate has been a major factor in generating pressure to put an end to all the worst forms of child labour.

**The international prestige and standing of a country, and even its access to international markets, today depend to some considerable extent on its commitment to tackling child labour, especially its worst forms.**

**It will lead to broader concerted action  
to address the problem of child labour in general**

Successful measures against the worst forms often have a multiplier effect that benefits other working children; they lead to questions being asked about the acceptability of other, less extreme, forms of child labour and the feasibility and desirability of eliminating them.

## **How do international labour standards and other international treaties address the worst forms of child labour?**

The creation of the ILO in 1919 was based on the belief of its founders that **“the failure of any nation to adopt humane conditions of labour is an obstacle in the way of nations which desire to improve conditions in their own countries”** (Preamble to the ILO’s Constitution). Social policy thus finally became a recognized matter of international concern: all countries needed to move together in eliminating exploitative employment practices in order that no country should gain an unfair competitive advantage in world markets through poor labour standards. The setting and application of international labour standards remains today one of the principal means of action of the ILO. In no area of policy is it more essential than it is with respect to fundamental principles and rights at work, including child labour.

**International labour standards relating to child labour** – particularly the Worst Forms of Child Labour Convention, 1999 (No. 182) – have already been mentioned under Question 1 above, where the definitions given in Convention No. 182 for the terms “child” and “worst forms of child labour” are spelled out. But the other provisions of Convention No. 182, and its accompanying Recommendation (No. 190), are also important since they constitute an international charter and frame of reference for action to eliminate the worst forms of child labour. Their highlights are given in Table 3 on the next page.

**“... Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.”**

Article 10.3. of the International Covenant on Economic,  
Social and Cultural Rights.

**Table 3****Main highlights of Convention (No. 182) and Recommendation (No. 190) on the worst forms of child labour**

Convention No. 182

Recommendation No. 190

**Defines worst forms of child labour as the engagement of children under 18 in:**

- all forms of slavery and similar practices;
- child prostitution and pornography;
- illicit activities;
- hazardous work.

*(more details are given under Question 1)*

**Provides that *hazardous work* shall be defined by the competent national authority, after consultation with organizations of employers and workers.**

**Requires ratifying States to:**

- take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency (*for definitions of "child" and "worst forms of child labour" in Convention No. 182 see Question 1 above*);
- design and implement programmes of action to eliminate the worst forms of child labour, in consultation with employers' and workers' organizations and other concerned groups, and monitor the implementation of such programmes;
- take measures to enforce the provisions of the Convention, including penal or other sanctions;
- take measures to prevent engagement of children in, and to remove them from, the worst forms of child labour;
- ensure access to free basic education;
- take account of the special needs of girls and other children at special risk;
- assist one another in giving effect to the Convention.

**Recommends that any definition of *hazardous work* should include:**

- work which exposes children to physical, psychological or sexual abuse;
- work underground, underwater, at dangerous heights or in confined spaces;
- work with dangerous machinery, equipment and tools or carrying heavy loads;
- exposure to hazardous substances, agents or processes, or to temperatures, noise levels or vibrations damaging to health;
- work for long hours, night work, and unreasonable confinement to the premises of the employer.

**Recommends inter alia that:**

- national programmes of action should aim to:
  - prevent the engagement of children in, and remove them from, the worst forms of child labour,
  - protect children from reprisals and provide for their rehabilitation and social integration,
  - identify communities where children are at special risk, and
  - sensitize public opinion;
- all forms of slavery and child prostitution should be criminal offences;
- people who commit offences under the laws of their own country involving the worst forms of child labour should be prosecuted in their own country even when the offences are committed in another country;
- countries should gather and exchange information concerning criminal offences, and cooperate with each other in detecting and prosecuting those involved;
- data should be compiled on the nature and extent of child labour;
- employers' and workers' organizations and civic organizations should be involved;
- job creation and training programmes should be made available to the parents of affected children.

## Why is ratification important?

When it ratifies a Convention, a country formally commits itself in international law to do what the Convention requires – both in law and in practice. Thus, when a country ratifies Convention No. 182, it commits itself to all actions required of it which are listed in the left-hand column of Table 3, and particularly to **take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour.**

Through ratification, a country also becomes formally obliged to report to the international community on the measures it has taken to bring its legislation and practice into line with the requirements of the Convention; and it is accountable before the international community for any allegation of violations.

**Ratification is thus a powerful stimulus to action. It sends a clear message domestically and internationally demonstrating the commitment of a country to pursue a social policy objective in conformity with international standards, and to submit its actions to international scrutiny.**

Recommendations are not for ratification, but are frequently found by governments, by national parliaments, by employers' and workers' organizations and other interested groups to be a useful checklist of actions that may be taken to give effect to the obligations entered into by ratification of a Convention.

## Application of ratified Conventions is supervised

The ILO has one of the oldest and most respected systems for monitoring the application of international treaties (i.e. Conventions). It consists of a system of regular reporting by member States on ratified Conventions.

In addition, there are special procedures for the examination of allegations concerning non-observance by member States of their obligations under ratified Conventions (see Boxes 8 and 9).

### Box 8

### Regular supervision

Regular supervision of the application of ILO Conventions is entrusted to the **Committee of Experts on the Application of Conventions and Recommendations** and subsequently to the **Committee on the Application of Standards of the International Labour Conference.**

The Committee of Experts is made up of 20 persons chosen for their technical expertise, independence, impartiality and objectivity. Drawn from all parts of the world, the Committee's members possess first-hand experience of different legal, economic and social systems. It meets annually and examines the reports submitted by governments. →

Its comments on those reports take the form either of **observations** (published and reported to the Conference) or of **direct requests** (directly addressed to governments).

The Conference Committee is set up by the Conference every year. It is tripartite, consisting of representatives of governments, employers and workers; it reviews the observations made by the Committee of Experts and hears the views of governments and the social partners. It makes tripartite recommendations to the Conference on the action to be taken in the light of its deliberations.

Conventions Nos. 138 and 182 are recognized by the ILO to be **priority Conventions**. This means that each member State ratifying them is obliged to report on their application to the ILO every two years. Employers' and workers' organizations have to be consulted on the preparation of national reports, and can make their own observations independently, if they so wish.

#### **Box 9**

#### **Special ILO procedures**

The ILO Constitution provides for two kinds of procedures for investigation of allegations of non-observance of ratified Conventions: **representations** and **complaints**.

**Representations.** Under article 24 of the ILO's Constitution, any industrial association of employers or workers may make a representation that a member State has failed to secure the effective observance of a Convention to which it is a party. Once declared receivable by the ILO Governing Body, such representations are examined by a tripartite committee appointed by the Governing Body from among its members.

**Complaints.** Under article 26, any member State may file a complaint against another member State for violation of a Convention which both States have ratified. The Governing Body may appoint a Commission of Inquiry to consider and report on the complaint. The Governing Body may adopt the same procedure either of its own motion or on receipt of a complaint from a delegate to the International Labour Conference.

#### **Universal obligation to respect certain principles even when relevant Conventions are not ratified**

The ILO's Declaration on Fundamental Principles and Rights at Work, adopted in 1998, highlights the importance of respecting the most fundamental of the ILO's values, including the abolition of child labour, in the context of globalization. It declares that all ILO Members, **even if they have not ratified the Conventions in question, have an obligation, by virtue of their membership of the Organization, to respect, promote and realize the principles concerning four fundamental rights:**

- (a) freedom of association and the effective recognition of the right to collective bargaining;
- (b) the elimination of all forms of forced or compulsory labour;
- (c) **the effective abolition of child labour;** and
- (d) the elimination of discrimination in respect of employment and occupation.

Thus, all ILO member States, **even if they have not yet ratified the ILO's basic child labour Conventions (i.e. Conventions Nos. 138 and 182)**, are under an obligation to make their best efforts to abolish child labour, and particularly its worst forms. And **non-ratifying countries are required to report annually** on the efforts that they have made (see Box 10).

Finally, the Declaration recognizes the obligation of the ILO to assist its Members in meeting these objectives, including by technical cooperation and advisory services. The ILO's activities to assist in the elimination of child labour are described under Question 6 below.

#### **Box 10**

#### **Follow-up under the Declaration**

The Declaration provides that countries that have not ratified one or more of the fundamental Conventions must report annually on changes that have taken place in their law and practice. These reports are reviewed by the Governing Body. In addition, a Global Report is prepared annually by the Director-General of the ILO on each of the fundamental principles and rights in turn.

**The first such Global Report on the effective abolition of child labour will be presented to the International Labour Conference in 2002, and subsequent reports will be prepared at four-yearly intervals thereafter.**

These will provide a dynamic global picture relating to the abolition of child labour, and will provide the basis for the Governing Body to identify priorities and action for technical cooperation to be implemented during the following four-year period.

### **United Nations Instruments complementing ILO standards**

The United Nations has adopted a number of Conventions and Covenants which complement the ILO's child labour standards. The most comprehensive of these is the UN Convention on the Rights of the Child (CRC), adopted in November 1989. It lays down a full range of children's rights, and several of its key provisions are closely related to those of the ILO's child labour standards, even though the language used in each is not identical.

**Box 11****UN Convention on the Rights of the Child (CRC):  
Complementarity with ILO Conventions**

Article 32 of the CRC recognizes the right of the child to be protected from economic exploitation and any work that is likely:

- to be hazardous;
- to interfere with the child's education; or
- to be harmful to the child's health or physical, mental, spiritual, moral or social development.

Article 32 also requires legislative, administrative, social and educational measures to be taken to ensure implementation. States should in particular, **and having regard to the relevant provisions of other international instruments** provide for a minimum age or minimum ages for admission to employment. Thus, any work carried out by children in conditions below those established by ILO or UN Conventions should be considered as economic exploitation.

Other relevant articles include:

- Article 33, requiring measures to prevent the use of children in illicit production and trafficking of drugs;
- Article 34, requiring protection against sexual exploitation;
- Article 35, requiring prevention of abduction, sale and trafficking of children for any purpose;
- Article 36, requiring protection against all other forms of exploitation prejudicial to any aspects of the child's welfare;
- Article 28, confirming a child's right to education; and
- Article 39, providing for measures to promote the physical and psychological recovery and social integration of child victims.

Other United Nations instruments, which deal with some of the worst aspects of child labour in specific ways, include the following:

- The International Covenant on Economic, Social and Cultural Rights (CESCR), adopted on 16 December 1966 (entry into force 3 January 1976);
- The International Covenant on Civil and Political Rights (CCPR), adopted on 16 December 1966 (entry into force 23 March 1976);
- The Supplementary Convention on the Abolition of Slavery, the Slave Trade and Practices similar to Slavery (CAS), adopted on 7 September 1956 (entry into force 30 April 1957); and
- The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (CSTP), adopted on 2 December 1949 (entry into force 25 July 1951).

Three further treaties that are relevant to child labour were adopted by the United Nations General Assembly at the end of 2000, but have not yet entered into force:

- The Convention against Transnational Organized Crime;

- The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children; and
- The Protocol against the Smuggling of Migrants by Land, Sea and Air.

### Box 12

## Optional Protocols to the Convention on the Rights of the Child

Two **Optional Protocols**, adopted in May 2000, also deal with some of the worst forms of child labour. They relate respectively to:

- **The Involvement of Children in Armed Conflict**<sup>1</sup>; and
- **The Sale of Children, Child Prostitution and Child Pornography**<sup>2</sup>.

These Optional Protocols complement C. 182 by focusing on two important issues covered by it. The Preamble of both Protocols makes a specific reference to C. 182. They further define certain concepts and describe exact measures to be taken. The Optional Protocol on Armed Conflict, for instance, goes further than C. 182 since it prohibits the participation of children under the age of 18 in armed conflict, and governs both voluntary and forced recruitment of minors.

<sup>1</sup> Enters into force on 12 February 2002. Ratified as of 11 December 2001 by 12 countries: Andorra, Bangladesh, Canada, Czech Republic, Democratic Republic of the Congo, The Holy See, Iceland, Monaco, New Zealand, Panama, Romania and Sri Lanka

<sup>2</sup> Enters into force on 18 January 2002. Ratified as of 11 December 2001 by 13 countries: Andorra, Bangladesh, Cuba, Democratic Republic of the Congo, The Holy See, Iceland, Kazakhstan, Morocco, Norway, Panama, Romania, Sierra Leone and Uganda.

## Ratification of United Nations instruments and their supervision

The United Nations Covenants and Conventions listed above have been widely ratified, and the Convention on the Rights of the Child has beaten all records by securing almost **universal ratification** (Somalia has not signed nor ratified the Convention, while the United States has signed but not ratified the Convention). Countries and their ratifications can be found on the Internet at: <http://www.unhchr.ch>.

As in the case of the ILO, United Nations treaties each require States that have ratified a Convention to submit reports on the measures they have taken to comply with its requirements. But UN and ILO Conventions dealing with, or related to, child labour stand independently. A country which ratifies one is not bound to ratify another, and the mechanisms for supervising the application of UN and ILO Conventions operate independently of each other. Nevertheless, they complement each other, and there are some important areas of cooperation:

- When new instruments are negotiated and drawn up, the scope and coverage of existing instruments is taken into account.

**Table 4**

## Ratifications of United Nations Conventions as of 18 December 2001

	CRC	CESCR	CCPR	CAS	CSTP
Number of ratifications	191	145	147	119	73

- Supervision of ILO instruments benefits from the supervision of UN instruments and vice versa. Information received by the UN Committee on the Rights of the Child is invaluable for the supervision of ILO Conventions 138 and 182 by ILO supervisory bodies. And the Committee on the Rights of the Child takes full account of the results of the detailed examination by ILO bodies of the application of ILO child labour Conventions.
- In view of the complementarity of UN and ILO Conventions, the UN Committee on the Rights of the Child systematically recommends the ratification of ILO Conventions 138 and 182 to those countries that have not yet ratified them. It has always referred to the ILO Conventions as **the frame of reference in assessing national child labour situations**.
- The Committee on the Rights of the Child does not have any procedure to examine allegations of non-observance, while the ILO does have such procedures (which are tripartite) even outside the cycle of regular reporting (see Box 9).

**Thus, ratification of the UN Convention on the Rights of the Child, important as it is, does not alone suffice to express a country's commitment to eliminating child labour and particularly its worst forms. Ratification of ILO Conventions, such as Nos. 138 and 182, involves entering into different and in some cases more specific commitments, and agreeing to a different system of supervision.**

### **Box 13     The role of the UN Committee on the Rights of the Child**

The Committee on the Rights of the Child, composed of ten experts from a variety of professional backgrounds, examines the reports submitted every five years by the State parties. The Committee draws up a "list of issues" prior to the discussion with the Government concerned. At the very end of the process, the Committee adopts "concluding observations" for the Government to implement. These observations often make explicit reference to situations of child labour, including its worst forms.

#### **What can parliamentarians do?**

- Parliamentarians can participate or take an interest in the drafting of the State's report and make sure that it includes a review of measures taken to combat child labour.
- Parliamentarians can urge the Government to take appropriate action regarding the "list of issues" as well as the Committee's concluding observations in relation to the elimination of child labour, and especially its worst forms.

## **What programmes should be implemented to eliminate the worst forms of child labour?**

Ratification of international Conventions provides a **stimulus** to national action; **in no way is it a substitute** for national action. Convention No. 182 requires ratifying countries to design and implement programmes of action to eliminate the worst forms of child labour and to monitor the implementation of such programmes.

The content and approach of such programmes clearly have to be tailored to the specific situations, needs and conditions of each country – as well as to regions within countries.

There can be no universal blueprint for action against child labour. Moreover, it should be noted that programmes to combat the **worst** forms of child labour (which are the subject of this Handbook) generally contain elements necessary for combating **all** forms of child labour. It is a question of giving first priority to children at greatest risk and to rehabilitating those subjected to the most abusive and hazardous forms of exploitation.

In spite of their differences all national programmes must have **three basic objectives**:

- to **prevent** the engagement of children in the worst forms of child labour;
- to **remove** children from the worst forms of child labour;
- to provide for the **rehabilitation** and **social integration** of such children.

To attain these objectives requires action on five broad fronts:

- **sensitizing public opinion;**
- **legislation;**
- **enforcement;**
- **education; and**
- **support for the children and their families**

“**Child labour requires a response from a broad alliance of national and international organisations, both public and private.**”

Inter-Parliamentary Union, 98th Conference, September 1997.

**Box 14****Programmes of action:*****What Recommendation No. 190 (1999) supplementing the Worst Forms of Child Labour Convention advocates:***

“The programmes of action referred to in Article 6 of the Convention should be designed and implemented as a matter of urgency, in consultation with relevant government institutions and employers’ and workers’ organizations, taking into consideration the views of the children directly affected by the worst forms of child labour, their families and, as appropriate, other concerned groups committed to the aims of the Convention and this Recommendation. Such programmes should aim at, inter alia:

- (a) Identifying and denouncing the worst forms of child labour;
- (b) Preventing the engagement of children in or removing them from the worst forms of child labour, protecting them from reprisals and providing for their rehabilitation and social integration through measures which address their educational, physical and psychological needs;
- (c) Giving special attention to:
  - (i) Younger children;
  - (ii) The girl child;
  - (iii) The problem of hidden work situations, in which girls are at special risk;
  - (iv) Other groups of children with special vulnerabilities or needs;
- (d) Identifying, reaching out to and working with communities where children are at special risk;
- (e) Informing, sensitizing and mobilizing public opinion and concerned groups, including children and their families.”

(Recommendation No. 190, Paragraph 2)

The precise nature and mix of such measures are bound to be specific to each country, and even to communities within countries and to different groups of child labourers within regions and countries. However, a key feature of any successful programme of action is that it must be comprehensive, combining legislation and enforcement with practical action in a variety of fields. **Scattered, isolated actions, however well meant, are likely at best to have little impact, and at worst to be entirely counter-productive.** For instance, to rely on legislative and repressive measures alone could make matters much worse for the children concerned if they are not accompanied by measures to provide for their rehabilitation and re-insertion into the educational system.

Therefore different forms of action have to be **carefully planned and coordinated** so as to complement each other and to be consistent with broader national plans for economic development.

**The elimination of the worst forms of child labour must not be seen as a side issue, but as a central feature of a country’s overall development policies and objectives.**

**The creation of a high-profile *child labour unit* in the national administration** has been found useful in many countries to design a properly coordinated and coherent

programme of action, to monitor its implementation and to ensure that it receives a high degree of commitment from various departments of government. Such a unit can only be effective if it is not seen as a purely bureaucratic creation, but also as a **means of involving many sections of society** – government departments, employers, trade unions, NGOs and the children and the children’s families themselves – in formulating, implementing and monitoring policies and programmes. **Indeed, building a broad alliance of different political, economic and social forces against the worst forms of child labour is the key to the entire endeavour.**

## **Sensitizing public opinion**

The struggle against child labour is first and foremost **a matter of changing attitudes**. Key actors in society, beginning with the children themselves and their parents – as well as politicians, political parties, local authorities, employers, trade unions and teachers – have first to be convinced that child labour is a problem at all. All too often it is looked upon simply as a source of income for poor families, or a means of learning a trade. And even if people can be persuaded that there is something negative about children having to forego or neglect their education in order to work, they have to be convinced that there are viable alternatives to work. To poor families, arguments about the importance of their children attending school are bound to seem somewhat hypothetical when they are confronted with the immediate problem of survival from one day to the next. **Overcoming apathy and resistance to measures to combat child labour is one of the most difficult tasks.** But it is also quite fundamental, for unless the campaign to eliminate child labour has a large measure of popular support, very little can be achieved.

### **Box 15**

### **Mobilizing public support**

Awareness-raising campaigns stand much more chance of having an impact if they are clearly focused – and particularly if they are focused on the worst forms of child labour. Local communities can be more effectively mobilized to support and participate in measures if they are convinced that:

- certain forms of child labour are so repugnant and dangerous that they must be eliminated as a matter of urgency;
- the elimination of the worst forms of child labour is essential not only for the welfare of the children, but also for the development of their community;
- children removed from such labour, their families and the communities in which they live will derive immediate benefits such as improved services, better schooling, and alternative sources of income.

If they are convinced of the necessity and viability of such measures, individuals and local groups can be relied upon to cooperate in identifying establishments and workplaces where children are exposed to particular hazards and abuses, and they would more readily report violations. And focusing on the *worst* forms would logically lead to much greater popular support for the elimination of *all* forms of child labour.

## Legislation

The elimination of the worst forms of child labour cannot be achieved by legislation alone, but it certainly cannot be achieved without it. The indispensable basis of any legislative programme to eliminate the worst forms of child labour must include:

- **clear legal definitions of the minimum age below which children should not be engaged in particular types of work;**
- **similarly clear definitions of the hazards to which no child under 18 should be exposed;**
- **laws which ban unacceptable practices such as forced and bonded labour, the sale and trafficking of children and the use and procurement of children for prostitution and pornography, and which prescribe penalties for practising, encouraging or conniving in such activities.**

It will be necessary to ensure not only that various existing laws provide adequate coverage and to amend them if they do not, but also that they provide for **sanctions against the perpetrators of inhuman forms of exploitation of children** that are sufficiently tough to discourage such activities, while providing for adequate compensation and protection for victims. One important example of the latter is whether, in the case of children in bondage, the law provides for liquidation of all debts and other obligations that gave rise to the bondage of a child in the first place. Some strengthening, streamlining and consolidation of various legal instruments may well be necessary.

Above all, the protection offered by the law must be known and understood by all concerned, and must be communicated to society at large in a manner that is comprehensible to all – for example, by posters and newspapers in local languages, by radio, at village meetings, through trade unions, NGOs and local community groups. And access to legal protection and redress must be made affordable and as simple and understandable as possible, so as not to discourage potential users.

## Enforcement

A particularly complex problem arises from the fact that in many countries, protective labour legislation, including minimum age legislation, excludes whole sectors or occupations from its scope. These include agriculture, domestic service and small workshops in the informal sector, which are precisely the sectors where a majority of working children are to be found, and where they are liable to be employed in potentially hazardous and in some cases abusive conditions. Even when such sectors are covered by legislation, the **enforcement of legislation** is exceptionally difficult.

Many of the **most abusive types of child labour are hidden**, and the perpetrators of such abuses (for instance, slave labour, bonded labour and other extreme forms of exploitation) go to great lengths to make sure that they are not discovered.

**Labour inspection** services are often so inadequately staffed that they have little chance of discovering, let alone remedying, even the worst forms of child labour.

When they do attempt to take action to remove children from hazardous occupations and abusive conditions, labour inspectors tend to meet with much resistance from powerful economic interest groups and even from the children themselves and their parents. Labour inspectors alone are not in a position to provide educational or other alternatives to work for children or, indeed, income for the families.

Furthermore, many of the worst forms of child labour, such as trafficking of children, use of children in prostitution or drug trafficking, are criminal acts requiring the intervention of **police**, rather than the labour inspectorate – or at least requiring close collaboration between them.

**Improving the enforcement of legislation must be one of the main priority areas** for action to eliminate the worst forms of child labour. This involves not only strengthening labour inspection services and training labour inspectors to detect and deal with the most serious cases of hazardous and abusive child labour – often in collaboration with the police – but also developing new approaches to the problem. Labour inspectors are more likely to obtain the support and cooperation of families and local communities if they see their role not only as one of policing the workplace, but also of providing advice and assistance to child workers, their parents and employers.

**Closer cooperation and partnerships between official law enforcement agencies and other public or non-governmental bodies – including business organizations, trade unions, social workers, local community organizations – can achieve impressive results.**

#### **Box 16**

#### **Partnerships for law enforcement: An example**

In the **Philippines**, several government agencies, an NGO and a trade union have combined efforts to create “rapid response centres” empowered to respond immediately to reports of serious cases of child labour.

These operations, comprising both legal prosecution of the perpetrators and psychosocial services for the victims, have resulted in a steady increase in the number of children removed from dangerous situations.

## **Education**

**The obvious alternative to child labour is education**, as is made clear in international labour standards on minimum age for admission to employment. Laws and regulations making school attendance compulsory for all children up to the minimum age established for admission to employment would, if they were properly enforced, make a major contribution to eliminating many of the worst forms of child labour. Regular school attendance would make bonded labour and many other forms of exploitation of children virtually impossible. It would also rule out the employment

of children in many hazardous industries and occupations which require presence at the work-site for a full shift. Beyond these immediate benefits, good quality education brings many longer-term benefits to the child concerned and to society at large. It would, in time, lead to the ultimate eradication of all forms of child labour.

“The Conference calls on States to recognise the right of all children, both boys and girls, to relevant basic education ...”

Inter-Parliamentary Union, 98th Conference, September 1997.

All too often, however, **the school system has been part of the problem rather than the solution.** Lack of school facilities in many communities, and a shortage of teachers and poor quality education in many others, have been among the factors driving children into work. **A renewed commitment to free, compulsory education for all children (girls as well as boys), a massive investment in education and teacher training** and – in many countries – a **complete overhaul of the curriculum so that it has more relevance to local needs and situations:** these are essential basic requirements for making **schooling attractive and affordable to all,** and thus to eliminating the worst forms of child labour.

## **Support for children and their families**

Increasing the availability and improving the quality of formal schooling is not enough. It takes many years to show results, and even in countries where substantial progress has been made and average school enrolment rates are high, there are still children from poor population groups who do not benefit from this progress. And applying pressure and sanctions on poor families to oblige them to send their children to

### **Box 17**

### **An example of rehabilitation in Nepal**

**CWIN** (Child Workers in Nepal Concerned Centre) is an organization of human rights activists which has initiated programmes for children who are victims of human rights violations – child labourers from tea estates and carpet factories, street children and poor children working under bonded labour arrangements. It aims to rehabilitate the children concerned, through education programmes for the children and their families and a whole range of support services such as legal protection. It seeks to rehabilitate destitute families by providing alternative sources of income and shelter to homeless children. Its educational activities include literacy training and awareness programmes for children who have never been to school or were obliged to drop out at an early age. After participating in these programmes, children are assisted through scholarships to attend formal schools. It has also started providing some skills training – bicycle repair and electrical wiring. Older children have been provided with tool kits so that they could start out on their own.

school is not necessarily an effective approach. An important lesson from experience is that **simply removing children from work and attempting to put them straight into regular schooling is seldom successful** – for at least two reasons:

- Children who have been subjected to the most unacceptable forms of exploitation need **rehabilitation** before they can benefit from regular schooling – health care, training, counselling – as well as a safe environment and sometimes legal aid and police protection. To give one, rather extreme, example: a child who has been forced to kill, rape, torture and loot in armed conflict – often under the influence of drugs – can hardly be expected to become overnight a diligent and disciplined *pupil at school*.
- The worst child labour abuses occur among the poorest and the most vulnerable groups in society. Children from such groups will continue to be sent to work as long as their families depend on their income in order to survive. In such cases, **improved access to education for the children needs to be accompanied by various incentives** – including subsidies of various sorts, such as the provision of stipends, free meals, text books, health care or clothing for the children, as well as training or income-generating programmes for their parents. Such programmes need to address simultaneously the need for improved income for adults and schooling for children, in order not to encourage the employment of children along with or instead of the employment of adults.

**NGOs play an important part in responding to such needs:** see Boxes 17 and 18.

**Box 18**

**Working with children and their families:  
Casa de la Esperanza, Panama**

Casa de la Esperanza is an NGO working with street children in Panama City and Colon City. It has an integrated programme for children and parents, providing them with nutrition and primary health care, educational programmes for children and technical training for adults and adolescents to enhance their capacity to earn incomes. It also organizes a family life education programme aimed at improving the capacity of families to take care of their children in combination with training for income-generating activities and economic support to contribute to the children's schooling. It works in cooperation with various government agencies and with several organizations which offer social services. Through this network it facilitates the access of children and their parents to a wide range of support services.

**Box 19****Awareness-raising about child labour for teachers and children: Srisaket Province, Thailand**

In view of the high incidence of migration of children from this province to the cities in search of jobs, a project was launched in which 22 schools with high drop-out rates participated in a campaign among teachers and children to encourage children to stay at school rather than entering work. After an initial period of teacher training, the children were informed by various means about the effects of child labour on their health, safety and about laws on the subject. Teachers also worked with parents to convince them that it would be more beneficial to continue their children's education and postpone their entry into work. The outcome of this programme was that most of the children in the 22 schools completed their basic education up to secondary level, and the Thai Ministry of Education has developed a child labour curriculum for use in primary education in other parts of the country.

Other support measures can be of a **preventive nature**. It is important to identify children who are in the greatest danger of being drawn into intolerable forms of child labour, and to motivate them to remain in school before it is too late. For instance, a particularly vulnerable group are young girls who are likely to be lured into prostitution and may find themselves in prison-like conditions – perhaps in a remote country. Programmes designed to provide such girls with education, skills and access to other less exploitative forms of employment can be very effective. Preventive measures directed at parents are also important – for instance warning parents of the techniques used by traffickers to lure children into their networks.

Preventive measures also include programmes to motivate children (and their parents) at a very early age to appreciate education and to be aware of their rights and the dangers of being drawn into work prematurely. See Boxes 19 and 20.

**Box 20****Strengthening pre-school education: the United Republic of Tanzania**

Many children from farming and shepherd families in the United Republic of Tanzania start to work during their early childhood years, which prevents them from entering or completing primary education. The Ministry of Education launched a programme aimed at bringing children from poor families into school at an earlier stage, motivating them to stay at school and encouraging an interest in learning. The project was conducted in five regions where drop-out rates were high. School committees were made aware of the problem of child labour and the need to set up early childhood centres. Teachers were trained and a manual on child labour was developed. The project succeeded in generating enthusiasm for school among parents and children. The Ministry of Education has since prepared a manual on children's rights, labour laws and child labour for use in primary schools throughout the country.

Another important preventive measure is to ensure that areas, workplaces and industries from which children have been removed remain **child labour free**, so that new children do not take the place of those who have been removed. To achieve this goal, **workplace and community monitoring mechanisms** need to be set up, with the active participation of employers, managers, contractors and subcontractors as well as trade unions and local authorities and community groups. This is necessary because the commitment to free an undertaking and an entire industry from child labour may call for changes in production processes, as well as a concerted effort to provide alternative educational and income support activities for the children and their families.

### Box 21

### The garment industry in Bangladesh

The following example illustrates:

- the **dangers of precipitate action** in removing children from work without providing them with proper alternatives;
- what can be achieved by a **multi-faceted programme** of rehabilitation and schooling involving various local, national and international actors;
- a **monitoring mechanism** that is making an entire industry free of child labour.

In 1992, some employers in the garment industry felt compelled to dismiss a large number of children employed in that industry in order to forestall possible trade sanctions.

None of the children concerned returned to school; instead they sought employment in the informal sector where working conditions were even more hazardous because of the unregulated nature of this work.

This unfortunate experience led the Bangladesh Garment Manufacturers and Export Association (BGMEA) to sign a memorandum of understanding with the ILO and UNICEF in 1995, aimed at the withdrawal of 10,500 children from work, their rehabilitation through education, the provision of compensation or alternative earning opportunities for the affected families and the setting up of a monitoring and verification system.

By the end of 1998, over 8,000 former child workers were enrolled in schools, and some schools introduced vocational training programmes. UNICEF has assisted in strengthening the local school systems, or in providing non-formal education for the purpose with the support of local NGOs.

The monitoring system, set up by the ILO, has been carrying out factory inspections. In 1998, these inspections showed that only 2.5 per cent of the factories (compared with 43 per cent in 1995) were still employing children. The actual number of children employed was reduced from 10,500 in 1995 to 1,500 in 1998. Violating manufacturers are reported to the BGMEA, which can impose fines or the withdrawal of a manufacturer's export licence.

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## **Who can make the difference, in the country and in the international community?**

### **National Actors**

Under the previous question, examples were given of the roles that can be played by different actors in society. The main conclusion to be drawn is that:

- **the combat against the worst forms of child labour is too large a task to be left to government authorities alone.** It requires the participation and commitment of a broad range of political, economic and social actors; but
- **governments have clearly to assume a central responsibility.**

### **The Government**

Governments have to:

- **provide moral and political leadership** by informing and educating society about the dangers and consequences of continuing to accept the exploitation of children in inhuman, degrading and hazardous conditions of work;
- **provide the policy and administrative framework** for a concerted and comprehensive programme of national action; and
- indicate clearly their determination to bring about the eradication of unacceptable forms of child labour through, for example, **the commitment of substantial public funds** for the purpose.

It is also essential that the machinery of government is mobilized to tackle the problem in a **coherent and coordinated manner**. The eradication of child labour concerns not only ministries of labour, although they generally play a leading role in the action of public authorities in this area. It concerns various other ministries, including those responsible for national development, economic policy, rural and industrial development, public health, social protection, education and law enforcement. In fact, concern with the eradication of the worst forms of child labour has to be **mainstreamed into all areas of economic and social policy**.

It also concerns all levels of government, especially including local government, which is closer to the realities of life in the workplaces and communities in which children live and work. As suggested earlier, the creation of a **child labour unit** in some

central position in the machinery of government can help to bring about a fully coordinated approach among various ministries; if it has sufficient authority and visibility, such a unit can ensure that all departments and levels of government give programmes in this area the priority and commitment that they deserve, and it can play a major role in mobilizing popular understanding and support for the government's action.

### **Parliamentarians and political leaders at all levels**

Their role will be dealt with in greater detail under the next question. As overseers of government policies and actions, as legislators and as representatives of the people and leaders of public opinion, theirs is potentially a most influential role.

### **Employers and their organizations**

The first contribution that employers are obviously expected to make is to **stop employing children** – particularly in hazardous and exploitative conditions. Increasingly, employers are becoming aware of the longer-term damage that child labour and the exploitation of children inflicts on society. Progressive businesses know better than anyone that a country's future development **depends on its ability to master and use new technology**, and that child labour effectively prevents the emergence of a well educated and skilled labour force, which a more advanced economy desperately needs. Moreover, certain enterprises – particularly those engaged in production for export – are subjected to **growing pressure** to cease to employ children. Many of them have responded by **removing children from work** (sometimes too precipitately, see Box 21), or at least from the more hazardous forms of work, and are cooperating in national programmes to reduce and ban child labour – not only by ceasing to hire children but also by **insisting that their sub-contractors and suppliers do the same**.

**Not all employers of labour adopt this policy**, however. Those who are less exposed to international competition and pressure, and those who operate in remote areas or in the informal sector, are **less motivated**, and in some cases **less aware** of the need to take action to reduce and eventually to eliminate child labour. And there are those who operate in **clandestine and illicit** conditions and whose activities depend on the exploitation of child labour. **The latter must clearly be identified, exposed and brought to justice**. But in the case of many small enterprises and workshops, the emphasis should be less on punitive sanctions and more on raising awareness of the importance of promoting children's education and protecting them from hazards at work.

**Employers' organizations** have thus a major role to play in mobilizing the support and participation of large and small businesses in national programmes against the worst forms of child labour. As one of the social partners, they need to be consulted on the formulation of national programmes, policies and objectives concerning general development issues, including child labour. They are able to bring influence to bear on large and small enterprises, and to provide them with information and assistance; and in some cases they are involved in direct action to assist child workers and their families.

**Employers' Federation of Pakistan (EFP)**

The EFP started by raising awareness of the causes and consequences of child labour among its members, including the translation of international instruments and national legislation into local languages. It then created a network of local employers for the protection of working children, supported by a child labour unit at the EFP Headquarters in Karachi, and comprising 20 focal points throughout the country. The EFP is also involved in the Skills Development Council which promotes the development of flexible, cost-effective vocational training programmes, including for school leavers, uneducated youth and child trainees.

**Federation of Kenya Employers (FKE)**

The FKE is currently engaged in:

- assisting a target group of selected companies in formulating and implementing policies and an action plan on child labour;
- identifying measures and activities which employers can adopt to combat child labour;
- providing advice and support to selected companies willing to initiate measures to combat child labour; and
- collaborating with the Government, trade unions and NGOs in combating child labour.

It conducts field visits to selected companies participating in the programme to evaluate working conditions and hazards faced by working children, and has established a Working Children's Welfare Committee to oversee implementation of the action plan drawn up by each company. The FKE has established a child labour unit and has issued employer guidelines on child labour.

**Turkish Confederation of Employer Associations (TISK)**

TISK has been focusing its attention on child labour in the small and medium-sized enterprises in the metal industry, where a survey conducted by labour inspectors had revealed that working children were at a particularly high risk. It has encouraged these employers to register working children in formal apprenticeship programmes organized by the Ministry of Education. It has also focused on the risks to which working children in this sector are exposed, and has published a booklet containing guidelines on the subject.

**Box 23****Action which employers can take against child labour**

- secure the rights of children;
- encourage governments to ratify Convention No. 182;
- raise awareness of the human cost of child labour and help identify types of work considered to be harmful to the health, safety or morals of children;
- ensure employers' collective commitment to the elimination of child labour at national, regional and international meetings;
- develop policies and initiate concrete programmes;
- institutionalize the activities by setting up a focal point within the organization, thereby ensuring visibility, commitment and sustainability;
- campaign for policies with conviction and vigour to ensure translation into legislation at the national level, which in turn can facilitate ratification, and help design and implement monitoring mechanisms;
- actively participate in IPEC's national Steering Committees;
- cooperate with trade unions and NGOs and, as appropriate, jointly carry out constructive action to transfer children from work into education and training;
- survey existing codes of conduct and labelling schemes with a view to providing, on request, assistance in the drafting of model voluntary codes;
- ensure sustainability on employers' commitment to child labour issues; and
- document "best practices" which can serve as models for other companies.

Source : An Employers' Initiative for Ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), ILO Bureau for Employers' Activities in cooperation with the International Organisation of Employers, Geneva, June 1999.

**Further reading:** *Employers' Handbook on Child Labour: A guide for taking action.* International organization of Employers in collaboration with the Bureau for Employers' Activities and the International Programme on the Elimination of Child Labour (IPEC) of the International Labour Office, Geneva, revised edition 2001.

## Trade Unions

Trade unions have traditionally been among the pioneers in the movement to prevent and eliminate child labour, and in many countries, this continues to be the case today. In industries and enterprises where trade unions are present at the workplace, they can put pressure on management for the gradual elimination of child labour, or at least ensure they are not subject to hazardous or inhuman conditions of work. **The worst forms of child labour are less likely to be found in the organized sector, where trade unions have most influence, and less in unionized than in union-free plants.**

Beyond direct action at the workplace, trade unions contribute to the battle against the worst forms of child labour by:

- **awareness-raising** among their members and among all adult workers through publicity, posters and other campaigns, workshops and educational events. They are also well placed to have influence over the attitudes of workers' families, the children and their parents, and join forces with others, such as employers' organizations, consumers' organizations and NGOs in conducting anti-child labour campaigns;
- **monitoring** the development of child labour, often in cooperation with government services and employers' organizations, and collecting local and national-level data, which are necessary to identify where the worst forms of child labour are to be found, and for the evaluation of programmes to combat them;
- **engaging in collective bargaining** with employers about ways to avoid and eliminate child labour;
- **participating in tripartite discussions** with governments and employers' organizations in defining policies and programmes to combat the worst forms of child labour and in monitoring their implementation;
- **providing direct assistance to working children and their parents**
- **playing a watchdog role** in bringing abuses to light;
- **establishing structures**, e.g. focal points, units and committees within their organization;
- **participating in national programmes and institutions** to combat child labour;
- in cases of persistent violations, **utilizing the supervisory machinery of international instruments.**

**Box 24****Trade Unions' good practices: A few examples**

- The National Federation of Workers in Agriculture (CONTAG) in **Brazil** conducted training courses for trade union leaders on how to incorporate clauses on children's rights, including child labour, in their collective agreements. Existing agreements were also analysed to see how child labour clauses could be incorporated. Clauses relating to child labour focused on prohibiting employment of children under 14 years of age. Other agreements include educational provision for children of plantation workers. This initiative was so successful that other trade unions have followed CONTAG's example.
- The **Bangladesh** Building and Woodworkers' Federation provides 300 working children with access to government-sponsored schools and a food-for-education programme. It also raises awareness among construction workers, trade unionists and parents of working children about the hazards of child labour and the advantages of education.
- The Metal Workers' Union of **Bangladesh** is involved in a programme to remove child labourers from hazardous conditions in automobile, welding and engineering workshops. It has provided non-formal education and training to such children who were also given food and stipends after they were withdrawn from work.
- The Trade Union Congress of the **Philippines** assisted three NGOs in helping abused child domestic workers. When a telephone help line identified a serious problem, trade union lawyers assisted in removing the children from their employers' homes.
- The Rural Workers' Union of Petrolina in **Brazil** organized help for child agricultural labourers who were working long hours and handling hazardous agrochemicals. These children were removed from work, given complementary education and, together with their parents, were introduced to horticultural skills.

In spite of the essential role that they have to play, it has to be acknowledged that trade unions are sometimes **unable to be major contributors** to action against child labour. In some countries, **their members are not motivated** or sympathetic to the cause. In others, child labour is not among their highest priorities. Many trade unions are too short of funds to undertake any activities in this area. Some face **restrictions on their right to organize** and engage in collective bargaining. And generally the growth of non-organized forms of labour – the **informal sector**, and increased use of **sub-contracting and home-working**, has presented a challenge to trade unions. By demonstrating some concern for the growth of child labour in these sectors and by offering some constructive solutions to the problem, they could perhaps enhance their prestige and their influence among the hitherto unorganized.

**Further reading:** ILO Bureau for Workers' Activities, *Trade Unions and Child Labour – Children out of work and into school, adults into work*, Geneva, 2001.

## Teachers

That teachers have a central role to play in action against child labour scarcely needs emphasizing. The importance of their role lies not only in providing children with basic skills and education:

- they should **foster in children the desire to learn and develop**;
- they can help children (as well as their parents) to **know about their rights**, and **motivate them** to stay at school rather than be drawn into undesirable forms of labour, which will impede their development in later life (see examples in Box 25);
- they are key partners for local authorities in **identifying cases of child labour**; they can inform them when a child is no longer at school, or when a child is engaged in work – sometimes quite arduous and hazardous work – which is occurring parallel to schooling and is greatly impairing his or her ability to learn;
- they have a major contribution to make to ensure that the education provided to children is of **good quality and relevant** to the needs and situations of the children, their parents and the communities in which they live;
- they can influence national educational policies, programmes and budgets;
- they can raise awareness on the importance of education and training as alternatives to child labour.

Public authorities can help to motivate teachers to play these roles. The quality of the education they provide and of the support they give to children and their parents depends on the training that teachers receive and on their conditions of employment (as well, of course, as on the quality and availability of school infrastructure, facilities and equipment). **The recruitment, training and motivation of sufficient teachers must be among the highest priorities in any programme against child labour.**

### Box 25

### The role of teachers' unions

Teachers' unions can be, and often are, very influential partners in mobilizing support for reforming the educational system, and combating the worst forms of child labour. In **Brazil** the Confederação Nacional dos Trabalhadores em Educação (CNTE), concerned at the high and rapidly increasing drop-out rate among Brazilian schoolchildren, conducted a survey among children who combined school attendance with work; on the basis of the information gathered during the survey it launched a campaign to decrease the drop-out rate by reducing the number of children who start work too early. It developed a number of awareness-raising materials for teachers, the families of working children and their communities. As a result of this campaign, more and more teachers have become actively involved in sensitizing parents and local communities to the dangers of child labour, and encouraging them to allow their children to remain in school and concentrate on their education.

**Further reading:** ILO/IPEC, *An Information Kit for Teachers, Educators and their Organizations*, Geneva, 1998.

“We recognize NGOs as significant contributors to social development, and will promote active cooperation and partnership between the NGO community and state structures.”

Inter-Parliamentary Workshop on Children, February 1997.

### Community groups and non-governmental organizations

Non-governmental organizations (NGOs) and community-based organizations (CBOs) in many countries play a very prominent and visible part in the campaign against child labour:

- they play a crucial role in **discovering and publicizing** concrete cases of child labour. In this they usefully complement the action of more “official” bodies such as labour inspectorates which operate primarily in the formal sector of the economy, because they are often able to **identify workplaces where children are at serious risk in small workshops, private households and other less “visible” situations**, where formal regulations go unenforced. And being less easily intimidated by powerful interests and pressure groups, they are able to expose violations more forthrightly and fearlessly than are certain public bodies;
- being closely involved in and accepted by local communities, they can influence family and community concerns and values that determine whether and where children work. They can stimulate changes in local culture, which can lead to a **better popular understanding of the risks and dangers of child labour and the value of education**;
- **most importantly**, NGOs and CBOs are able to devise **effective, innovative and low-cost action programmes in favour of working children**. Being close to the children concerned, they know their special needs and generally enjoy the confidence of the local communities in which the children live. Many of their initiatives have proved to be particularly valuable and sustainable because they were **developed and implemented with the participation of the children and their**

#### Box 26

#### Nepal: Community action against child trafficking

An NGO called **Maity Nepal** has formed surveillance groups in districts seriously affected by child trafficking. It has set up prevention-cum-interception camps at important transit points, which provide shelter, basic education and vocational training for girls at risk of being sold into prostitution as well as for those who have been rescued. At the end of their training, the girls are helped in finding employment or setting up small businesses of their own. Maity Nepal cooperates with NGOs in India for the rescue of girls from brothels in India and their repatriation to Nepal. On the Nepalese side it works with the police and other authorities for the prosecution of offenders and the rehabilitation of child victims, many of whom are traumatized and suffer from serious diseases, requiring immediate medical attention and psychological counselling.

**parents.** Box 26 gives one example, among the many thousands that could be quoted, of effective NGO action against a particularly appalling form of child exploitation.

NGOs and CBOs operate in difficult and often dangerous conditions, and the value of their work is being increasingly recognized nationally and internationally. Their contribution to the eradication of the worst forms of child labour has proved to be invaluable, particularly (as in the case of the example given in Box 26) **when a partnership develops between them and public authorities.**

### **Parents and children**

Parents are all too often accused of behaving irresponsibly and indeed illegally (and therefore subject to fines or other sanctions) when taking their children from school and obliging them to work. A better and more effective approach is surely:

- to **discuss** the problem with them;
- to convince them of the **dangers inherent in their children's premature entry into the world of work** – particularly if they are working in very hazardous or abusive conditions;
- to persuade them of the advantages that can be obtained from the **children's removal from such work and their return to school;**
- to **associate them** in decisions concerning the measures to be taken for the children's removal from work and their rehabilitation and social reintegration.

If they are motivated and given the right incentives, rather than being treated as actual or potential outlaws, **parents are certain to cooperate as key partners in the campaign against the worst forms of child labour.**

Similarly, the children themselves need to **understand their rights** and to be motivated to seek their **right to education and to a childhood free of exploitation.** Measures to withdraw them from the worst forms of child labour and to bring about their social reintegration cannot succeed **if the children themselves are not motivated and fully involved in the process.** And this can only occur if children are made aware that they have **rights of their own,** and should not be treated as objects.

### **The international community**

**Much of the pressure to abolish child labour, particularly its worst forms, has come from the international community** rather than from domestic sources – whether this pressure has taken the form of ILO or UN Conventions, media reports or threats of trade sanctions. But the role of the international community cannot be limited to putting moral or other pressure on countries. Countries which have committed themselves to pursuing the goal of eliminating the worst forms of child labour deserve the support and assistance of the international community.

The ILO cooperates closely with other organizations in carrying out its programmes. **Its natural partner is, of course, UNICEF**, which has vast experience of various types of action in favour of children throughout the world, ranging from direct interventions to awareness-raising. Its work is complementary to the ILO's action for the elimination of the worst forms of child labour, since it makes it possible to place programmes concerning child labour in the broader context of the protection of all aspects of children's rights and welfare. UNICEF's comprehensive programmes at the national level, which deal with a variety of subjects – ranging from birth registration to the provision of quality basic education – have on many occasions provided a very useful policy and operational framework for the development and implementation of ILO projects addressing the problem of child labour, and particularly for the Time-Bound Programmes mentioned before.

ILO cooperation with UNICEF also extends to the area of standard-setting. As has been mentioned under question 4 above, the UN Convention on the Rights of the Child contains a number of provisions of relevance to the ILO's concern with child labour. The reverse is also true: the ILO's Conventions concerning child labour are of interest to UNICEF as well as other organizations, and are frequently referred to in the deliberations of the UN Committee on the Rights of the Child. Many UNICEF country offices have been active in promoting the ratification and implementation of ILO Convention No. 182.

ILO/IPEC has joined forces with UNICEF as well as the World Bank to develop a common project on "Developing New Strategies for Understanding Children's Work and Its Impact". The project aims to (a) improve child labour research, data collection and analysis, (b) enhance capacity in child labour data collection and research, especially at local and national levels, and (c) improve impact assessments of interventions against child labour.

Several other examples of ILO cooperation with UNICEF are given in this Handbook, including:

- the project on the **garment industry in Bangladesh** (Box 21 at the end of question 5);
- the support provided by both organizations to **Brazil** (Box 37 entitled **High-level monitoring bodies** under Measure 3); and
- the development of a **rapid assessment methodology** (Box 40 under Measure 4).

## The International Programme on the Elimination of Child Labour (IPEC)

This programme was launched in 1992 to give an **operational dimension to the ILO's action to combat child labour**, which had until then been concentrated on setting of international standards and supervising their application. The Government of Germany was the first donor to the programme, which started with six participating countries. Today the number of donors to the programme has increased to 25, supporting programmes in some 75 countries. IPEC works in several ways, via:

- **country-based programmes**, which promote policy reforms and put in place concrete measures to end child labour;
- international and national **campaigning intended to change social attitudes** and promote the ratification and application of ILO Conventions; and
- in-depth **research, legal expertise, policy analysis and programme evaluation** carried out in the field and at the regional and international levels.

The political will and commitment of national governments to address the problem of child labour – in alliance with employers' and workers' organizations, NGOs and other actors of civil society – is the foundation of IPEC's action. Since its inception, IPEC programmes in the participating countries have had considerable impact in removing hundreds of thousands of children from the workplace and raising general awareness of the scourge of child labour. Many of the examples given in boxes in this Handbook relate to results that have been achieved at the national or local levels with the cooperation of IPEC.

### Box 28

#### What are time-bound programmes?

Upon ratification of Convention No. 182, member States are required to put in place national laws, policies and programmes to fulfil their commitment to prohibit and eliminate the worst forms of child labour. IPEC is assisting countries to meet this obligation through programmes that **formulate concrete policies and actions to eradicate the worst forms of child labour within a specified period of time**.

The aim of such programmes is to sharpen the focus on areas where coordinated measures can make a swift, sustainable and tangible difference to the situation of children engaged in the worst forms of child labour.

The involvement of all forces in society in a given country or region in such time-bound programmes is essential to their success.

Time-bound programmes include the development of a monitoring and evaluation system, including targets and indicators, for assessing the impact, cost-effectiveness and sustainability of the programme. They are designed in such a way as to be closely linked to overall national development policies and strategies, particularly with regard to poverty reduction, education and employment promotion.

IPEC works with local partner organizations – public or private – in the countries concerned to develop and implement measures which aim at:

- **Preventing** child labour;
- **Withdrawing** children from hazardous and abusive work, and **providing alternatives** to them and their families; and
- **Improving working conditions** as a transitional measure towards the complete elimination of child labour.

The adoption and already widespread ratification of **Convention No. 182** described under question 4 above has resulted in a new strategy for IPEC – **time-bound programmes** (see Box 28).

The ILO cooperates closely with other international organizations – particularly with UNICEF – in these programmes.

#### **Box 29**

#### **Other examples of cooperation**

- ILO/IPEC provides particulars on its child labour activities to the **Commission on Human Rights**. At its 57th Session, the Commission adopted resolutions on Traffic in Women and Girls (no. 2001/48) and on the Rights of the Child (No. 2001/75) which both called for an early ratification of ILO's Worst Forms of Child Labour Convention.
- ILO/IPEC actively participates in **high-level meetings** in the UN system, making technical contributions to, for example, the *World Education Forum (Dakar, 2000)*, the *Millennium Summit (New York, 2000)*, the *World Conference against Racism (Durban, 2001)* the *2nd World Congress against Commercial Sexual Exploitation of Children (Yokohama, 2001)*, and the *United Nations General Assembly Special Session on Children (New York, 2002)*.
- The **Global Compact** is a value-based platform, bringing together representatives of business as well as international labour and civil society organizations, to help build the social and environmental pillars required to sustain the new global economy and make globalization work for all the world's people. The UN Secretary-General has asked world business to uphold nine principles, one of which is to promote the effective abolition of child labour. ILO/IPEC has made technical inputs into the review of company policies under the Global Compact.

## **What is the role of parliamentarians?**

### **At the heart of development: today's children are tomorrow's adults**

Parliamentarians represent the interests of the people and are responsible to the people for:

- **the protection of citizen's rights,**
- **a steady improvement in their welfare, and**
- **steady progress in the development of the country.**

As elected representatives of the people, politicians cannot afford to lose sight of these goals.

The worst forms of child labour are an obstacle to the attainment of all three of these goals:

- **they mean that children are treated as subhumans.** No society can allow its children to be treated in this way. It is an affront to human dignity and to the honour of a country that flagrant abuses of children's rights should be tolerated and ignored;
- **they are a cause as well as a consequence of poverty.** While it is true that children from poor families often have no alternative but to work, it is no less true that work in degrading, subhuman conditions means that the children concerned are almost certain to remain in poverty. They will become morally, physically and mentally stunted adults, and will have had no opportunity to escape from poverty through learning. And their own children are similarly likely to be born into, and to remain in, poverty. **To tolerate the continuing exploitation of children is to condemn present and future generations in whole sections of society to perpetual poverty;**
- **they compromise a country's development efforts.** A country's ability to develop and prosper in today's world depends more than ever before on the quality of its human resources. To deprive large numbers of children and young people of the opportunity to learn, to acquire skills and to become productive citizens means depriving the country of much of its development potential.

The ultimate objective must be to eliminate **all** forms of child labour. In many countries it will take a long time to achieve this goal. But the elimination of the worst forms

does not have to be a long-term goal. It can, given political will, be achieved in a relatively short time-frame. **Parliamentarians are well placed to generate and maintain the necessary political will.** They have a moral and political duty to place this issue at the forefront of the national agenda. The present and future stability and prosperity of their countries, and the standing of their countries in the world community, depend on it.

It is in their capacity as **legislators**, as **overseers of government** policies and programmes, and as **mobilizers of public opinion** that parliamentarians have very significant roles to play.

**“The Conference calls on all States that have not yet ratified ILO Convention No. 182 ... and Convention No. 138 ... to do so and to incorporate them into their national legislation”.**

Inter-Parliamentary Union, 106th Conference, September 2001.

### **The first step: ratifying international instruments**

The ratification of relevant international Conventions and treaties is an important means of demonstrating to the international community and to domestic public opinion the Government's commitment to a particular policy objective. Parliament and its members in most countries have the ultimate decision-making power on whether or not an international treaty should be ratified, and are therefore very important actors in setting in motion the legislative process leading to the abolition of the worst forms of child labour.

The central instrument to be ratified is the **Worst Forms of Child Labour Convention, 1999 (No. 182)**. This Convention is described under Questions 1 and 4 above, and the procedure for ratification will be dealt with under Measure 1 below.

The commitment to take action against the scourge of exploitation of children would be still further strengthened if relevant **instruments of the United Nations** (mentioned under Question 4 above) were ratified. Of particular importance is the ratification of:

- The Convention on the Rights of the Child (which has already been ratified by all but two countries in the world);
- The two Optional Protocols to that Convention adopted in May 2000 relating respectively to the Involvement of Children in Armed Conflict; and the Sale of Children, Child Prostitution and Child Pornography; as well as
- The Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, adopted in December 2000.

## **Aligning national legislation to international Conventions**

The ratification of an international Convention brings with it the obligation to bring national law and practice into line with the provisions of that Convention, and to report to international supervisory bodies on the measures that have been taken to this end. Thus, ratification of ILO Convention No. 182 means that a ratifying country's legislation should provide for the protection of all children under the age of 18 against all the forms of exploitation and harmful work comprised under the definition of "worst forms of child labour" in the Convention, as well as for adequate penalties for those who violate laws in these respects.

Once Convention No. 182 has been ratified, the role of parliamentarians is to ensure **either** that existing legislation adequately covers all the obligations set out in Convention No. 182; **or**, if that is not the case, that the government clearly expresses its intention to bring its laws fully into line with the requirements of the Convention, and actually does so within a reasonable period of time. Parliamentarians themselves may submit a private member's bill in order to stimulate action by the government.

Parliamentarians also need to ensure that there are adequate mechanisms and funds for the enforcement of such legislation.

## **Ensuring that programmes of action are set up and are adequately funded**

Convention No. 182 requires ratifying States to "design and implement programmes of action to eliminate the worst forms of child labour, in consultation with employers' and workers' organizations and other concerned groups and monitor the implementation of such programmes". Even if the ratification of the Convention has not yet taken place or is not at present contemplated, parliamentarians can exercise their functions of parliamentary oversight in order to ensure that adequate programmes of action are in place to combat the worst forms of child labour, particularly in the following areas:

- measures to prevent the engagement of children in, and to remove children from, the worst forms of child labour;
- measures of income support for the children withdrawn from the worst forms of child labour and for their families, possibly including access to some form of income-generating activities for the parents;
- access to free basic education for all children.

As part of these oversight functions, parliamentarians could also ensure that employers' and workers' organizations – as well as NGOs and local communities – are fully involved in the development of such programmes and in their execution; and that adequate arrangements are made for the coordinated action of all government departments concerned (for instance the creation of a central child labour unit).

Finally, when considering the national budget, parliamentarians can make sure that adequate funds are allocated to activities and public bodies that are of central importance for programmes to eliminate the worst forms of child labour. Obvious examples are:

- the budget for **education**, in view of the central importance of strengthening the schooling system by making schools available to every community, and ensuring that schools are staffed by a sufficient number of adequately trained teachers;
- the budget for basic social services for children as well as their families; and
- the budgets for **law enforcement agencies**, including not only **police** forces and the judiciary, but also **labour inspection** and **schools inspection** services.

International donors may well contribute to the financing of a number of activities in favour of working children, but **excessive reliance on external funding should be avoided**. Many activities depending on outside support may collapse when funding is withdrawn. Any country must be prepared to make the necessary readjustment, including possible financial sacrifice, for the welfare of its own children. Indeed, the greater the efforts made by a country, the more likely it is to attract outside financial assistance to support its efforts.

### **Making sure that justice is administered to address the worst forms of child labour**

Parliaments should not of course interfere with the administration of justice, but they can ensure that:

- the judiciary is functioning effectively, objectively and impartially;
- it is not subjected to pressure or interference on the part of the Executive or influential individuals or groups that might be involved in severe forms of exploitation of children;
- justice is administered within a reasonable delay; and
- it is given the human and financial means of discharging its mission to address the worst forms of child labour.

### **Mobilizing public opinion and forging alliances against the worst forms of child labour**

Parliamentarians can contribute enormously to mobilizing public opinion against child labour, particularly by denouncing the most flagrant abuses that are perpetrated against children. More than most people, they can exert some influence on public attitudes towards the problem, including the attitudes of parents who feel obliged, or prefer, to send their children to work rather than to school.

Among the initiatives that they might take, for instance, are:

- to insist that no children should be employed in programmes or institutions financed from public funds, or that children's employment in such activities should consist of light tasks for limited periods each day which do not interfere with their schooling; or
- to launch initiatives in their own constituencies to remove children from work in particularly exploitative or hazardous conditions, or to improve the conditions of working children and their parents.

It would also be important for parliamentarians to maintain and develop contacts with employers, trade unions and local bodies within their constituencies and encourage them to identify areas where they could cooperate to eliminate some particularly harmful forms of child labour. Similarly, it could be important to establish close working relations at the national level with employers' and workers' organizations and NGOs, which have a proven track record for action to protect working children. It has been stressed elsewhere in this Handbook how important it is to forge alliances among public and private bodies, among groups with otherwise very different interests but who have in common a desire to rid their country of the scourge of child labour. Parliamentarians could well be the driving force behind the creation of such alliances.

### **Acting on the international scene**

In some respects, child labour is becoming an increasingly international problem. This is true not only because it is a matter that has aroused a good deal of public concern, but also because it is assuming international proportions – for instance through the growth of sex tourism and trafficking of children across national boundaries. In addition, consumers are becoming increasingly vocal in their insistence that the products they buy, even from remote countries, should not be made by exploiting children. Combating child labour is therefore giving rise to greater international cooperation, as witnessed, for instance, by the phenomenal growth of the ILO's International Programme on the Elimination of Child Labour (IPEC), described earlier. Parliamentarians could play a significant part in this international effort, for instance through direct action to cooperate with other countries in addressing cross-border trafficking of children, in joint action with other countries to prosecute acts of sexual exploitation of children, or by lending their support to the efforts of organizations such as the ILO, UNICEF and the Inter-Parliamentary Union to address the problem.

หน้าว่าง

**Seven measures  
by which parliamentarians  
can contribute to the  
elimination of the worst  
forms of child labour**

หน้าว่าง

## Ratify ILO Conventions Nos. 138 and 182

### Why?

Ratification of an ILO Convention gives a clear indication to the international community – and also to domestic public opinion – that a country is committed to the pursuit of certain goals and to the implementation of certain policies, and that it is prepared to submit its policies and legislation to scrutiny by international bodies, in order to check their compliance with the obligations that it has entered into. It also serves as an international safety lock in the sense that it commits not only the government in office at the time when ratification has been decided, but also future governments – thus putting the application of the ratified Convention beyond the vagaries of party politics and changing governments.

Detailed explanations concerning the content of these two Conventions, and concerning the ILO's system for monitoring the application of ratified Conventions, are given under Questions 1 and 4 above. Convention No. 138 defines a range of minimum ages below which no child should be required to work (see Table 1 under Question 1). The ILO's supervisory bodies have accepted that the achievement of the goal of the abolition of all forms of child labour below the ages prescribed in the Convention is for many countries a long-term goal which may take many years to achieve. **This is no reason for not ratifying Convention No. 138; it provides a policy goal and a framework for action, over the long term if necessary.** Convention No. 182, on the other hand, requires ratifying States **to eliminate some particularly unacceptable and hazardous forms of child labour within a short time frame.** It reflects the view of the international community that this goal can and should be achieved in all countries **“as a matter of urgency”**, whatever their level of development. In view of the priority to be given to the elimination of the worst forms of child labour, the indications that follow concentrate mainly on Convention No. 182.

### How?

Member States are required by the Constitution of the ILO (*article 19.5*) to submit to “the authority or authorities within whose competence the matter lies” (which in most countries means their national parliaments) the texts of Conventions and Recommendations within a year (or in exceptional circumstances within 18 months) of

the date of their adoption by the International Labour Conference “for the enactment of legislation or other action” (See the Memorandum on this matter in Reference Material). The decision to ratify a Convention and thus to bind a country to its provisions, must be taken with the consent of the competent authority or authorities (and, again, in most countries it is the national parliament which has the authority to take such a decision). Once that decision has been taken, an instrument of ratification, which normally takes the form of a letter signed by the Head of State or Government or by the Minister of Foreign Affairs, is deposited with the Director-General of the ILO. Models of letter and instrument regarding ratification are appended to this Handbook.

## What is the role of parliamentarians?

- Their main role as representatives of the people is to give popular endorsement to the act of ratification by the State.
- If the Convention has not been ratified, parliamentarians can enquire why this has not been done, and urge that it should be done.
- Parliamentarians should ask the Executive what action it intends to take to bring national legislation and practice into line with the requirements of the Convention.

**Table 5**      **Worst forms of child labour Convention (No. 182), 1999**

Entry into force: 19 November 2002

Status of Ratification at 1 January 2002: 113 ratifications

Albania	2.8.2001	Chile	17.7.2001
Algeria	9.2.2001	Costa Rica	10.9.2001
Angola	13.6.2001	Croatia	17.7.2001
Argentina	5.2.2001	Cyprus	27.11.2001
Austria	4.12.2001	Czech Republic	19.6.2001
Bahamas	14.6.2001	Democratic Republic of the Congo	20.6.2001
Bahrain	23.3.2001	Denmark	14.8.2001
Bangladesh	12.3.2001	Dominica	4.1.2001
Barbados	23.10.2000	Dominican Republic	15.11.2001
Belarus	31.10.2000	Ecuador	19.9.2001
Belize	6.3.2000	El Salvador	12.10.2001
Benin	6.11.2001	Equatorial Guinea	13.8.2001
Bosnia and Herzegovina	5.10.2001	Estonia	24.9.2001
Botswana	3.1.2000	Finland	17.1.2001
Brazil	2.2.2000	France	11.9.2001
Bulgaria	28.7.2000	Gabon	28.3.2001
Burkina Faso	25.7.2001	Gambia	3.7.2001
Canada	6.6.2000	Ghana	13.6.2001
Cape Verde	23.10.2001	Greece	6.11.2001
Central African Republic	28.6.2000	Guatemala	11.10.2001
Chad	6.11.2000	Guyana	15.1.2001

Honduras	25.10.2001	Philippines	28.11.2000
Hungary	20.4.2000	Portugal	15.6.2000
Iceland	29.5.2000	Qatar	30.5.2000
Indonesia	28.3.2000	Romania	13.12.2000
Iraq	9.7.2001	Rwanda	23.5.2000
Ireland	20.12.1999	Saint Kitts and Nevis	12.10.2000
Italy	7.6.2000	Saint Lucia	6.12.2000
Japan	18.6.2001	Saint Vincent and the Grenadines	4.12.2001
Jordan	20.4.2000	San Marino	15.3.2000
Kenya	7.5.2001	Saudi Arabia	8.10.2001
Republic of Korea	29.3.2001	Senegal	1.6.2000
Kuwait	15.8.2000	Seychelles	28.9.1999
Lebanon	11.9.2001	Singapore	14.6.2001
Lesotho	14.6.2001	Slovakia	20.12.1999
Libyan Arab Jamahiriya	4.10.2000	Slovenia	8.5.2001
Luxembourg	21.3.2001	South Africa	7.6.2000
Madagascar	4.10.2001	Spain	2.4.2001
Malawi	19.11.1999	Sri Lanka	1.3.2001
Malaysia	10.11.2000	Sweden	13.6.2001
Mali	14.7.2000	Switzerland	28.6.2000
Malta	15.6.2001	United Republic of Tanzania	12.9.2001
Mauritania	3.12.2001	Thailand	16.2.2001
Mauritius	8.6.2000	Togo	19.9.2000
Mexico	30.6.2000	Tunisia	28.2.2000
Mongolia	26.2.2001	Turkey	2.8.2001
Morocco	26.1.2001	Uganda	21.6.2001
Namibia	15.11.2000	Ukraine	14.12.2000
New Zealand	14.6.2001	United Arab Emirates	28.6.2001
Nicaragua	6.11.2000	United Kingdom	22.3.2000
Niger	23.10.2000	United States	2.12.1999
Norway	21.12.2000	Uruguay	3.8.2001
Oman	11.6.2001	Viet Nam	19.12.2000
Pakistan	11.10.2001	Yemen	15.6.2001
Panama	31.10.2000	Zambia	10.12.2001
Papua New Guinea	2.6.2000	Zimbabwe	11.12.2000
Paraguay	7.3.2001		

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**Box 30****Checklist of points to be considered in order to bring national legislation and practice into line with the provisions of Convention No. 182****Article 1**

- Is there legislation prohibiting the worst forms of child labour?
- Is the State taking effective measures to eliminate the worst forms of child labour?
- Is the State acting on this question as a matter of urgency?

**Article 2**

- Does the prohibition of, and action against, the worst forms of child labour cover all children – boys and girls – under the age of 18?

**Article 3**

- Has legislative or other action been taken to prohibit and eliminate:
  - all forms of slavery and similar practices of children;
  - the sale and trafficking of children;
  - child debt bondage and serfdom;
  - forced or compulsory child labour;
  - the forced recruitment of children for armed conflict;
  - the use of children for prostitution;
  - the use of children for child pornography;
  - the use of children in illegal activities, especially drug production and trafficking;
  - work which is likely to harm the health, safety or morals of children?

**Article 4**

- Has it been determined by legislation or by other means which types of work are likely to harm the health, safety or morals of children?
- Were organizations of employers and workers consulted in determining such types of work?
- Has account been taken of paragraphs 3 and 4 of the Worst Forms of Child Labour Recommendation, 1999 (No. 190) in determining such types of work?
- Has the State identified the places where such types of work occur?
- Has it consulted with organizations of employers and workers in identifying the places where such types of work occur?
- Is it foreseen to revise periodically this list of types of work likely to harm the health, safety or morals of children, as necessary?

**Article 5**

- Are there established or designated mechanisms to monitor the implementation of the Convention?
- Have organizations of employers and workers been consulted in establishing or designating such mechanisms? →

### **Article 6**

- Has the State designed and started implementing programmes of action to eliminate the worst forms of child labour?
- Have relevant government institutions and employers' and workers' organizations been consulted in designing and implementing such programmes?
- Have the views of other concerned groups been taken into account?

### **Article 7**

- Is the State taking all necessary measures to ensure the effective implementation of the Convention?
- Has the State provided for penal sanctions or other appropriate sanctions to enforce the Convention?
- Are these sanctions being applied?
- Are effective and time-bound measures being taken to:
  - prevent the engagement of children in the worst forms of child labour;
  - provide direct assistance to remove children from the worst forms of child labour;
  - provide direct assistance for the rehabilitation and social integration of the children concerned;
  - ensure access to free basic education and, where possible and appropriate, to vocational training for such children;
  - identify and reach out to children at special risk;
  - take into account the special needs of girls?
- Has the State designated the competent authority responsible for the implementation of the Convention?

### **Article 8**

- Is the State cooperating with other countries to give effect to the provisions of the Convention?
- *(For developed countries in particular)* Is the State providing enhanced assistance to other countries in giving effect to the Convention, including support for:
  - social and economic development;
  - poverty eradication programmes;
  - universal education?

### **Cross-cutting question relevant to all Articles**

- Have all the above questions been addressed with due regard to their effect on equal treatment for boys and girls?

## **What can you do?**

*Make sure your country has ratified the following ILO Conventions:*

- Minimum Age Convention, 1973 (No. 138)
- Worst Forms of Child Labour Convention, 1999 (No. 182)

*If your country has not ratified both Conventions, check whether it has at least ratified Convention No. 182.*

*If your country has not ratified Convention No. 182:*

- ask the relevant government services why it has not been ratified;
- find out whether ratification is under consideration;
- check the national report submitted by the Government in the follow-up to the ILO's Declaration on Fundamental Principles and Rights at Work (see *question 4 above*) to see what obstacles to ratification are mentioned in the report.

*If Convention No. 182 has been ratified, or ratification is under consideration:*

- ask the Government what steps it has taken, or intends to take, to fulfil the requirements of the Convention, perhaps using the checklist provided in the previous box.

*If Convention No. 182 has not been ratified, and ratification is not under consideration; OR*

*If it has been ratified but adequate steps are not, in your view, being taken to fulfil the requirements of the Convention:*

- put questions to the Government;
- open a parliamentary debate;
- present a private member's bill; and
- mobilize public opinion.

## **Adopt and enforce legislation to prohibit the worst forms of child labour**

### **Why?**

Ratifying Convention No. 182 will not by itself eliminate the worst forms of child labour. The act of ratification constitutes a commitment on the part of a ratifying country **to take action** which will lead to this goal. Legislation provides the indispensable basis for such action.

**“Each Member which ratifies this Convention shall take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency.”**

ILO Convention No. 182, Article 1

#### **Box 31**

#### **The role of legislation**

- It translates the aims and principles of international standards into national law;
- It sets the principles, objectives and priorities for national action to combat the worst forms of child labour;
- It creates the machinery for carrying out that action;
- It creates specific rights and responsibilities;
- It places the authority of the State behind the protection of children;
- It creates a common understanding among all the actors involved;
- It provides a yardstick for evaluating performance;
- It provides a basis and procedure for complaints and investigations;
- It provides legal redress for victims; and
- It provides sanctions for violators.

## How?

### The first step

The first step is to review **all** existing legislation in order to determine whether it:

- effectively prohibits all of the worst forms of child labour, as defined in Convention No. 182. (The country is clearly under an obligation to carry out such review if Convention No. 182 has been, or is about to be, ratified, but even if ratification is not contemplated in the immediate future, the Convention and its accompanying Recommendation still provide useful guidance for national action. This will involve reviewing various types of legislation;

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#### For instance:

Do **criminal laws** prohibit:

- all forms of child slavery;
- the sale and trafficking of children;
- debt bondage, serfdom, forced or compulsory labour;
- the use, procurement or offering of a child for illicit activities, particularly drug production or trafficking;
- the use, procurement or offering of a child for prostitution and pornography;

Do **military laws** prohibit the forced recruitment of children below the age 18 for use in armed conflict?

Do **labour laws** prescribe a minimum age for admission to employment in general, and to specifically hazardous types of employment? Have organizations, employers and workers been consulted in identifying hazardous forms of employment to which no child under 18 should be exposed? And do laws governing apprenticeships provide adequate safeguards against the involvement of children in the worst forms of child labour?

Are **laws concerning the protection of children**, such as minor's codes or children's codes consistent with labour laws?

- 
- provides for access to free basic education and, where appropriate, to vocational training for all children;
  - provides for adequate redress and compensation for children who have been subjected to the worst forms of forms of child labour and for their families;
  - provides adequate sanctions for violators; and
  - provides for a competent authority to enforce the legislation.

In the light of this review, **draft legislation needs to be put to Parliament to any gaps in existing legislation in order to bring it into full conformity with the requirements of Convention No. 182.**

This process of reviewing, amending and drafting legislation also needs to address the question of **hazardous work**. Convention No. 182 includes among the worst forms of child labour “work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children”, but it leaves each country to determine such types of work by national laws or regulations, after consultation with employers’ and workers’ organizations, and to identify where they exist.

When considering this question, it may be useful to bear in mind that **Recommendation No. 190** states as follows:

#### “ II. Hazardous work

3. In determining the types of work referred to under Article 3(d) of the Convention, and in identifying where they exist, consideration should be given, inter alia, to:
  - (a) work which exposes children to physical, psychological or sexual abuse;
  - (b) work underground, under water, at dangerous heights or in confined spaces;
  - (c) work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads;
  - (d) work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health;
  - (e) work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer.
4. For the types of work referred to under Article 3(d) of the Convention and Paragraph 3 above, national laws or regulations or the competent authority could, after consultation with the workers’ and employers’ organizations concerned, authorize employment or work as from the age of 16 on condition that the health, safety and morals of the children concerned are fully protected, and that the children have received adequate specific instruction or vocational training in the relevant branch of activity.”

(Recommendation No. 190, Paragraphs 3 and 4)

### **Legislation is meaningless if it is not enforced**

Machinery for enforcement therefore also needs to be reviewed: inspection services (labour inspection and schools inspection), the police and the judiciary. The main obstacles to the full enforcement of laws on this question need to be identified.

For instance, is it because:

- many of the worst forms of child labour are **hidden from public eye**; or because
- child workers are exposed to some particularly serious hazards in the small workshops of the informal sector and in family enterprises or smallholdings which tend to be **excluded from the scope of labour legislation and thus of labour inspection services**?

In the first case, enforcement services need not only to be strengthened, but to improve their relations with local communities in order to detect where the worst forms of child labour are occurring. In the second case, the emphasis should perhaps be on educating and informing all concerned about the hazards of particular substances and types of work for children and young people, rather than on prosecuting the employ

Another question which may require special attention is **the manner in which the law is applied to disadvantaged children and their families**. The fact that such children are not at school should not perhaps be looked upon as a criminal offence but rather as a problem to be dealt with by providing adequate encouragement and incentives. And children involved in criminal activities (even if they have been lured, sold or forced into such activities) risk being penalized twice: **for not being at school and for being criminals**. Clearly, child prostitution must be a criminal offence – not for the child but for the person who is “using, procuring or offering” the child for the purpose of prostitution. Likewise, it is not the child who has been forced into an illicit activity such as drug trafficking who should be considered the criminal, but the person who used him or her for that purpose. Too often this important point is forgotten: **children find themselves imprisoned with adult criminals**, with potentially disastrous consequences for their future development, **whereas what they are most in need of is some form of rehabilitation**.

**International cooperation for law enforcement is becoming increasingly important** – in order to deal, for instance, with sex tourism, the transmission of child pornography across national frontiers, including on the Internet, and the problem of children sold into prostitution and trafficked into other countries. Cooperation among national judiciaries and law enforcement agencies (e.g. with respect to provision of criminal or judicial records, extradition of perpetrators, repatriation and family reunification of the victims of trafficking...) needs to be strengthened to address such extreme forms of child exploitation. In addition, the services of Interpol should be called upon to facilitate the identification and arrest of offenders. Extra-territorial jurisdiction to prosecute sex tourists and universal jurisdiction to punish perpetrators of war crimes such as using under-age children to participate actively in hostilities, are emerging legal techniques by which countries assist each other to bring an end to such outrage

### **Box 33**

### **Parliamentarians in action: The Kenyan example**

- The Kenyan Parliament organized a parliamentary workshop in 2000 to look into ways of combating child labour in the country.
- Also in mid-2001, the Minister for Labour introduced a Sessional paper against Child Labour which was debated in Parliament and supported by all members from across the diverse political divide.
- In October 2001, a bill was awaiting discussion in Parliament, which sought to protect children from child labour and involvement in armed conflict. Once enacted, the bill will protect children from economic exploitation and any work that is likely to be hazardous or to interfere with a child's education, or be harmful to a child's health, physical, mental, spiritual, moral or social development.

## What is the role of parliamentarians?

Parliamentarians clearly have a central role to play in this aspect of the combat against the worst forms of child labour. **As legislators**, they must make sure that their country's legislation effectively prohibits all the worst forms of child labour defined in ILO Convention No. 182, and that it provides an adequate legal framework for action to enforce the law. If not, they should press for new or revised legislation. They should also ensure that the **sanctions** provided for violations of such legislation are sufficiently severe to serve as a deterrent, and that adequate **compensation** is provided for the children concerned and their families. While they cannot and should not interfere in the enforcement of the law, they need to be satisfied that the **machinery for enforcement** is adequately funded and operates in an effective, expeditious and humane manner.

### What can you do?

*Make sure that existing legislation is reviewed – by the competent services of government, by a special parliamentary committee or by some other official body – to determine whether it unequivocally prohibits all of the following worst forms of child labour for all girls and boys under the age of 18:*

- slavery and similar practices, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour;
- forced or compulsory recruitment of children for use in armed conflict;
- the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs.

*Make sure that existing legislation prohibits the employment of children under the age of 18 in work which is likely to harm their health, safety or morals, and that a list of such types of work has been determined in consultation with national organizations of employers and workers.*

*If the review of existing legislation reveals gaps or weaknesses in relation to the requirements laid down in Convention No. 182, or if it reveals duplication or inconsistencies among existing laws, press for new legislation to remedy such deficiencies.*

*In relation to new legislation:*

- check whether employers' and workers' organizations have been consulted;
- insist that they should be consulted on legislation or regulations concerning the types of *hazardous work* to which children under the age of 18 should not be exposed;



- ensure that the tripartite consultations on these types of hazardous work give consideration to the following broad categories of work:
  - work which exposes children to physical, psychological or sexual abuse;
  - work underground, underwater, at dangerous heights or in confined spaces;
  - work with dangerous machinery, equipment and tools or carrying heavy loads;
  - exposure to hazardous substances, agents or processes, or to temperatures, noise levels or vibrations damaging to health;
  - work for long hours, night work, and unreasonable confinement to the premises of the employer.
- ensure that laws applicable to vocational education, training and apprenticeship programmes protect young persons from hazardous work;
- ensure that laws concerning education, vocational education, training and apprenticeship programmes make it possible to give priority to the admission or readmission of children removed from the worst forms of child labour;
- ensure that all legislation prohibiting the worst forms of child labour is extended to all sectors of the economy, including particularly sectors where children are known to be exposed to work in abusive or hazardous conditions, such as agriculture, domestic service, family undertakings and smallholdings, and the informal sector;
- ensure that self-employed child workers are also protected;
- should the extension of the coverage of such legislation to all sectors not be possible or practicable, ensure that some, less formal programmes of inspection and protection are available for children in such sectors.

*Ensure that the laws provide for:*

- adequate penal or financial sanctions for those who violate their provisions;
- adequate administrative sanctions for offending undertakings; as well as
- adequate compensation for their victims.

*Make sure that the provisions of legislation prohibiting the worst forms of child labour, including the sanctions for violation, are made known, and are easily accessible to, the entire population in different local languages and dialects, through radio, television and other media.*

*With respect to machinery for enforcement:*

- ensure that inspection services, police services and the judiciary are fully briefed on the provisions of legislation prohibiting the worst forms of child labour and on how to identify violations, and that they are capable of fulfilling their tasks;
- ensure that the victims of the worst forms of child labour receive adequate police protection and legal aid, are guaranteed access to justice and go through child-friendly legal processes, such as witness protection; →

- ensure that the judiciary is functioning effectively and impartially and is not subject to pressure, and that justice is administered without unreasonable delay;
- ensure that children forced or lured into criminal activities are not treated as criminals but benefit from appropriate forms of rehabilitation;
- ensure that national human rights commissions and similar bodies are in a position to monitor the application of the law and legal processes.

*Enquire whether the government of your country is cooperating with other governments:*

- in measures to enforce legislation and international conventions against the exploitation of children and the worst forms of child labour;
- by providing assistance, including financial assistance, in designing and implementing programmes of legislative reform and in strengthening enforcement machinery.

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## **Establish programmes to eliminate the worst forms of child labour**

### **Why?**

Legal prohibition, essential though it is, will not by itself suffice to eliminate the worst forms of child labour. The law has to be complemented by carefully designed and coordinated programmes of preventive and remedial measures that address the underlying causes of child labour – particularly the poverty of children’s families and of the communities in which they live, as well as the inadequacy of the schooling system. The existence of such programmes will serve as a signal to public opinion – nationally and internationally – that the public authorities are taking seriously their commitment to eliminate the worst forms of child labour as a matter of urgency. It is for this reason that Convention No. 182 specifically requires ratifying countries to “**design and implement programmes of action to eliminate as a priority the worst forms of child labour.**” It further calls for “**effective and time-bound**” measures.

### **How?**

The government should play a lead role in the preparation of such programmes; but it should prepare them **in consultation with employers’ and workers’ organizations** and taking into account the views of **other organizations and groups of civil society**, including the children affected by the worst forms of child labour and their families, whose support and participation in the implementation of the programmes will be of critical importance to their success. Indeed, such consultation is explicitly called for in the Convention.

The first step that needs to be taken is to designate **a body that will have central responsibility** for drawing up, and monitoring the implementation of, an integrated programme or programmes of action for the elimination of the worst forms of child labour. This responsibility could be entrusted to a central **child labour unit** created specially for the purpose, or to an existing part of the machinery of government, such as the Ministry of Labour. Wherever it is located, such a unit needs, in order to be effective, to be in a position of authority and to be able to **command the respect, and enlist the cooperation** of, various branches of government, including local government, as well as non-governmental partners.

**Prohibition and immediate action for  
the elimination of the worst forms of child labour:  
*What Recommendation No. 190 (1999) supplementing  
the Worst Forms of Child Labour Convention advocates***

**“III. Implementation**

5. (1) Detailed information and statistical data on the nature and extent of child labour should be compiled and kept up to date to serve as a basis for determining priorities for national action for the abolition of child labour, in particular for the prohibition and elimination of its worst forms as a matter of urgency.  
(2) As far as possible, such information and statistical data should include data disaggregated by sex, age group, occupation, branch of economic activity, status in employment, school attendance and geographical location. The importance of an effective system of birth registration, including the issuing of birth certificates, should be taken into account.  
(3) Relevant data concerning violations of national provisions for the prohibition and elimination of the worst forms of child labour should be compiled and kept up to date.
6. The compilation and processing of the information and data referred to in Paragraph 5 above should be carried out with due regard for the right to privacy.
7. The information compiled under Paragraph 5 above should be communicated to the International Labour Office on a regular basis.
8. Members should establish or designate appropriate national mechanisms to monitor the implementation of national provisions for the prohibition and elimination of the worst forms of child labour, after consultation with employers' and workers' organizations.
9. Members should ensure that the competent authorities which have responsibilities for implementing national provisions for the prohibition and elimination of the worst forms of child labour cooperate with each other and coordinate their activities.
10. National laws or regulations or the competent authority should determine the persons to be held responsible in the event of non-compliance with national provisions for the prohibition and elimination of the worst forms of child labour.
11. Members should, in so far as it is compatible with national law, cooperate with international efforts aimed at the prohibition and elimination of the worst forms of child labour as a matter of urgency by:
  - (a) gathering and exchanging information concerning criminal offences, including those involving international networks;
  - (b) detecting and prosecuting those involved in the sale and trafficking of children, or in the use, procuring or offering of children for illicit activities, for prostitution, for the production of pornography or for pornographic performances;
  - (c) registering perpetrators of such offences.
12. Members should provide that the following worst forms of child labour are criminal offences: ➔

- (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
  - (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; and
  - (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties, or for activities which involve the unlawful carrying or use of firearms or other weapons.
13. Members should ensure that penalties including, where appropriate, criminal penalties are applied for violations of the national provisions for the prohibition and elimination of any type of work referred to in Article 3(d) of the Convention.
14. Members should also provide as a matter of urgency for other criminal, civil or administrative remedies, where appropriate, to ensure the effective enforcement of national provisions for the prohibition and elimination of the worst forms of child labour, such as special supervision of enterprises which have used the worst forms of child labour, and, in cases of persistent violation, consideration of temporary or permanent revoking of permits to operate.
15. Other measures aimed at the prohibition and elimination of the worst forms of child labour might include the following:
- (a) informing, sensitizing and mobilizing the general public, including national and local political leaders, parliamentarians and the judiciary;
  - (b) involving and training employers' and workers' organizations and civic organizations;
  - (c) providing appropriate training for the government officials concerned, especially inspectors and law enforcement officials, and for other relevant professionals;
  - (d) providing for the prosecution in their own country of the Member's nationals who commit offences under its national provisions for the prohibition and immediate elimination of the worst forms of child labour even when these offences are committed in another country;
  - (e) simplifying legal and administrative procedures and ensuring that they are appropriate and prompt;
  - (f) encouraging the development of policies by undertakings to promote the aims of the Convention;
  - (g) monitoring and giving publicity to best practices on the elimination of child labour;
  - (h) giving publicity to legal or other provisions on child labour in the different languages or dialects;
  - (i) establishing special complaints procedures and making provisions to protect from discrimination and reprisals those who legitimately expose violations of the provisions of the Convention, as well as establishing helplines or points of contact and ombudspersons;
  - (j) adopting appropriate measures to improve the educational infrastructure and the training of teachers to meet the needs of boys and girls; →

- (k) as far as possible, taking into account in national programmes of action:
- (i) the need for job creation and vocational training for the parents and adults in the families of children working in the conditions covered by the Convention; and
  - (ii) the need for sensitizing parents to the problem of children working in such conditions.
16. enhanced international cooperation and/or assistance among Members for the prohibition and effective elimination of the worst forms of child labour should complement national efforts and may, as appropriate, be developed and implemented in consultation with employers' and workers' organizations. Such international cooperation and/or assistance should include:
- (a) mobilizing resources for national or international programmes;
  - (b) mutual legal assistance;
  - (c) technical assistance including the exchange of information;
  - (d) support for social and economic development, poverty eradication programme and universal education."

(Recommendation No. 190, Paragraphs 5 to 16)

**“The Conference calls on national parliaments, governments and the international community to initiate an open in-depth debate with a view to the adoption of measures that will tackle the root causes of child labour.”**

Inter-Parliamentary Union, 96th Conference, September 1996.

### Box 35

### Child labour units: Turkey

Turkey established a child labour unit within in the Ministry of Labour and Social Security to coordinate child labour activities in 1992. The unit carries out the following functions:

- manages a resource centre on child labour (including the translation of books into Turkish, and the publication of a periodical);
- coordinates awareness-raising activities aimed at employers and working children;
- responds rapidly to emergencies (e.g. the unit established a centre in the province of Yalova to support the children compelled to work in the aftermath of the devastating earthquake);
- organizes regional meetings;
- organizes training programmes on child labour for the personnel of the Ministry of Labour and Social Security (particularly inspectors), and strengthens the capability of government services, employers' and workers' organizations and NGO to deal effectively with child labour;
- studies and monitors issues related to child labour (e.g. the effect of chemical on children working in the leather industry);
- prepares draft legislation on child labour;
- acts as the secretariat of the National Steering Committee within the framework of IPEC, and monitors IPEC programmes.

The programme(s) of action **could take a number of forms**. For instance, it could be a **single document** setting out in some detail the objectives to be attained, the actions to be undertaken at different levels and the responsibilities of different actors (government services and ministries, local authorities, the social partners, NGOs and community-based organizations) in carrying them out. Or it could consist of a **central master plan** setting out the overall strategy and objectives, which would be supplemented by more specific programmes concerning, for instance, specific sectors or regions. Particularly in large countries, there is a lot to be said for a good deal of **decentralization of responsibility** to the local level for decisions concerning the precise programmes and projects to be implemented and the manner of their implementation. In such a decentralized system, the functions of the central unit would be to lay down the policy framework, to monitor implementation and to provide assistance to the local level, when needed.

Whatever form it takes, the national programme of action **must be convincing**: it must give clear expression to the government's **determination** to put an end to the inhuman and unacceptable practices that are covered by the term "worst forms of child labour"; it must provide for **concerted action** by various parties – **governmental and non-governmental** – to come to the aid of children at great risk; and it must have the **support and commitment of a broad alliance** of social, economic and political forces.

Depending on national constitutional practice, such programmes would most probably be submitted to parliament for debate and endorsement before being promulgated. Parliamentary approval would, of course, be necessary in any case if some

### Box 36

#### Basis for action in partnership: examples from Arab countries

ILO's International Programme on the Elimination of Child Labour (IPEC) has been assisting countries to establish a basis for action against child labour not just within the government but also among representatives of business and of labour so as to enhance concerted efforts among them in respect of policies, strategies, and action plans. The following examples illustrate such alliances:

In **Egypt**, the Ministry of Manpower and Migration (MOMM) established a Child Labour Department (CLD) with major responsibilities to review and ensure the enforcement of legislation, put forward new programme proposals and help the other institutions on the issue. The Federation of Egyptian Industries (FEI) appointed a child labour focal point and held an awareness-raising seminar, while the Egyptian Trade Union Federation (ETUF) developed a programme to combat the problem of child labour and will establish child labour committees at the national, provincial and village levels.

In **Yemen**, with the help of IPEC, the Ministry of Labour and Social Affairs held a three-day workshop to bring together trade unions, employers and government to share experiences and expertise, identify necessary action, define each organization's comparative advantages and roles, and establish a common ground for cooperation, based on which a plan of action was formulated.

**Box 37****High-level monitoring bodies**

High-level committees consisting of representatives of government, employers' and workers' organizations, NGOs and academics have been set up for example **Argentina, Colombia, Kenya and Thailand** to assist in policy formulation and programme implementation. Other examples are:

- in **Brazil**, the National Forum for the Prevention and the Eradication of Child Labour (established in 1994) operates in critical areas where a significant number of children and adolescents are found engaged in work, as in the production of sugarcane, sisal mate and charcoal. Thus, a joint programme to take 2,500 children away from the charcoal production sites in Mato Grosso do Sul was developed in cooperation with the State and Municipal Governments and the Ministry of Social Welfare and Assistance. The Forum receives technical and financial support from the ILO and UNICEF.
- **Portugal** adopted a Plan for the Elimination of the Exploitation of Child Labour (Plano de Eliminação da Exploração do Trabalho Infantil – PEETI) in 1998, and set up a National Committee to Combat Child Labour with the participation of various ministries and agencies (such as the High Commissioner for the Promotion of Equality and Family, Institute for Child Support, Institute for the Development and Inspection of Labour Conditions), associations and municipalities, workers' and employers' organizations and NGOs (such as parents' associations).
- **Nicaragua** established a Sub-Commission for the Human Rights of Children and Adolescents (Procuraduría Especial de la Niñez y la Adolescencia) in 1999. It follows up on cases submitted to the legal office of the Human Rights Commission. It is currently focusing on the promotion of child registry offices, the elimination of child labour and the reduction of sexual abuse and domestic violence.

enabling legislation is required and/or if additional public funds are to be allocated. And once the programme(s) has been promulgated, it should be given the widest publicity throughout the country and **made accessible in an understandable form to all sections of society.**

**What should national programmes of action consist of?**

The content of such programmes has been discussed in earlier chapters of this Handbook, particularly under Question 5. It is clear that they will vary enormously from country to country in order to respond to a very wide variety of national situations. But in general a programme of action could be expected to contain precise instructions of the action that it is intended to take under the headings in Box 38.

It is also most important to note that Convention No. 182 requires **effective time-bound measures** to be taken to address these problems. The programme of action need to specify the **objectives and results** to be attained through the

## **Indications of the action that a programme of action may be intended to take**

- **Sensitizing public opinion**, including children and their families, to the dangers and abuses that exist in the worst forms of child labour, and combating resistance and apathy to measures to deal with the problem.
- **Preventive measures** – e.g. measures to identify children at greatest risk of becoming victims of intolerable forms of child labour, to alert them and their parents to the risks involved, to motivate them to stay at school; action by enforcement agencies to strengthen surveillance of persons or establishments<sup>1</sup> suspected of exploiting children; action by labour inspectors or others to alert employers, child workers and their parents to particularly serious hazards; making sure that children removed from the worst forms of child labour are not replaced by others, etc.
- **Removal of children from the worst forms of child labour** – e.g. identifying establishments practising such forms of child labour; prosecuting those responsible, removing the children, by force if necessary; and monitoring establishments where employers have spontaneously released children from work – for instance in response to local, national or international pressures, for fear of being caught or because the children were no longer wanted or needed – because such children will most probably be in need of special care and attention.
- **Rehabilitation of the children so removed** – e.g. the provision of health care and psychiatric counselling for children suffering from traumas as a result of the treatment that they have been subjected to; legal aid and protection for children threatened with reprisals; as well as some basic education and literacy training for children who have never been to school and cannot be reinserted immediately into regular classes.
- **Making education and/or training accessible to all children** – e.g. measures to improve the schooling system, both quantitatively by making more schools and teachers available – particularly in the poorer and more remote areas of the country – and qualitatively through improvements in the curriculum as well as improved teacher training; measures to assist the reintegration of children removed from work into education; providing children with vocational skills through both formal and non-formal training schemes and apprenticeships.
- **Income support schemes for children and their families** – e.g. financial incentives to keep poor children in school or to facilitate their reintegration into school, such as free meals, clothing subsidies or stipends for the children; social safety nets or special employment schemes for adult members of their families.

<sup>1</sup> The term "establishment" refers here to any place where children are working: e.g. industrial, agricultural or commercial undertakings, including small workshops and agricultural smallholdings, as well as private homes where children are employed as domestic servants.

cation of the various measures proposed, and **the time-frame within which** the objectives and results, including **the overall objective of the total elimination of the worst forms of child labour**, will be achieved.

Finally, it must be emphasized that programmes of action against the worst forms of child labour need to be **mainstreamed into a country's overall development programmes**, rather than being looked upon as a side issue siphoning off funds which could be better used for "development". Many of the measures to combat the worst forms of child labour **can be and should be designed and implemented in such a way as to contribute to the general development of the community**. For instance, the development of schooling systems and the provision of social services in poor communities may be looked upon initially as measures to prevent children from falling into the worst forms of child labour; but in fact they should result in **significant improvements from which the entire community can benefit**.

### **What is the role of parliamentarians?**

As key political figures in the country, and as representatives of the people, parliamentarians naturally have an interest in major policy developments such as the launching of programmes described above.

If such programmes are presented to parliament, members of parliament can scrutinize them carefully, to see if they provide an adequate response to the problem of the worst forms of child labour in the country (the headings contained in Box 38 may be useful in this context), and if the action that is proposed is consistent with broader development goals of the country.

As legislators, parliamentarians will also be particularly anxious to ensure that the action proposed is consistent with relevant laws, and that the entire programme has a sound legal basis. Above all, they will wish to ensure that the programmes are effectively **time-bound** – that they give **precise target dates** for the attainment of specific results and for the elimination of the worst forms of child labour. And they wish to be satisfied that these target dates are both **sufficiently ambitious** to mobilize the support and participation of all concerned, and **sufficiently realistic** to be attainable.

If programmes to eliminate the worst forms of child labour are not submitted to parliament and do not formally require parliamentary approval, parliamentarians can address questions about them to the Executive, and request the Executive to make a policy statement on them to parliament. Every country, including the most developed countries, needs to promote debate and discussion about the worst forms of child labour and their implications for society and for the world community.

## What can you do?

*Check to see whether your country has a national programme of action to eliminate the worst forms of child labour.*

*If it has not, enquire whether the government intends to have such a programme prepared.*

*If the answer to the latter question is negative or hesitant, stress the importance of such a programme. If your country has ratified ILO Convention No. 182 point out that the design and implementation of national programmes is a key obligation laid down by that Convention.*

*If your country does have a national programme to eliminate the worst forms of child labour, or one is in preparation:*

- find out which unit or department of government has central responsibility for its design and for monitoring its implementation;
- assess whether that unit or department has sufficient backing from the highest authorities of State, and has sufficient authority to mobilize the support and participation of all departments of government and all public services at central and local levels;
- find out whether national organizations of employers and workers as well as NGOs and other organizations of civil society that have a role to play in the elimination of the worst forms of child labour have been or are being consulted and involved in the design and implementation of measures contained in the programme;
- check whether responsibility for the design and implementation of specific measures contained in the national programme is being decentralized to local authorities, local employers' and workers' organizations, local community groups and other organizations of civil society wherever it is more cost-effective to do so;
- make sure that the main provisions of the programme, and particularly the measures, goals and objectives that it contains and the target dates for their attainment, are being disseminated to all sections of the population in an understandable form.

*Make sure that the national programme for the elimination of the worst forms of child labour contains properly **coordinated, effective and time-bound measures** to:*

- prevent the engagement of children in the worst forms of child labour;
- provide direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration;
- ensure access to free basic education, and to vocational training where possible, for all children removed from the worst forms of child labour; →

- identify and reach out to children at special risk; and
- take account of the special situation of girls.

*Ensure that, in respect of each of the measures contained in the programme:*

- clear and realistic objectives have been set;
- the target dates for the attainment of the objectives appear to be attainable and realistic;
- provision is made for the consultation of the children and the parents who are the main beneficiaries of the measures, as well as of the communities in which they live.

*Check whether the ILO (IPEC) has been providing advice and/or assistance in the preparation and implementation of the national programme of action, or on any aspect of it.*

*If you are not satisfied with, or have doubts about the information that you receive on any of the above questions, or on any aspect of the national programme for the elimination of the worst forms of child labour:*

- insist on a parliamentary debate;
- call for public hearings to be arranged;
- mobilize public opinion;
- seek the advice of the local representative of the ILO.

## **Monitor and evaluate progress towards the elimination of the worst forms of child labour**

### **Why?**

It is important for national policy-makers and all the actors concerned to be kept informed of developments, and to know **how well the programmes established for the elimination of the worst forms of child labour are doing**.

- Is the situation improving, or is it worsening – are there fewer or more children engaged in the worst forms of child labour?
- Does the picture vary according to different regions or sectors?
- Are the **target dates** for the achievement of certain goals, and for the achievement of the over-arching goal of the elimination of the worst forms of child labour, **likely to be met – nationwide, only in certain regions or not at all?**
- Are the difficulties being encountered of a transient nature, or are they, on the contrary, of a longer-term structural nature?
- At which level do they need to be addressed – national, regional or local?

Decision-makers need to have at their disposal information of this nature in order to take corrective action when it is required, and in order to know what sort of corrective action is required. There also needs to be some mechanism for keeping the situation regarding the worst forms of child labour under review, and for monitoring the effectiveness of national policies and programmes.

### **How?**

The **first requirement** is obviously to have **reliable data** available on **the magnitude and nature** of the child labour problem in the country, and particularly on the following questions:

**Box 39****Key questions**

- **Who** are the working children and how many are there – nation-wide and in different regions?
- **How many** of them are engaged in the worst forms of child labour?
- **How old** are the children when they begin to work for the first time?
- **Why** do they work?
- **In which sectors** do they work?
- What are their **occupations**?
- What are their **conditions of work**, and what types of **exploitation and abuse** do they face?
- Do they also go to **school** – if not why not?
- Who are their **employers**? **Why** do they employ children? How do they treat them?
- **How many** children are employed on a full-time basis by their **families** – in family enterprises or in housekeeping activities?
- Do children live **away from their parents**?
- **How do the parents feel** about their children being at work rather than at school?
- **What do the children themselves think** about their work, their families and their employers?

Complete and reliable data on questions such as these are naturally not easy to come by. But lack of data obscures the problem, and makes it difficult to set priorities, fix targets, design programmes and monitor their progress. The collection and analysis of data therefore need to be built into any national programme for the elimination of the worst forms of child labour from the very beginning.

The data obtained need to be **analysed** by the competent services, such as the national statistical office, a central child labour unit and/or whichever unit of government has been entrusted with the central responsibility for designing and monitoring the nation-wide programme or programmes for the elimination of the worst forms of child labour, and made available to all who are participating in that programme or programmes throughout the country, as well as to the general public.

The **second requirement** is that the data and analyses thus produced should provide the basis for an **informed debate on the effectiveness of existing policies and programmes**, and on corrective action that may need to be taken, rather than being filed away in a drawer. It would be useful if an independent **high-profile committee** could be created, consisting of prominent public figures, to monitor progress and to keep the pressure on government for effective action against the worst forms of child labour.

**Box 40****The ILO's Statistical Information and Monitoring Programme on Child Labour (SIMPOC)**

Within the framework of its International Programme on the Elimination of Child Labour (IPEC) the ILO has been pioneering a methodology for generating comprehensive and internationally comparable quantitative and qualitative data on child labour. SIMPOC assists countries in generating such data through:

- sample household surveys;
- surveys of establishments known to be, or suspected of, employing children; and
- surveys of street children.

SIMPOC aims to build the capacity of national statistical offices and ministries of labour to produce data through such survey techniques and to analyse the data collected. The intention is that statistical information on child labour should become an integral part of regular national statistical programmes, and produced and disseminated at regular intervals.

In addition, ILO and UNICEF have developed a **rapid assessment methodology** in order to respond to the need to obtain data rapidly on the worst forms of child labour, many of which are clandestine and illegal and cannot therefore be captured so easily by normal surveys. It seeks to strike a reasonable balance between statistical precision and data-gathering based on impressions. Even though such assessments will never have the validity of scientific inquiry, they have already been found invaluable in generating information that is useful for awareness-raising and for drawing up national programmes to deal with the worst forms of child labour.

**What is the role of parliamentarians?**

As key political figures who have the power to oversee government policies and programmes, and to modify them if need be, parliamentarians have a clear interest in ensuring that an **effective system of data-gathering** and a mechanism for monitoring the implementation of policies and programmes are in place.

As legislators, they can ensure that national statistical offices or other competent central bodies have the necessary authority to collect data relating to, or relevant to, child labour, and that **reporting obligations** are clearly spelled out for **enterprises, schools, local authorities, law enforcement agencies** and others whose information can be useful for monitoring the situation of child labour in the country. They can also insist on **full public disclosure** of the information gathered and the analyses made of the evolution of the situation.

They can also ensure that parliament itself has an opportunity to review periodically the evolution of the situation of working children in the country, and the progress being made in implementing the national programme for the elimination of the worst forms of child labour. They can call for public hearings to be organized for this purpose.

**Box 41****Parliamentary Commissioners and Committees**

**Hungary** has a Parliamentary Commissioner for Human Rights. Although there is no specific Children's Commissioner within the Office of the Parliamentary Commissioner for Human Rights, the Deputy Commissioner covers children's issues with a small specialist staff. The remit of the Office includes monitoring the impact of legislation on children and monitoring implementation of the CRC. It carries out direct consultation with children, runs a telephone hotline and holds community meetings with children. Its main activities in 2000 included measures to protect children from all forms of violence and sexual exploitation, to address the needs of children in residential institutional care and of children with disabilities, and to examine the issue of school closure.

In **New Zealand**, a Commissioner for Children was initially established by the 1989 Children, Young Persons and their Families Act to monitor and review policy and practice under that Act, promote the welfare of children and young people and ensure that their rights were recognized. A new Parliamentary Commissioner for Children Bill is now being considered, proposing that the Commissioner become an Officer of the Parliament.

In **Sweden**, a Children's Ombudsman was appointed in 1995. As a result of pressure from the Ombudsman, a Parliamentary Committee was created, to look into the issue of child abuse.

Source: Innocenti Research Centre (UNICEF), *Independent Institutions Protecting Children's Rights*, Innocenti Digest No. 8, June 2001.

**“Each Member shall, after consultation with employers’ and workers’ organizations, establish or designate appropriate mechanisms to monitor the implementation of the provisions giving effect to this Convention.”**

ILO Convention No. 182, Article 5

**Box 42****Nigeria probes child slavery**

A press report from Lagos, 7 October 2001: “The Nigerian Senate will this month (October 2001) investigate publicly the reported existence of child slavery and slave trading practices in the country, an official statement said on Sunday.

In the face of “overwhelming” media reports on child trafficking and commercial exploitation of children, the Senate Committee on Women's Affairs and Youth Development will on October 16 begin a public investigation into the issue, the statement said.

The two-day public hearing in Abuja will address issues such as who is involved in the illegal business, where Nigerian citizens are taken, collusion or otherwise of security agents and the extent of domestic and foreign slave agencies.

Other issues include the extent and scope of injuries suffered by the victims and the cost of the practice to Nigeria, the statement stated.”

Sapa (South African Press Association) – AFP

**Box 43****UN Special Procedures on Human Rights relevant to the worst forms of child labour**

The UN Commission on Human Rights, a political body, has established various mechanisms to investigate thematic issues and country situations. These procedures can also be used effectively to monitor actions with regard to the worst forms of child labour, through the following thematic mandates.

- Special Rapporteur on the sale of children, child prostitution and child pornography
- Special Rapporteur on the rights to education
- Special Rapporteur on violence against women, its causes and consequences
- Special Representative of the Secretary-General on the impact of armed conflict on children
- Special Rapporteur on torture
- Working Group on enforced disappearances

**How can parliamentarians make use of and contribute to these special procedures?**

- Information or complaints may be submitted to any of the above procedures on situations of worst forms of child labour.
- Parliamentarians can request intervention by the relevant thematic procedure(s) in cases involving the worst forms of child labour.
- Parliamentarians can encourage their government to cooperate with the special procedures, for instance to accept an on-site visit, and to follow up on requests for information or urgent appeals from the special procedures.

**What can you do?**

*Find out whether the national statistical office, or any other unit of government in your country, is gathering information on child labour, and particularly on the worst forms of child labour.*

*If there is not yet any systematic effort for the collection and analysis of information on this question:*

- insist that reliable data on the magnitude and nature of child labour is an essential requirement for the establishment and monitoring of a national programme to eliminate the worst forms of child labour;
- insist that the capacity of the national statistical office, or of any other competent government agency, should be enhanced to enable it to collect and analyze relevant data on a regular basis; →

- suggest that the assistance of the ILO should be sought to develop a methodology for collecting and analysing data on the question, and to develop the capacity of government services for this purpose.

*If efforts are being made by competent organs of government to collect and analyse information on child labour in the country:*

- make sure that the information being gathered is sufficiently reliable and comprehensive to provide a sound basis for formulating and monitoring programmes to eliminate the worst forms of child labour;
- make sure that the government agency with central responsibility for designing and monitoring these programmes has been associated in the development of the methodology for data-gathering and analysis – including sample surveys;
- enquire whether the reporting obligations of schools, enterprises, law enforcement agencies and other bodies are clearly laid down in legislation or regulations;
- make sure that local bodies, public and private, are involved in the effort of data-gathering and in identifying establishments that employ child labour;
- insist that the data collected and the analyses carried out are made available to all public and private bodies that are involved in efforts and programmes to eliminate the worst forms of child labour, as well as to parliament itself and to the general public.

*Suggest that a representative high-level body should be set up to keep the question of child labour in the country under review, and to monitor progress in the implementation of national programmes to eliminate the worst forms of child labour. Such a body could be:*

- a standing parliamentary committee;
- a national committee consisting of political figures, members of parliament, representatives of industry, trade unions, NGOs and parents' associations;
- a national human rights commission; or
- an ombudsman or an independent national institution, with a special mandate on child labour, or children's rights in general.

*Insist that parliament should have an opportunity to discuss periodically the child labour situation in the country, to review the effectiveness of the national programme or programmes to combat the worst forms of child labour, and to decide on measures to enhance its effectiveness.*

## **Provide the financial and human resources needed to eliminate the worst forms of child labour**

### **Why?**

Indications of the types of programmes to be undertaken have been given under **Question 5** and **Measure 3** above. It is clear that the precise content of such programmes will vary greatly among countries. But it is also clear that they will require a **substantial investment of resources in a wide variety of programme areas** – law enforcement, education, public health and social services to name but a few – if the worst forms of child labour are to be eliminated in a relatively short period of time.

To some extent, funds may be found from non-governmental sources and from foreign aid programmes. But the government of the country must certainly be prepared to take the lead and to provide **the major part of the resources required out of public funds**. Indeed, the likelihood of raising money from private non-governmental sources and from international donors will be much greater if the government concerned has demonstrated its commitment to the programmes by making substantial provision for them in the national budget. For reasons given elsewhere in this Handbook, **investing in programmes for the abolition of the worst forms of child labour needs to be looked upon as an investment in the development of the country**.

Moreover, the provision of adequate human resources in the form of trained and motivated teachers, lawyers, law enforcement personnel, administrators, social workers, statisticians etc. is as important as providing and raising funds. Certainly, a significant part of any budget to combat the worst forms of child labour will need to be devoted to the training of personnel in various fields and disciplines.

### **How?**

The funding requirements need to be specified when the programme or programmes of action for the elimination of the worst forms of child labour are drawn up. The programme or programmes of action need to make it clear:

## How resources are to be allocated

It is part of the programming process to ensure that the various means of action support each other in a planned, coherent and cost-effective manner. For example, putting all the money into strengthening the law enforcement agencies and the judiciary in order to remove children from the most hazardous and exploitative forms of work is unlikely to be very cost-effective. It could well only result in the children concerned moving to still more hazardous and exploitative labour in even more clandestine conditions, and making it even more difficult and costly to remove them, unless substantial funding is also allocated to:

- **rehabilitating the children concerned;**
- **providing income support to the children and their parents;**
- **making more schools available;**
- **training more teachers, and so on.**

It also needs to be kept in mind that, in general, **preventive measures are likely to be the most cost-effective means** of combating the worst forms of child labour. Action to persuade children to stay at school and to provide them and their parents with some incentives and alternatives, including the provision of subsidies and income support schemes, may in the long run be less costly, less onerous, less traumatic for all concerned and less damaging for the children than “remedial” measures – removal, rehabilitation and reinsertion. This is not to say that provision should not be made for such remedial measures, which are essential. But sufficient investment should be made in preventive measures at the outset, in order to reduce the number of children entering into the worst forms of child labour in the longer term.

## What the priorities are

However great the determination and the political will of public authorities to tackle the worst forms of child labour, the resources available are bound to be limited and need to be concentrated on the areas and the fields of action where the needs are greatest. There may, for example, be some regions where children are known to be at greater risk, and where a greater investment of resources is required, than others.

## Where the resources are to come from

Do they come from public funds, from private donations, from charitable organizations, from foreign donors/international organizations?

If they are to come from public funds, is funding available in an existing budget, or do supplementary funds need to be voted? If funding is expected from non-governmental or foreign sources, how certain is it that it will be made available, and how large will it be?

During the **regular monitoring** of the implementation of national programmes (see **Measure 4** above) important points to check on are:

- whether the funds foreseen in a programme for a particular activity have actually been **allocated** for the purpose for which they were foreseen;
- whether they have been and are being used **effectively and efficiently**; and
- whether the **expected objectives and results** have been or are likely to be attained.

In the light of this evaluation, corrective action may need to be taken with regard to funding, e.g.:

- **to inject more money into an activity** (because it had been under-budgeted, or because expected non-governmental funds were not forthcoming);
- **to withdraw funding from an activity** (because it was having no impact, or was proving to be counter-productive); or
- **to tighten control over expenditure** (because it was not being used effectively).

### **What is the role of parliamentarians?**

Parliamentarians obviously have a key role to play with regard to the **allocation and expenditure of public funds**. When examining a proposed national programme for the elimination of the worst forms of child labour, or when examining the national budget, they need to consider whether:

- the funds that it is proposed to allocate to the programme as a whole are **commensurate with the ambitious objectives that have been set for it**;
- there is an **appropriate balance** in the proposed allocations among the different components of the programme – e.g. among the budgets for law enforcement and the judiciary, for education, for social services, for supporting services including the central child labour unit and the collection and analysis of data; and
- since a programme for the total elimination of the worst forms of child labour cuts across the budgets of a large number of government departments, **there is no duplication among departments**, but an adequately funded central unit for the development and monitoring of the programme.

As guardians of the public interest, they also need to be sure that **public money is being used in the most cost-effective way possible**. While it may not be possible for parliamentarians to check on every item of expenditure, they should at least be satisfied that proper financial controls and an effective supervisory machinery are in place, and that the performance of national programmes to eliminate the worst forms of child labour is regularly subjected to public scrutiny.

Parliamentarians have less direct control over the raising of funds from other sources, but they could use their influence over non-governmental organizations with whom they may have close links – such as employers' or workers' organizations, charitable organizations and religious groups – in order to ensure that they participate actively in the national programme and contribute to it in cash or in kind.

## What can you do?

*Make sure that the national budget and/or the national programme or programmes to eliminate the worst forms of child labour, when they are submitted to Parliament, make adequate financial provision out of public funds to enable the programme to achieve its objectives.*

*If you are not satisfied that it does make adequate provision for it, suggest how allocations for the programme may be increased – either by raising the overall level of the budget, or by reducing expenditure on items unrelated to child labour that in your view are of lower priority.*

*When examining the budget in detail, consider whether the proposed allocation of funds strikes the **right balance**, for instance:*

- Among the various **departments and branches of government** which are involved in the programme: the judiciary, law enforcement agencies, ministries of labour, justice, education, health, social welfare, national statistical office, etc. Does the ministry or unit with central responsibility for managing and monitoring the programme have adequate funds for doing its job properly?
- Among **central and local government**?
- Among **regions**. Are proportionally more funds being allocated to regions where children are at greater risk, where there is known to be a concentration of industries or establishments practising the worst forms of child labour, or to frontier regions where there is a risk of children being trafficked abroad?
- Among **different components of the programme** – e.g. law enforcement and the administration of justice; removal of children from the worst forms of child labour; rehabilitation and reinsertion of children into society; strengthening and improving the schooling system; provision of subsidies, social welfare services, income support schemes for children and their families. Is enough emphasis being placed on **preventive measures**?
- Among **objects of expenditure**. For instance, within the education budget is enough emphasis being placed on the recruitment and training of larger numbers of properly trained teachers; on overhauling the primary school curriculum to make it more responsive to the needs of children at risk and children withdrawn from the worst forms of child labour; or on providing children with text-books and free meals? Is there adequate provision for teachers' salaries, and for the timely payment of their salaries – since these are important factors in motivating teachers and thus have an impact on the quality of the education that they provide?

*Determine whether enough provision is being made for training and sensitizing personnel – teachers, lawyers, police, labour inspectors, social workers, etc. – on how to approach and deal with child workers and their families. →*

*Ensure that there is an adequate system for the financial monitoring, control and evaluation of the programme:*

- press for the creation of machinery, if none is yet in existence, to ensure that public funds are used with maximum efficiency and cost-effectiveness in the programme, and for the purposes for which they were allocated, with the authority to take corrective action, including the reallocation of funds if necessary;
- ensure that activities financed by public funds do not duplicate, but are complementary to, activities carried out by NGOs and other organizations of civil society;
- press for a regular full debate in parliament on progress in the implementation of the programme.

*Use what influence you have with non-governmental organizations, including employers' and workers' organizations, charitable and religious organizations and groups, to persuade them to participate in and provide support to the national programme, and to coordinate their activities in support of child workers with those of the government.*

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## **Mobilize public opinion and form alliances to eliminate the worst forms of child labour**

### **Why?**

Without a large measure of popular support and the backing of the main political, economic and social forces in society, the public authorities can make very little progress towards the goal of the total elimination of the worst forms of child labour. In many parts of the world gaining this support is an uphill battle. **Large sections of public opinion have to be persuaded that:**

- **there is anything wrong with children being engaged in work – even in abusive and hazardous conditions** – since it is widely felt that this is the way it always has been and that work is good for the children and their families;
- **there is anything that can be done about it.** Even if children are working in deplorable, unsanitary, hazardous and sub-human conditions, there is believed to be no alternative since children have to work for their own and their families' survival.

As long as these feelings prevail, very little can be achieved. As a precondition for success, it is essential to mobilize public opinion against the worst forms of child labour and to form a broad alliance of forces in society via programmes of action to combat them.

### **How?**

#### **Developing a communication strategy**

To mobilize public opinion requires a communications strategy to convince all sections of the population that:

- engaging children in work that exposes them to severe hazards and to unacceptable forms of abuse and exploitation is morally wrong and a **criminal offence**, punishable by law;

“Parliamentarians from North, West and Central Africa urged governments and the international community to support, respect and promote children’s rights in an appeal they issued at the end of a three-day conference in Mauritania’s capital, Nouakchott.

The ‘Nouakchott Appeal’ urges governments to protect children by ratifying and implementing international agreements, including the UN Convention on Human Rights and the African Charter on the Rights and Welfare of the Child. The legislators also called on governments to adopt new political and budgetary measures so that children’s basic needs in areas such as education, health care and nutrition are met.

The parliamentarians described the HIV/AIDS epidemic, the use of children as combatants and poverty-related issues as major obstacles that needed to be overcome. They called on the international community and civil society to become more active players in the promotion and defence of children’s rights.”

Source: UN Office for the Coordination of Humanitarian Affairs, IRIN Reliefweb, <http://www.reliefweb.int/IRIN/wa/countrystories/other/20010411a.shtml>

- such forms of child labour constitute a **violation of human rights**; they have been condemned by the international community, and affect the country’s standing in the world;
- they **cannot be justified** on the grounds that child labour has always existed;
- subjecting children at an early age to such inhuman practices almost inevitably means **condemning them, their families and their own children to a life of poverty and social exclusion**;
- the **damage** caused to their physical and mental health is likely to be **irreparable**. With little or no education, they will be **unable** to acquire the skills and experience to enable them **to escape from poverty** or to help their families and communities to do so;
- a community and a country that tolerates such inhuman forms of child labour **have no future**; their future development, growth and prosperity depend more than anything else on **the manner in which they treat their children**, and on the opportunities they give them to grow into healthy and productive adults;
- it is possible to put an end to the worst forms of child labour (and eventually to all forms of child labour) **without depriving poor children and their families of the means of subsistence**;
- there is **no economic argument** to justify the worst forms of child labour. Enterprises can still compete in national and international markets without having recourse to these forms of child labour;
- programmes designed to keep children at school and to remove them from the worst forms of labour are an **investment for the future**;

- **consumers are increasingly likely to insist (and should be encouraged to insist)** that the goods that they purchase should not be produced by children working in particularly hazardous and exploitative conditions;
- **action must be taken now**; it cannot wait, and it requires the cooperation and solidarity of everyone.

These messages need to be brought to all regions and all sections of the community by all available means – newspapers, radio, television, posters, public meetings, public performances of drama etc. – and in all the languages and dialects used in the country. The messages should be spread not only by ministers, civil servants and politicians, but also by employers, industrialists, trade unions, NGOs of all sorts, religious groups and charitable organizations, community bodies, families and the children themselves. The impact on public opinion will be all the greater if people and groups representing **a wide range of political views, economic interests, religious persuasions and social concerns at all levels are seen to be behind the campaign to eliminate the worst forms of child labour, and in support of children’s rights.**

### **Building a broad coalition**

Building a broad coalition among very diverse interest groups who otherwise may have very little in common is therefore **the key to success**. In order to enlist their support and cooperation, public authorities need to consult them, involve them in planning and taking action and make them full partners in programmes to eliminate the worst forms of child labour.

A programme that is considered to be the work of a group of bureaucrats in some remote capital city, with little knowledge or understanding of the realities of life in the workplaces and communities throughout the country, will stand little chance of receiving the support and cooperation of the population as a whole.

### **What is the role of parliamentarians?**

As representatives of the people, parliamentarians listen to and understand the concerns of the people. They are well placed to know, for instance, why parents find it necessary to send their children to work, why the education system is failing to keep children at school and why employers hire children. At the same time, parliamentarians also have to have the wider public interest in view, and to seek to promote the development and welfare of the country over the longer term. **They are leaders of public opinion.** They are therefore well placed to play a prominent role in raising public awareness of the need to combat the worst forms of exploitation of children and to promote children’s rights. They know what arguments to use and what policies and programmes to promote in order to overcome resistance to the abolition of the worst forms of child labour.

As members of their national parliaments, they can seek to promote the support of **various political parties** for a broad-based campaign to put an end to the worst forms of abuse and exploitation of children and to put pressure on governments to take action. They can promote the creation of, and support and participate in, national child labour caucuses and/or cross-party alliances to bring the issue of child labour constantly to the attention of parliament, the government and public opinion. Being influential public figures, they can play a large part in enlisting the support and participation of interest groups, such as employers' organizations, trade unions and non-governmental organizations, in campaigns to eliminate the worst forms of child labour.

**“The Conference strongly condemns the conscription and recruitment of children in armed forces or armed groups ... as a violation of fundamental human rights...”**

Inter-Parliamentary Union, 99th Conference, September 1996.

#### **Box 45**

### **Social mobilization by parliamentarians**

#### **RECOMMENDATION 1336 (1997) on combating child labour exploitation as a matter of priority, adopted by the Council of Europe Parliamentary Assembly on 26 June 1997 (extracts)**

2. Types of child work occupy a spectrum which runs from activities wholly beneficial to a child's health and development at one extreme, to gross exploitation at the other. Priority should be given to put an immediate end to the most intolerable forms of child labour – slavery and slave-like practices, forced or compulsory labour, including debt-bondage and serfdom, the use of children in prostitution, pornography and the drug trade, and their employment in any type of work that is likely to jeopardise their health, safety, or morals. There must be a special protection for girls and a total prohibition of work by the very young.
4. Education has an important role in both the promotion and the prevention of child labour. Inaccessible or inappropriate education may push children into the workplace prematurely. Conversely, education which provides skills for future employment will encourage children to remain in school and so reduce more severe forms of exploitation. Many children combine school and work in spite of the difficulties involved. There is a need to provide relevant and flexible education for these working children. All children should benefit from free and appropriate education which, inter alia, would enable them to gain productive employment later in life.
8. Child labour in Europe is inadequately documented. A first step must be to properly define the priority issues of child labour in each European country and to identify the priority problems for action through proper appraisal. The ILO offers expertise in rapid appraisal methodology for such assessments, which could form the first step in dealing with child labour within the European strategy for children, ...



14. Accordingly the Assembly recommends that the Committee of Ministers call on all member states to firmly combat the economic exploitation of children in Europe by:
- (i) Adopting a clear national policy and time-bound programme of action for that purpose, which should be comprehensive, coherent and co-ordinated, interdisciplinary and preventive, and by allocating the necessary resources to it;
  - (ii) Undertaking systematic and action-oriented research on all areas regarding child labour;
  - (iii) Reviewing national legislation to better enforce the protection of children and in particular to comply with the social standards set by the Council of Europe, the United Nations Convention on the Rights of the Child and the relevant ILO conventions, particularly the ILO Minimum Age Convention;
  - (iv) Improving the efficiency of labour and school inspection services;
  - (v) A closer involvement and consultation of all interested partners, such as trade unions, employers, non-governmental organisations, the children themselves and their parents;
  - (vi) Raising awareness in society as a whole of the impact of premature child work and by educating consumers to consider basic labour rights when buying products.
15. The Assembly also invites the Committee of Ministers to demonstrate at European level its political will to combat the economic exploitation of children:
- (i) As a follow-up to the European strategy for children, by giving priority to:
    - a. An appraisal in each member state of the situation of child labour, in order to identify its most intolerable forms, analyse the causes and define proposals for ways in which these forms of exploitation might best be controlled;
    - b. The definition of a comprehensive European policy on child labour, taking account of social standards set by the Council of Europe and in order to comply therewith, in co-operation with the ILO, UNICEF, relevant non-governmental organisations and the social partners, and in consultation with working children in order to ensure that their views are given due consideration;
  - (ii) By developing programmes of technical co-operation and aid, in particular for central and eastern European member states, in order to draft and improve national legislation and policy and organise or strengthen the labour inspection system;
  - (iii) By regularly asking those states concerned to review their legislation in order to ratify the European Social Charter and the revised Charter of the Council of Europe as well as the Additional Protocol providing for a system of collective complaints, in order to give the right to petition to non-governmental organisations and associations for the protection of children in case of non-compliance.



**RESOLUTION 1215 (2000), adopted by the Council of Europe Parliamentary Assembly on 7 April 2000 – Campaign against the enlistment of child soldiers and their participation in armed conflicts (extracts)**

2. In the modern world, children are involved in armed conflicts in about fifty countries; they are most often victims of them and sometimes also combatants enlisted or conscripted in contempt of their rights, their physical integrity and their lives. ...
4. It is the duty of the Council of Europe member states to react if they do not wish to see barbarism invade their societies and lose their common fundamental values. The international community cannot wait for a hypothetical consensus to end the arms trade; it must reply by declaring the forced enlistment of child soldiers of under 18 to be illegal, in the same way that anti-personnel mines were banned.
8. The Assembly also urges Council of Europe member States and states enjoying Observer status with the Council of Europe:
  - (i) To allow and foster, everywhere and at all times, access to humanitarian aid for the civilian population in the event of armed conflict, taking particular account of children's needs;
  - (ii) To give priority to the protection of children in processes to restore peace and in post-war co-operation programmes, whether bilateral or multilateral or conducted by international organisations.
9. The Assembly calls upon states that have signed and ratified the 1989 United Nations Convention on the Rights of the Child to draw up policies to aid development in countries where there is conflict, in order to:
  - (i) Stop the recruitment of child soldiers and demobilise those who have already been enlisted;
  - (ii) Ensure that measures are taken for these children's physical, psychological and social rehabilitation;
  - (iii) Foster their reintegration into civilian life and, in particular, into a suitable education system.

**RESOLUTION adopted by the 98th Inter-Parliamentary Conference (Cairo, 15 September 1997) – Employment In A Globalising World (extracts)**

The 98th Inter-Parliamentary Conference,

...

**Child Labour**

20. *Calls on* States to recognise the right of all children, both boys and girls, to relevant basic education, to protection from any work that is likely to be hazardous or to interfere with education, in order to respect their development and improve their adult employment opportunities, thus enhancing their own and their countries' economic future;
21. *Also calls on* States to reduce child labour through multi-faceted development strategies, through compulsory primary education for boys and girls, including substantial investment in such education; enhanced participation of women in economic development; generation of alternative sources or income through



private sector development, and greater involvement of civil society and local government; in order to offer viable economic alternatives to poor families which depend on the contribution of child labour for their very survival;

22. *Recommends* that legislation banning any form of child abduction or exploitation and the use of child labour in hazardous work, and in particular protecting children against sexual exploitation, forced labour, bonded labour and other forms of slavery involving children, be adopted as rapidly as possible and effectively applied by at least the countries represented in the Inter-Parliamentary Union;
23. *Calls on* States to provide wider legislative protection, including national child labour laws which comply with the spirit and letter of the UN Convention on the Rights of the Child (Article 7) and of relevant ILO conventions, in particular to ensure that all children are registered at birth and to provide employers and labour inspectors with evidence of every child's age.

**RESOLUTION adopted by the 98th Inter-Parliamentary Conference (Cairo, 15 September 1997) – The Need To Eliminate All Commercial And Other Forms Of Sexual Exploitation Of Children And For The Establishment Of Uniform Laws To Prohibit This Indefensible Violation Of The Human Rights Of Children (extracts)**

The 98th Inter-Parliamentary Conference,

*Deeply concerned* that many children throughout the world continue to suffer abuses of their human rights as a result of exploitative child labour, child trafficking, sexual exploitation and poverty,

...

*Recommends* that all countries allocate sufficient funds for prevention and education campaigns aimed at combating child prostitution and sexual abuse;

*Urges* all countries to introduce or strengthen legislation to protect children and to prohibit the commercial sexual exploitation of children, which targets in particular the service providers, customers or intermediaries in child prostitution, child trafficking and child pornography, as well as the distribution of child pornography via electronic means such as the Internet;

*Strongly recommends* that all countries establish or strengthen networks for co-operation between national and international law enforcement authorities, in order to counter the increasingly transnational nature of commercial sexual exploitation of children.

## **What can you do?**

*Persuade the leaders of your party, and members of other parties, to form a cross-party alliance in parliament in support of action to eliminate the worst forms of child labour, with a view to:*

- stimulating a debate in parliament;
- putting pressure on the government to ratify ILO Convention No. 182 and to adopt and implement a programme of action if this has not yet been done;
- ensuring that such a programme receives the necessary priority and the necessary commitment of public funds; and
- making sure that the programme achieves results.

*Participate in campaigns to mobilize public opinion against the worst forms of child labour, for instance by:*

- making public speeches on the subject;
- participating in public debates on television, radio or in meetings;
- participating or formulating groups or caucuses on child labour, either within parliament or in collaboration with others; and
- writing articles for newspapers.

*Lend your support to local efforts to eliminate the worst forms of child labour in your constituency or in other parts of the country, for instance by:*

- paying visits to programmes and projects for the prevention of the worst forms of child labour, or for the rehabilitation and reinsertion of children removed from child labour;
- visiting local schools to give encouragement to the efforts of teachers to persuade children and their parents of the dangers of child labour, particularly its worst forms;
- conferring with local law enforcement agencies on the efforts they are making to identify cases of severe exploitation of children and the resistance and other problems that they face;
- visiting local communities and the families of children who have been released from the worst forms of child labour;
- visiting local NGOs, employers' organizations and trade unions which are actively participating in measures to eliminate the worst forms of child labour; and
- writing articles, making speeches on what you have learned during the above contacts.

*Persuade organizations that are not yet active in this field to support and participate in measures and programmes to combat the worst forms of child labour – e.g. trade unions, employers' organizations.*

## **Promote international cooperation to prohibit and eliminate the worst forms of child labour**

### **Why?**

Child labour is increasingly becoming an international problem, for two reasons:

- Some particularly repugnant forms of exploitation of children have an **international dimension** – the sale and trafficking of children across national borders for prostitution, pornography or domestic service, and the growing number of cases of sexual abuse of children by foreign tourists. To tackle these problems effectively calls for a greater effort of international cooperation.
- People throughout the world are frequently reminded by newspapers and television programmes of the conditions in which some children are working in poorer countries, and are insistent that the goods they purchase from these countries should not be produced by child labour.

**Globalization and modern means of communication** have made the elimination of the worst forms of child labour a **major item on the agenda of the international community**. It is increasingly appreciated that a substantial effort of international solidarity is required to assist poorer countries in addressing the root causes of the vicious circle of poverty leading to child labour, which in turn perpetuates poverty.

Finally, it should be noted that countries which have ratified the ILO's Convention No. 182 on the Worst Forms of Child Labour **are committed to cooperating with each other** in this field.

Article 8 of that Convention contains the following provision:

**“Members shall take appropriate steps to assist one another in giving effect to the provisions of this Convention through enhanced international cooperation and/or assistance, including support for social and economic development, poverty eradication programmes and universal education.”**

## How?

Cooperation among **judicial authorities and law enforcement agencies** of different countries is specifically required in order to gather and exchange information on criminal offences committed against children, and to assist each other in detecting and prosecuting those involved in the sale and trafficking of children, child prostitution and pornography.

International cooperation of a much broader nature is required in order to **mobilize resources in support of national programmes aimed at eliminating the worst forms of child labour**. Such support should complement and be integrated into national programmes consisting of preventive and remedial measures to put an end to the worst forms of child labour, and should help recipient countries to address the longer-term development issues which lie at the heart of much of the child labour problem – the inadequacy of schooling and the poverty of the children's families and communities. International support can be of critical importance in ensuring the continued commitment of governments and public opinion to the goal of eliminating the worst forms of child labour within a relatively short period.

## What is the role of parliamentarians?

Parliamentarians should make sure that their governments are fully participating in this international effort – by cooperating with other countries in dealing with criminal offences against children, and by mobilizing international support for national programmes to eradicate the worst forms of child labour. They could also establish contacts with parliamentarians in other countries to strengthen bilateral and multilateral cooperation with them, to exchange experiences and help each other to overcome common problems. Finally, they can provide political support for the work of international organizations which are active in the defense of children's rights and in mobilizing international cooperation to promote them; and ensure that their governments are providing adequate financial support to such organizations.

## **What can you do?**

*Check whether there is sufficient cooperation between the law enforcement authorities of your country and those of other countries in dealing with cross-border offences involving children, particularly to combat international trafficking of children, child prostitution, use of children for pornography (including on the Internet) and child sex tourism.*

*Check whether this cooperation with other law enforcement authorities covers cooperation in the identification, arrest and prosecution of offenders.*

*If you are not satisfied that this is the case, insist that such cooperation be strengthened.*

*Check whether, under the legislation of your country, nationals of your country who are involved in the sexual exploitation of children in other countries can be punished and, in fact, are punished, under your national laws.*

*Establish contacts with parliamentarians of other countries in order to:*

- *share experiences on successful and less successful measures to combat the worst forms of child labour;*
- *discuss possibilities of bilateral and multilateral cooperation to attack these forms of child labour.*

*Consider whether the assistance that your country is providing to or receiving from other countries for general economic and social development and poverty alleviation is adequately geared to the elimination of the worst forms of child labour.*

*Check whether your country is participating in the ILO's International Programme for the Elimination of Child Labour (IPEC), either as a beneficiary of or as a donor to that programme.*

*If that is not the case, enquire why not.*

*Make public statements in parliament and in the country to stress the need for international cooperation against the worst forms of child labour, and for cooperation with international organizations active in this field, such as ILO and UNICEF.*

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# Reference material

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

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 87th Session on 1 June 1999, and

Considering the need to adopt new instruments for the prohibition and elimination of the worst forms of child labour, as the main priority for national and international action, including international cooperation and assistance, to complement the Convention and the Recommendation concerning Minimum Age for Admission to Employment, 1973, which remain fundamental instruments on child labour, and

Considering that the effective elimination of the worst forms of child labour requires immediate and comprehensive action, taking into account the importance of free basic education and the need to remove the children concerned from all such work and to provide for their rehabilitation and social integration while addressing the needs of their families, and

Recalling the resolution concerning the elimination of child labour adopted by the International Labour Conference at its 83rd Session in 1996, and

Recognizing that child labour is to a great extent caused by poverty and that the long-term solution lies in sustained economic growth leading to social progress, in particular poverty alleviation and universal education, and

Recalling the Convention on the Rights of the Child adopted by the United Nations General Assembly on 20 November 1989, and

Recalling the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, adopted by the International Labour Conference at its 86th Session in 1998, and

Recalling that some of the worst forms of child labour are covered by other international instruments, in particular the Forced Labour Convention, 1930, and the United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956, and

Having decided upon the adoption of certain proposals with regard to child labour, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention;

adopts this seventeenth day of June of the year one thousand nine hundred and ninety-nine the following Convention, which may be cited as the Worst Forms of Child Labour Convention, 1999.

### **Article 1**

Each Member which ratifies this Convention shall take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency.

### **Article 2**

For the purposes of this Convention, the term “child” shall apply to all persons under the age of 18.

### **Article 3**

For the purposes of this Convention, the term “the worst forms of child labour” comprises:

- (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

### **Article 4**

1. The types of work referred to under Article 3(d) shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned, taking into consideration relevant international standards, in particular Paragraphs 3 and 4 of the Worst Forms of Child Labour Recommendation, 1999.
2. The competent authority, after consultation with the organizations of employers and workers concerned, shall identify where the types of work so determined exist.
3. The list of the types of work determined under paragraph 1 of this Article shall be periodically examined and revised as necessary, in consultation with the organizations of employers and workers concerned.

### **Article 5**

Each Member shall, after consultation with employers’ and workers’ organizations, establish or designate appropriate mechanisms to monitor the implementation of the provisions giving effect to this Convention.

### **Article 6**

1. Each Member shall design and implement programmes of action to eliminate as a priority the worst forms of child labour.

2. Such programmes of action shall be designed and implemented in consultation with relevant government institutions and employers' and workers' organizations, taking into consideration the views of other concerned groups as appropriate.

### **Article 7**

1. Each Member shall take all necessary measures to ensure the effective implementation and enforcement of the provisions giving effect to this Convention including the provision and application of penal sanctions or, as appropriate, other sanctions.
2. Each Member shall, taking into account the importance of education in eliminating child labour, take effective and time-bound measures to:
  - (a) prevent the engagement of children in the worst forms of child labour;
  - (b) provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration;
  - (c) ensure access to free basic education, and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labour;
  - (d) identify and reach out to children at special risk; and,
  - (e) take account of the special situation of girls.
3. Each Member shall designate the competent authority responsible for the implementation of the provisions giving effect to this Convention.

### **Article 8**

Members shall take appropriate steps to assist one another in giving effect to the provisions of this Convention through enhanced international cooperation and/or assistance including support for social and economic development, poverty eradication programmes and universal education.

*Provisions common to ILO Conventions are not reproduced here.*

*The relevant parts of the **Worst Forms of Child Labour Recommendation, 1999 (No. 190)** supplementing the Convention will be found in Question 5, Box 14 (I. Programmes of Action); Measure 2, Box 32 (II. Hazardous work) and Measure 3, Box 34 (III. Implementation).*

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

the General Conference of the International Labour Organisation,  
having been convened at Geneva by the Governing Body of the International Labour  
Office, and having met in its Fifty-eighth Session on 6 June 1973, and  
having decided upon the adoption of certain proposals with regard to minimum age  
for admission to employment, which is the fourth item on the agenda of the ses-  
sion, and  
noting the terms of the Minimum Age (Industry) Convention, 1919, the Minimum  
Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention, 1921,  
the Minimum Age (Trimmers and Stokers) Convention, 1921, the Minimum Age  
(Non-Industrial Employment) Convention, 1932, the Minimum Age (Sea) Con-  
vention (Revised), 1936, the Minimum Age (Industry) Convention (Revised), 1937,  
the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937,  
the Minimum Age (Fishermen) Convention, 1959, and the Minimum Age (Under-  
ground Work) Convention, 1965, and  
considering that the time has come to establish a general instrument on the subject,  
which would gradually replace the existing ones applicable to limited economic  
sectors, with a view to achieving the total abolition of child labour, and  
having determined that these proposals shall take the form of an international Con-  
vention,  
adopts this twenty-sixth day of June of the year one thousand nine hundred and sev-  
enty-three the following Convention, which may be cited as the Minimum Age Con-  
vention, 1973:

**Article 1**

Each Member for which this Convention is in force undertakes to pursue a national  
policy designed to ensure the effective abolition of child labour and to raise progres-  
sively the minimum age for admission to employment or work to a level consistent  
with the fullest physical and mental development of young persons.

**Article 2**

Each Member which ratifies this Convention shall specify, in a declaration appended  
to its ratification, a minimum age for admission to employment or work within its ter-  
ritory and on means of transport registered in its territory; subject to Articles 4 to 8  
of this Convention, no one under that age shall be admitted to employment or work  
in any occupation.

Each Member which has ratified this Convention may subsequently notify the  
Director-General of the International Labour Office, by further declarations, that it  
specifies a minimum age higher than that previously specified.

3. The minimum age specified in pursuance of paragraph 1 of this Article shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years.

4. Notwithstanding the provisions of paragraph 3 of this Article, a Member whose economy and educational facilities are insufficiently developed may, after consultation with the organisations of employers and workers concerned, where such exist, initially specify a minimum age of 14 years.

5. Each Member which has specified a minimum age of 14 years in pursuance of the provisions of the preceding paragraph shall include in its reports on the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation a statement:

- (a) that its reason for doing so subsists; or,
- (b) that it renounces its right to avail itself of the provisions in question as from a stated date.

### **Article 3**

1. The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of young persons shall not be less than 18 years.

2. The types of employment or work to which paragraph 1 of this Article applies shall be determined by national laws or regulations or by the competent authority, after consultation with the organisations of employers and workers concerned, where such exist.

3. Notwithstanding the provisions of paragraph 1 of this Article, national laws or regulations or the competent authority may, after consultation with the organisations of employers and workers concerned, where such exist, authorise employment or work as from the age of 16 years on condition that the health, safety and morals of the young persons concerned are fully protected and that the young persons have received adequate specific instruction or vocational training in the relevant branch of activity.

### **Article 4**

1. In so far as necessary, the competent authority, after consultation with the organisations of employers and workers concerned, where such exist, may exclude from the application of this Convention limited categories of employment or work in respect of which special and substantial problems of application arise.

2. Each Member which ratifies this Convention shall list in its first report on the application of the Convention submitted under Article 22 of the Constitution of the International Labour Organisation any categories which may have been excluded in pursuance of paragraph 1 of this Article, giving the reasons for such exclusion, and shall state in subsequent reports the position of its law and practice in respect of the categories excluded and the extent to which effect has been given or is proposed to be given to the Convention in respect of such categories.

3. Employment or work covered by Article 3 of this Convention shall not be excluded from the application of the Convention in pursuance of this Article.

## **Article 5**

1. A Member whose economy and administrative facilities are insufficiently developed may, after consultation with the organisations of employers and workers concerned, where such exist, initially limit the scope of application of this Convention.
2. Each Member which avails itself of the provisions of paragraph 1 of this Article shall specify, in a declaration appended to its ratification, the branches of economic activity or types of undertakings to which it will apply the provisions of the Convention.
3. The provisions of the Convention shall be applicable as a minimum to the following: mining and quarrying; manufacturing; construction; electricity, gas and water; sanitary services; transport, storage and communication; and plantations and other agricultural undertakings mainly producing for commercial purposes, but excluding family and small-scale holdings producing for local consumption and not regularly employing hired workers.
4. Any Member which has limited the scope of application of this Convention in pursuance of this Article:
  - (a) shall indicate in its reports under Article 22 of the Constitution of the International Labour Organisation the general position as regards the employment or work of young persons and children in the branches of activity which are excluded from the scope of application of this Convention and any progress which may have been made towards wider application of the provisions of the Convention;
  - (b) may at any time formally extend the scope of application by a declaration addressed to the Director-General of the International Labour Office.

## **Article 6**

This Convention does not apply to work done by children and young persons in schools for general, vocational or technical education or in other training institutions, or to work done by persons at least 14 years of age in undertakings, where such work is carried out in accordance with conditions prescribed by the competent authority, after consultation with the organisations of employers and workers concerned, where such exist, and is an integral part of:

- (a) a course of education or training for which a school or training institution is primarily responsible;
- (b) a programme of training mainly or entirely in an undertaking, which programme has been approved by the competent authority; or,
- (c) a programme of guidance or orientation designed to facilitate the choice of an occupation or of a line of training.

## **Article 7**

1. National laws or regulations may permit the employment or work of persons 13 to 15 years of age on light work which is:
  - (a) not likely to be harmful to their health or development; and,

- (b) not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received.
2. National laws or regulations may also permit the employment or work of persons who are at least 15 years of age but have not yet completed their compulsory schooling on work which meets the requirements set forth in subparagraphs (a) and (b) of paragraph 1 of this Article.
  3. The competent authority shall determine the activities in which employment or work may be permitted under paragraphs 1 and 2 of this Article and shall prescribe the number of hours during which and the conditions in which such employment or work may be undertaken.
  4. Notwithstanding the provisions of paragraphs 1 and 2 of this Article, a Member which has availed itself of the provisions of paragraph 4 of Article 2 may, for as long as it continues to do so, substitute the ages 12 and 14 for the ages 13 and 15 in paragraph 1 and the age 14 for the age 15 in paragraph 2 of this Article.

#### **Article 8**

1. After consultation with the organisations of employers and workers concerned, where such exist, the competent authority may, by permits granted in individual cases, allow exceptions to the prohibition of employment or work provided for in Article 2 of this Convention, for such purposes as participation in artistic performances.
2. Permits so granted shall limit the number of hours during which and prescribe the conditions in which employment or work is allowed.

#### **Article 9**

1. All necessary measures, including the provision of appropriate penalties, shall be taken by the competent authority to ensure the effective enforcement of the provisions of this Convention.
2. National laws or regulations or the competent authority shall define the persons responsible for compliance with the provisions giving effect to the Convention.
3. National laws or regulations or the competent authority shall prescribe the registers or other documents which shall be kept and made available by the employer; such registers or documents shall contain the names and ages or dates of birth, duly certified wherever possible, of persons whom he employs or who work for him and who are less than 18 years of age.

#### **Article 10**

1. This Convention revises, on the terms set forth in this Article, the Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention, 1921, the Minimum Age (Trimmers and Stokers) Convention, 1921, the Minimum Age (Non-Industrial Employment) Convention, 1932, the Minimum Age (Sea) Convention (Revised), 1936, the Minimum Age (Industry)

Convention (Revised), 1937, the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, the Minimum Age (Fishermen) Convention, 1959, and the Minimum Age (Underground Work) Convention, 1965.

2. The coming into force of this Convention shall not close the Minimum Age (Sea) Convention (Revised), 1936, the Minimum Age (Industry) Convention (Revised), 1937, the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, the Minimum Age (Fishermen) Convention, 1959, or the Minimum Age (Underground Work) Convention, 1965, to further ratification.

3. The Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention, 1921, and the Minimum Age (Trimmers and Stokers) Convention, 1921, shall be closed to further ratification when all the parties thereto have consented to such closing by ratification of this Convention or by a declaration communicated to the Director-General of the International Labour Office.

4. When the obligations of this Convention are accepted:

- (a) by a Member which is a party to the Minimum Age (Industry) Convention (Revised), 1937, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention, this shall ipso jure involve the immediate denunciation of that Convention;
- (b) in respect of non-industrial employment as defined in the Minimum Age (Non-Industrial Employment) Convention, 1932, by a Member which is a party to that Convention, this shall ipso jure involve the immediate denunciation of that Convention;
- (c) in respect of non-industrial employment as defined in the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, by a Member which is a party to that Convention, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention, this shall ipso jure involve the immediate denunciation of that Convention;
- (d) in respect of maritime employment, by a Member which is a party to the Minimum Age (Sea) Convention (Revised), 1936, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention or the Member specifies that Article 3 of this Convention applies to maritime employment, this shall ipso jure involve the immediate denunciation of that Convention;
- (e) in respect of employment in maritime fishing, by a Member which is a party to the Minimum Age (Fishermen) Convention, 1959, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention or the Member specifies that Article 3 of this Convention applies to employment in maritime fishing, this shall ipso jure involve the immediate denunciation of that Convention;
- (f) by a Member which is a party to the Minimum Age (Underground Work) Convention, 1965, and a minimum age of not less than the age specified in pursuance of that Convention is specified in pursuance of Article 2 of this Convention or the Member specifies that such an age applies to employment underground in

mines in virtue of Article 3 of this Convention, this shall ipso jure involve the immediate denunciation of that Convention, if and when this Convention shall have come into force.

5. Acceptance of the obligations of this Convention:

- (a) shall involve the denunciation of the Minimum Age (Industry) Convention, 1919, in accordance with Article 12 thereof;
- (b) in respect of agriculture shall involve the denunciation of the Minimum Age (Agriculture) Convention, 1921, in accordance with Article 9 thereof;
- (c) in respect of maritime employment shall involve the denunciation of the Minimum Age (Sea) Convention, 1920, in accordance with Article 10 thereof, and of the Minimum Age (Trimmers and Stokers) Convention, 1921, in accordance with Article 12 thereof, if and when this Convention shall have come into force.

*Provisions common to ILO Conventions are not reproduced here.*

## **Minimum Age Recommendation, 1973 (No. 146)**

### *Recommendation concerning Minimum Age for Admission to Employment*

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-eighth Session on 6 June 1973, and

Recognising that the effective abolition of child labour and the progressive raising of the minimum age for admission to employment constitute only one aspect of the protection and advancement of children and young persons, and

Noting the concern of the whole United Nations system with such protection and advancement, and

Having adopted the Minimum Age Convention, 1973, and

Desirous to define further certain elements of policy which are the concern of the International Labour Organisation, and

Having decided upon the adoption of certain proposals regarding minimum age for admission to employment, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Minimum Age Convention, 1973,

Adopts this twenty-sixth day of June of the year one thousand nine hundred and seventy-three, the following Recommendation, which may be cited as the Minimum Age Recommendation, 1973:

#### **I. NATIONAL POLICY**

1. To ensure the success of the national policy provided for in Article 1 of the Minimum Age Convention, 1973, high priority should be given to planning for and meeting the needs of children and youth in national development policies and programmes and to the progressive extension of the inter-related measures necessary to provide the best possible conditions of physical and mental growth for children and young persons.

2. In this connection special attention should be given to such areas of planning and policy as the following:

- (a) firm national commitment to full employment, in accordance with the Employment Policy Convention and Recommendation, 1964, and the taking of measures designed to promote employment-oriented development in rural and urban areas;
- (b) the progressive extension of other economic and social measures to alleviate poverty wherever it exists and to ensure family living standards and income which are such as to make it unnecessary to have recourse to the economic activity of children;

- (c) the development and progressive extension, without any discrimination, of social security and family welfare measures aimed at ensuring child maintenance, including children's allowances;
  - (d) the development and progressive extension of adequate facilities for education and vocational orientation and training appropriate in form and content to the needs of the children and young persons concerned;
  - (e) the development and progressive extension of appropriate facilities for the protection and welfare of children and young persons, including employed young persons, and for the promotion of their development.
3. Particular account should as necessary be taken of the needs of children and young persons who do not have families or do not live with their own families and of migrant children and young persons who live and travel with their families. Measures taken to that end should include the provision of fellowships and vocational training.
4. Full-time attendance at school or participation in approved vocational orientation or training programmes should be required and effectively ensured up to an age at least equal to that specified for admission to employment in accordance with Article 2 of the Minimum Age Convention, 1973.
5. (1) Consideration should be given to measures such as preparatory training, not involving hazards, for types of employment or work in respect of which the minimum age prescribed in accordance with Article 3 of the Minimum Age Convention, 1973, is higher than the age of completion of compulsory full-time schooling.
- (2) Analogous measures should be envisaged where the professional exigencies of a particular occupation include a minimum age for admission which is higher than the age of completion of compulsory full-time schooling.

## **II. MINIMUM AGE**

6. The minimum age should be fixed at the same level for all sectors of economic activity.
7. (1) Members should take as their objective the progressive raising to 16 years of the minimum age for admission to employment or work specified in pursuance of Article 2 of the Minimum Age Convention, 1973.
- (2) Where the minimum age for employment or work covered by Article 2 of the Minimum Age Convention, 1973, is still below 15 years, urgent steps should be taken to raise it to that level.
8. Where it is not immediately feasible to fix a minimum age for all employment in agriculture and in related activities in rural areas, a minimum age should be fixed at least for employment on plantations and in the other agricultural undertakings referred to in Article 5, paragraph 3, of the Minimum Age Convention, 1973.

### III. HAZARDOUS EMPLOYMENT OR WORK

9. Where the minimum age for admission to types of employment or work which are likely to jeopardise the health, safety or morals of young persons is still below 18 years, immediate steps should be taken to raise it to that level.

10. (1) In determining the types of employment or work to which Article 3 of the Minimum Age Convention, 1973, applies, full account should be taken of relevant international labour standards, such as those concerning dangerous substances, agents or processes (including ionising radiations), the lifting of heavy weights and underground work.

(2) The list of the types of employment or work in question should be re-examined periodically and revised as necessary, particularly in the light of advancing scientific and technological knowledge.

11. Where, by reference to Article 5 of the Minimum Age Convention, 1973, a minimum age is not immediately fixed for certain branches of economic activity or types of undertakings, appropriate minimum age provisions should be made applicable therein to types of employment or work presenting hazards for young persons.

### IV. CONDITIONS OF EMPLOYMENT

12. (1) Measures should be taken to ensure that the conditions in which children and young persons under the age of 18 years are employed or work reach and are maintained at a satisfactory standard. These conditions should be supervised closely.

(2) Measures should likewise be taken to safeguard and supervise the conditions in which children and young persons undergo vocational orientation and training within undertakings, training institutions and schools for vocational or technical education and to formulate standards for their protection and development.

13. (1) In connection with the application of the preceding Paragraph, as well as in giving effect to Article 7, paragraph 3, of the Minimum Age Convention, 1973, special attention should be given to –

- (a) the provision of fair remuneration and its protection, bearing in mind the principle of equal pay for equal work;
- (b) the strict limitation of the hours spent at work in a day and in a week, and the prohibition of overtime, so as to allow enough time for education and training (including the time needed for homework related thereto), for rest during the day and for leisure activities;
- (c) the granting, without possibility of exception save in genuine emergency, of a minimum consecutive period of 12 hours' night rest, and of customary weekly rest days;
- (d) the granting of an annual holiday with pay of at least four weeks and, in any case, not shorter than that granted to adults;
- (e) coverage by social security schemes, including employment injury, medical care and sickness benefit schemes, whatever the conditions of employment or work may be;

- (f) the maintenance of satisfactory standards of safety and health and appropriate instruction and supervision.
- (2) Subparagraph (1) of this Paragraph applies to young seafarers in so far as they are not covered in respect of the matters dealt with therein by international labour Conventions or Recommendations specifically concerned with maritime employment.

## **V. ENFORCEMENT**

14. (1) Measures to ensure the effective application of the Minimum Age Convention, 1973, and of this Recommendation should include –

- (a) the strengthening as necessary of labour inspection and related services, for instance by the special training of inspectors to detect abuses in the employment or work of children and young persons and to correct such abuses; and
- (b) the strengthening of services for the improvement and inspection of training in undertakings.

(2) Emphasis should be placed on the role which can be played by inspectors in supplying information and advice on effective means of complying with relevant provisions as well as in securing their enforcement.

(3) Labour inspection and inspection of training in undertakings should be closely co-ordinated to provide the greatest economic efficiency and, generally, the labour administration services should work in close co-operation with the services responsible for the education, training, welfare and guidance of children and young persons.

15. Special attention should be paid –

- (a) to the enforcement of provisions concerning employment in hazardous types of employment or work; and
- (b) in so far as education or training is compulsory, to the prevention of the employment or work of children and young persons during the hours when instruction is available.

16. The following measures should be taken to facilitate the verification of ages:

- (a) the public authorities should maintain an effective system of birth registration, which should include the issue of birth certificates;
- (b) employers should be required to keep and to make available to the competent authority registers or other documents indicating the names and ages or dates of birth, duly certified wherever possible, not only of children and young persons employed by them but also of those receiving vocational orientation or training in their undertakings;
- (c) children and young persons working in the streets, in outside stalls, in public places, in itinerant occupations or in other circumstances which make the checking of employers' records impracticable should be issued licences or other documents indicating their eligibility for such work.

## **ILO Declaration on fundamental principles and rights at work**

*(Adopted by the General Conference of the International Labour Organization during its Eighty-sixth Session which was held at Geneva and declared closed the 18 June 1998)*

Whereas the ILO was founded in the conviction that social justice is essential to universal and lasting peace;

Whereas economic growth is essential but not sufficient to ensure equity, social progress and the eradication of poverty, confirming the need for the ILO to promote strong social policies, justice and democratic institutions;

Whereas the ILO should, now more than ever, draw upon all its standard-setting, technical cooperation and research resources in all its areas of competence, in particular employment, vocational training and working conditions, to ensure that, in the context of a global strategy for economic and social development, economic and social policies are mutually reinforcing components in order to create broad-based sustainable development;

Whereas the ILO should give special attention to the problems of persons with special social needs, particularly the unemployed and migrant workers, and mobilize and encourage international, regional and national efforts aimed at resolving these problems, and promote effective policies aimed at job creation;

Whereas, in seeking to maintain the link between social progress and economic growth, the guarantee of fundamental principles and rights at work is of particular significance in that it enables the persons concerned to claim freely and on the basis of equality of opportunity their fair share of the wealth which they have helped generate, and to achieve fully their human potential;

Whereas the ILO is the constitutionally mandated international organization and the competent body to set and deal with international labour standards, and enjoys universal support and acknowledgement in promoting fundamental rights at work as the expression of its constitutional principles;

Whereas it is urgent, in a situation of growing economic interdependence, to reaffirm the immutable nature of the fundamental principles and rights embodied in the Constitution of the Organization and to promote their universal application;

The International Labour Conference,

1. Recalls:

- (a) that in freely joining the ILO, all Members have endorsed the principles and rights set out in its Constitution and in the Declaration of Philadelphia, and have undertaken to work towards attaining the overall objectives of the Organization to the best of their resources and fully in line with their specific circumstances;
- (b) that these principles and rights have been expressed and developed in the form of specific rights and obligations in Conventions recognized as fundamental both inside and outside the Organization.

2. Declares that all Members, even if they have not ratified the Conventions in question, have an obligation arising from the very fact of membership in the Organization, to respect, to promote and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those Conventions, namely:

- (a) freedom of association and the effective recognition of the right to collective bargaining;
- (b) the elimination of all forms of forced or compulsory labour;
- (c) the effective abolition of child labour; and
- (d) the elimination of discrimination in respect of employment and occupation.

3. Recognizes the obligation on the Organization to assist its Members, in response to their established and expressed needs, in order to attain these objectives by making full use of its constitutional, operational and budgetary resources, including by the mobilization of external resources and support, as well as by encouraging other international organizations with which the ILO has established relations, pursuant to article 12 of its Constitution, to support these efforts:

- (a) by offering technical cooperation and advisory services to promote the ratification and implementation of the fundamental Conventions;
- (b) by assisting those Members not yet in a position to ratify some or all of these Conventions in their efforts to respect, to promote and to realize the principles concerning fundamental rights which are the subject of those Conventions; and
- (c) by helping the Members in their efforts to create a climate for economic and social development.

4. Decides that, to give full effect to this Declaration, a promotional follow-up, which is meaningful and effective, shall be implemented in accordance with the measures specified in the annex hereto, which shall be considered as an integral part of this Declaration.

5. Stresses that labour standards should not be used for protectionist trade purposes, and that nothing in this Declaration and its follow-up shall be invoked or otherwise used for such purposes; in addition, the comparative advantage of any country should in no way be called into question by this Declaration and its follow-up.

## **I. OVERALL PURPOSE**

1. The aim of the follow-up described below is to encourage the efforts made by the Members of the Organization to promote the fundamental principles and rights enshrined in the Constitution of the ILO and the Declaration of Philadelphia and reaffirmed in this Declaration.
2. In line with this objective, which is of a strictly promotional nature, this follow-up will allow the identification of areas in which the assistance of the Organization through its technical cooperation activities may prove useful to its Members to help them implement these fundamental principles and rights. It is not a substitute for the established supervisory mechanisms, nor shall it impede their functioning; consequently, specific situations within the purview of those mechanisms shall not be examined or re-examined within the framework of this follow-up.
3. The two aspects of this follow-up, described below, are based on existing procedures: the annual follow-up concerning non-ratified fundamental Conventions will entail merely some adaptation of the present modalities of application of article 19, paragraph 5(e) of the Constitution; and the global report will serve to obtain the best results from the procedures carried out pursuant to the Constitution.

## **II. ANNUAL FOLLOW-UP CONCERNING NON-RATIFIED FUNDAMENTAL CONVENTIONS**

### **A. Purpose and scope**

1. The purpose is to provide an opportunity to review each year, by means of simplified procedures to replace the four-year review introduced by the Governing Body in 1995, the efforts made in accordance with the Declaration by Members which have not yet ratified all the fundamental Conventions.
2. The follow-up will cover each year the four areas of fundamental principles and rights specified in the Declaration.

### **B. Modalities**

1. The follow-up will be based on reports requested from Members under article 19, paragraph 5(e) of the Constitution. The report forms will be drawn up so as to obtain information from governments which have not ratified one or more of the fundamental Conventions, on any changes which may have taken place in their law and practice, taking due account of article 23 of the Constitution and established practice.
2. These reports, as compiled by the Office, will be reviewed by the Governing Body.
3. With a view to presenting an introduction to the reports thus compiled, drawing attention to any aspects which might call for a more in-depth discussion, the Office may call upon a group of experts appointed for this purpose by the Governing Body.

4. Adjustments to the Governing Body's existing procedures should be examined to allow Members which are not represented on the Governing Body to provide, in the most appropriate way, clarifications which might prove necessary or useful during Governing Body discussions to supplement the information contained in their reports.

### **III. GLOBAL REPORT**

#### **A. Purpose and scope**

1. The purpose of this report is to provide a dynamic global picture relating to each category of fundamental principles and rights noted during the preceding four-year period, and to serve as a basis for assessing the effectiveness of the assistance provided by the Organization, and for determining priorities for the following period, in the form of action plans for technical cooperation designed in particular to mobilize the internal and external resources necessary to carry them out.
2. The report will cover, each year, one of the four categories of fundamental principles and rights in turn.

#### **B. Modalities**

1. The report will be drawn up under the responsibility of the Director-General on the basis of official information, or information gathered and assessed in accordance with established procedures. In the case of States which have not ratified the fundamental Conventions, it will be based in particular on the findings of the aforementioned annual follow-up. In the case of Members which have ratified the Conventions concerned, the report will be based in particular on reports as dealt with pursuant to article 22 of the Constitution.
2. This report will be submitted to the Conference for tripartite discussion as a report of the Director-General. The Conference may deal with this report separately from reports under article 12 of its Standing Orders, and may discuss it during a sitting devoted entirely to this report, or in any other appropriate way. It will then be for the Governing Body, at an early session, to draw conclusions from this discussion concerning the priorities and plans of action for technical cooperation to be implemented for the following four-year period.

### **IV. IT IS UNDERSTOOD THAT:**

1. Proposals shall be made for amendments to the Standing Orders of the Governing Body and the Conference which are required to implement the preceding provisions.
2. The Conference shall, in due course, review the operation of this follow-up in the light of the experience acquired to assess whether it has adequately fulfilled the overall purpose articulated in Part I.

## Report form (ratified Convention): Convention No. 182

Appl. 22.182

182. Worst Forms of Child Labour, 1999

INTERNATIONAL LABOUR OFFICE GENEVA

### REPORT FORM

FOR THE

### Worst forms of child labour Convention, 1999 (No. 182)

The present report form is for the use of countries which have ratified the Convention. It has been approved by the Governing Body of the International Labour Office, in accordance with article 22 of the ILO Constitution, which reads as follows: "Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of the Conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request."

The Government may deem it useful to consult the appended text of the Worst Forms of Child Labour Recommendation, 1999 (No. 190), the provisions of which supplement the present Convention and can contribute to a better understanding of its requirements and facilitate its application.

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### PRACTICAL GUIDANCE FOR DRAWING UP REPORTS

#### *First reports*

If this is your Government's first report following the entry into force of the Convention in your country, full information should be given on each of the provisions of the Convention and on each of the questions set out in the report form.

#### *Subsequent reports*

In subsequent reports, information should be given in particular:

- (a) on any new legislative or other measures affecting the application of the Convention;
- (b) in reply to the questions in the report form on the practical application of the Convention (for example, statistics,

results of inspections, judicial or administrative decisions) and on the communication of copies of the report to the representative organizations of employers and workers and on any observations received from these organizations;

- (c) **in reply to comments by the supervisory bodies:** the report must contain replies to any comments regarding the application of the Convention in your country which have been made by the Committee of Experts on the Application of Conventions and Recommendations or by the Conference Committee on the Application of Standards.

## Article 22 of the Constitution of the ILO

Report for the period \_\_\_\_\_ to \_\_\_\_\_

made by the Government of \_\_\_\_\_

on the

### Worst forms of child labour Convention, 1999 (No. 182)

(ratification registered on \_\_\_\_\_)

- I. Please give a list of the laws and regulations, etc., which apply the provisions of the Convention. Where this has not already been done, please forward copies of these texts to the International Labour Office.

Please give any available information concerning the extent to which these laws and regulations have been enacted or modified to permit, or as a result of, ratification.

- II. Please indicate in detail for each of the following Articles of the Convention the provisions of the above-mentioned laws and regulations, etc., or other measures, which give effect to each Article. In addition, please also give any information specifically requested on the different Articles.

If in your country ratification of the Convention gives the force of national law to its terms, please indicate by virtue of what constitutional provisions the ratification has had this effect. Please also specify what action has been taken to make effective those provisions of the Convention which require a national authority to take certain specific measures.

If the Committee of Experts or the Conference Committee on the Application of Standards has requested additional information or has made an observation on the measures adopted to apply the Convention, please supply the information asked for or indicate the action taken by your Government to settle the points in question.

#### Article 1

Each Member which ratifies this Convention shall take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency.

*Please provide a general overview of the measures taken to apply this Article.*

#### Article 2

For the purposes of this Convention, the term “child” shall apply to all persons under the age of 18.

#### Article 3

For the purposes of this Convention, the term “the worst forms of child labour” comprises:

- (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

*Please indicate, for each of the clauses (a) to (d), the measures taken to secure the prohibition and elimination of the worst forms of child labour with regard to all persons (girls and boys) under the age of 18.*

#### **Article 4**

1. The types of work referred to under Article 3(d) shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned, taking into consideration relevant international standards, in particular Paragraphs 3 and 4 of the Worst Forms of Child Labour Recommendation, 1999.

2. The competent authority, after consultation with the organizations of employers and workers concerned, shall identify where the types of work so determined exist.

3. The list of the types of work determined under paragraph 1 of this Article shall be periodically examined and revised as necessary, in consultation with the organizations of employers and workers concerned.

*Please indicate the types of work determined in accordance with paragraph 1. Please communicate the relevant text.*

*Please indicate the measures taken to identify where the types of work so determined exist.*

*Please indicate how the list of the types of work determined under paragraph 1 of this Article has been periodically examined. Please provide any revised list.*

*Please indicate the consultations which have been held with the employers' and workers' organizations in accordance with the provisions of this Article.*

#### **Article 5**

Each Member shall, after consultation with employers' and workers' organizations, establish or designate appropriate mechanisms to monitor the implementation of the provisions giving effect to this Convention.

*Please indicate the mechanisms established or designated, and provide information on their functioning, including any extract of reports or documents. Please also indicate the consultations which have been held with the employers' and workers' organizations in accordance with the provisions of this Article.*

## Article 6

1. Each Member shall design and implement programmes of action to eliminate as a priority the worst forms of child labour.
2. Such programmes of action shall be designed and implemented in consultation with relevant government institutions and employers' and workers' organizations, taking into consideration the views of other concerned groups as appropriate.

*Please indicate the programmes of action and provide information on their implementation.*

*Please indicate the consultations which have been held with the employers' and workers' organizations in accordance with the provisions of this Article. Please also indicate the extent to which the views of other concerned groups have been taken into consideration.*

## Article 7

1. Each Member shall take all necessary measures to ensure the effective implementation and enforcement of the provisions giving effect to this Convention including the provision and application of penal sanctions or, as appropriate, other sanctions.
2. Each Member shall, taking into account the importance of education in eliminating child labour, take effective and time-bound measures to:
  - (a) prevent the engagement of children in the worst forms of child labour;
  - (b) provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration;
  - (c) ensure access to free basic education, and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labour;
  - (d) identify and reach out to children at special risk; and
  - (e) take account of the special situation of girls.
3. Each Member shall designate the competent authority responsible for the implementation of the provisions giving effect to this Convention.

*Please indicate the measures taken in accordance with paragraph 1, including the provision of penal or other sanctions and their actual application.*

*Please indicate the measures taken with regard to each of the clauses (a) to (e) of paragraph 2. If any of the measures are time-bound, please specify the time frame.*

*Please indicate the authority or authorities designated in accordance with paragraph 3 responsible for the implementation of the provisions giving effect to this Convention, and by what methods such implementation is supervised.*

## Article 8

Members shall take appropriate steps to assist one another in giving effect to the provisions of this Convention through enhanced international cooperation and/or assistance including support for social and economic development, poverty eradication programmes and universal education.

*Please indicate any steps taken in accordance with the provision of this Article.*

- III. Please state whether courts of law or other tribunals have given decisions involving questions of principle relating to the application of the Convention. If so, please supply the text of these decisions.
- IV. Please give a general appreciation of the manner in which the Convention is applied in your country. Please indicate any practical difficulties encountered in the application of the Convention, or any factors which may have prevented or delayed action against the worst forms of child labour. If your country has received any assistance or advice under ILO technical cooperation projects, such as the International Programme on the Elimination of Child Labour (IPEC), please indicate the measures taken accordingly.
- V. In so far as the information in question has not already been supplied in connection with other questions in this form – please supply copies or extracts from official documents including inspection reports, studies and inquiries, and, where such statistics exist, information on the nature, extent and trends of the worst forms of child labour, the number of children covered by the measures giving effect to the Convention, the number and nature of infringements reported, penal sanctions applied, etc. To the extent possible, all information provided should be disaggregated by sex.
- VI. Please indicate the representative organizations of employers and workers to which copies of the present report have been communicated in accordance with article 23, paragraph 2, of the Constitution of the International Labour Organization.<sup>1</sup> If copies of the report have not been communicated to representative organizations of employers and/or workers, or if they have been communicated to bodies other than such organizations, please supply information on any particular circumstances existing in your country which explain the procedure followed.
- VII. Please indicate whether you have received from the organizations of employers or workers concerned any observations, either of a general kind or in connection with the present or the previous report, regarding the practical application of the provisions of the Convention. If so, please communicate a copy of the observations received, together with any comments that you consider useful.

## ANNEX

### **Worst Forms of Child Labour Recommendation, 1999 (No. 190)**

*(The text is not reproduced here)*

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<sup>1</sup> Article 23, paragraph 2, of the Constitution reads as follows: "Each Member shall communicate to the representative organizations recognized for the purpose of article 3, copies of the information and reports communicated to the Director-General in pursuance of articles 19 and 22."

# **Memorandum concerning the obligation to submit Conventions and Recommendations to the competent authorities**

INTERNATIONAL LABOUR OFFICE  
Geneva, 1980

## **Article 19 of the Constitution of the International Labour Organisation**

*Paragraphs 5, 6 and 7 of article 19 of the Constitution of the International Labour Organisation, concerning the obligation to submit to the competent authorities the Conventions and Recommendations adopted by the Conference, are as follows:*

“5. In the case of a Convention –

- (a) the Convention will be communicated to all Members for ratification;
- (b) each of the Members undertakes that it will, within the period of one year at most from the closing of the session of the Conference, or if it is impossible owing to exceptional circumstances to do so within the period of one year, then at the earliest practicable moment and in no case later than 18 months from the closing of the session of the Conference, bring the Convention before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action;
- (c) Members shall inform the Director-General of the International Labour Office of the measures taken in accordance with this article to bring the Convention before the said competent authority or authorities, with particulars of the authority or authorities regarded as competent, and of the action taken by them;

6. In the case of a Recommendation –

- (a) the Recommendation will be communicated to all Members for their consideration with a view to effect being given to it by national legislation or otherwise;
- (b) each of the Members undertakes that it will, within a period of one year at most from the closing of the session of the Conference, or if it is impossible owing to exceptional circumstances to do so within the period of one year, then at the earliest practicable moment and in no case later than 18 months after the closing of the Conference, bring the Recommendation before the authority or authorities within whose competence the matter lies for the enactment of legislation or other action;
- (c) the Members shall inform the Director-General of the International Labour Office of the measures taken in accordance with this article to bring the Recommendation before the said competent authority or authorities, with particulars of the authority or authorities regarded as competent, and of the action taken by them;

7. In the case of a federal State, the following provisions shall apply:
- (a) in respect of Conventions and Recommendations which the federal Government regards as appropriate under its constitutional system for federal action, the obligations of the federal State shall be the same as those of Members which are not federal States;
  - (b) in respect of Conventions and Recommendations which the federal Government regards as appropriate under its constitutional system, in whole or in part, for action by the constituent states, provinces or cantons rather than for federal action, the federal Government shall –
    - (i) make, in accordance with its Constitution and the Constitutions of the states, provinces or cantons concerned, effective arrangements for the reference of such Conventions and Recommendations not later than 18 months from the closing of the session of the Conference to the appropriate federal, state, provincial or cantonal authorities for the enactment of legislation or other action;
    - (ii) arrange, subject to the concurrence of the state, provincial or cantonal governments concerned, for periodical consultations between the federal and the state, provincial or cantonal authorities with a view to promoting within the federal State co-ordinated action to give effect to the provisions of such Conventions and Recommendations;
    - (iii) inform the Director-General of the International Labour Office of the measures taken in accordance with this article to bring such Conventions and Recommendations before the appropriate federal, state, provincial or cantonal authorities with particulars of the authorities regarded as appropriate and of the action taken by them;

*In response to a request made by the Conference at its 36th Session (1953) and without prejudice to the authority of the International Court of Justice under article 37 of the ILO Constitution, the Governing Body of the International Labour Office established this memorandum in 1954, more particularly in order to assist governments in carrying out their constitutional obligations in this field and to facilitate the communication along uniform lines of the information requested.*

*Following suggestions made by the Conference Committee on the Application of Conventions and Recommendations, the Governing Body amplified the text of the memorandum in 1958, and revised it in 1980 in order to take into account subsequent developments.*

*This memorandum does not impose new obligations on member States in addition to those provided for in the ILO Constitution, but is designed to draw their attention to comments of the Committee of Experts on the Application of Conventions and Recommendations and of the Conference Committee on the Application of Conventions and Recommendations concerning measures that appear necessary or desirable in the matter. It also contains a questionnaire with a view to obtaining information on the measures taken.*

Members are requested to take into account, as far as possible and in the interest of the implementation of Conventions and Recommendations, the points given below and to supply information in reply to the questions listed at the end of this memorandum.

If the Committee of Experts or the Conference Committee on the Application of Conventions and Recommendations has requested additional information or has made an observation on the measures taken to submit Conventions and Recommendations to the competent authorities, please supply the information asked for or indicate the action taken by your Government to settle the points in question in accordance with the requirements of the ILO Constitution.

### I. NATURE OF THE COMPETENT AUTHORITY

- (a) “The competent authority is the authority which, under the Constitution of each State, has power to legislate or to take other action in order to implement Conventions and Recommendations.”<sup>1</sup>
- (b) “The competent national authority should normally be the legislature.”<sup>2</sup>
- (c) “Even when a legislative assembly exists, the executive or another body may be invested with power to legislate on certain subjects under constitutional provisions, or may exercise such powers by virtue of a general or special delegation granted by parliament. Sometimes the body concerned is itself a subordinate body of parliament. In such cases it would be desirable that Conventions and Recommendations should also be submitted to the legislative assembly itself in order to achieve the second objective of the submission, that of informing and mobilising public opinion. Discussion in a deliberative assembly – or at least information of the assembly – can constitute an important factor in the complete examination of a question and in a possible improvement of measures taken at the national level; in the case of Conventions it might result in a decision to ratify.”<sup>3</sup>
- (d) “In the case of instruments not requiring action in the form of legislation, it would be desirable – to ensure that the purpose of submission, which is also to bring Conventions and Recommendations to the knowledge of the public, is fully met – to submit these instruments also to the parliamentary body.”<sup>4</sup>

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<sup>1</sup> ILO: *Record of proceedings*, International Labour Conference, 46th Session, Geneva, 1962, Third Part, Appendix VI: “Report of the Committee on the Application of Conventions and Recommendations”, p. 684, para. 39.

<sup>2</sup> *Idem*: *Report of the Committee of Experts on the Application of Conventions and Recommendations*, Report III (Part 4), International Labour Conference, 64th Session, Geneva, 1978, p. 31, para. 122; *idem*, *Constitutional questions*, Part 1: “Reports of the Conference delegation on constitutional questions”, Report II (Part 1), International Labour Conference, 29th Session, Montreal, 1946, para. 43.

<sup>3</sup> *Idem*: *Report of the Committee of Experts on the Application of Conventions and Recommendations*, Report III (Part 4), International Labour Conference, 64th Session, Geneva, 1978, p. 38, para. 124.

<sup>4</sup> *Ibid.*, 57th Session, Geneva, 1972, p. 35, para. 137.

## II. EXTENT OF THE OBLIGATION TO SUBMIT

- (a) “Article 19 lays down the obligation to place before the competent authorities all instruments adopted by the Conference without exception and without distinction between Conventions and Recommendations.”<sup>5</sup>
- (b) “On the other hand, the obligation of governments to submit the instruments to the competent authorities does not imply any obligation to propose the ratification or application of the instrument in question. Governments have complete freedom as to the nature of the proposals to be made when submitting Conventions and Recommendations to the competent authorities.”<sup>6</sup>

## III. FORM OF SUBMISSION

- (a) “Since article 19 of the Constitution is clearly aimed at obtaining a decision from the competent authorities, the submission of Conventions and Recommendations to these authorities should always be accompanied or followed by a statement or proposals setting out the Government’s views as to the action to be taken on the instruments.”<sup>7</sup>
- (b) “The essential points to bear in mind are: (a) that at the time of or subsequent to the submission of Conventions and Recommendations to the legislative authorities, governments should either indicate what measures might be taken to give effect to these instruments, or propose that no action should be taken or that a decision should be postponed; and (b) that there should be an opportunity to take up the matter for debate within the legislature.”<sup>8</sup>

## IV. TIME-LIMITS

“In virtue of the formal provisions of article 19, the submission of Conference decisions to the competent authorities must be effected within one year or, in exceptional circumstances, not longer than 18 months from the close of the session of the Conference. The Committee wishes to stress that this provision applies not only to non-federal but also to federal States; in the case of the latter, the period of 18 months is applicable only in respect of Conventions and Recommendations which the federal Government considers to be appropriate for action by the constituent states, provinces or cantons. In order that it may be possible to ascertain that States Members have respected the prescribed time-limits, the Committee considers that it would be advisable for the date on which the decisions of the Conference had been submitted to the competent authorities to be indicated in the communication to the Director-General.”<sup>9</sup>

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<sup>5</sup> ILO: *Report of the Committee of Experts on the Application of Conventions and Recommendations*, Report III (Part 4), International Labour Conference, 64th Session, Geneva, 1978, p. 39, para. 124.

<sup>6</sup> *Ibid.*, p. 40, para. 130.

<sup>7</sup> *Idem: Record of proceedings*, International Labour Conference, 40th Session, Geneva, 1957, Appendix VI, p. 659, para. 45.

<sup>8</sup> *Idem: Report of the Committee of Experts on the Application of Conventions and Recommendations*, Report III (Part 4), International Labour Conference, 42nd Session, Geneva, 1958, p. 7, para. 43.

<sup>9</sup> *Ibid.*, 36th Session, Geneva, 1953, p. 11, para. 46 (d).

## V. OBLIGATIONS OF FEDERAL STATES

“As regards federal States, the Committee wishes to point out that, under article 19 of the Constitution, paragraph 7 (b) (i) whenever action by the constituent states, provinces or cantons is considered ‘appropriate’, the Government must make effective arrangements for the reference of Conventions and Recommendations adopted by the Conference to the ‘appropriate authorities’ of the constituent states, provinces or cantons for the enactment of legislation or other action.”<sup>10</sup>

## VI. COMMUNICATION TO THE REPRESENTATIVE ORGANISATIONS

“Under article 23, paragraph 2, of the Constitution, the information communicated to the Director-General on submission to the competent authorities must be sent also to the representative employers’ and workers’ organisations.”<sup>11</sup>

### Unitary States

- I. (a) Please indicate what authority or authorities are competent in the matter as regards each one of the Conventions and Recommendations on which information is requested.  
(b) Please indicate what is the legislative body according to the Constitution or basic law of your country.
- II. (a) Please indicate the date on which the Conventions and Recommendations were submitted to the competent authorities for the enactment of legislation or other action.  
(b) Please indicate whether, at the time of submitting the Conventions and Recommendations to the legislative body, the Government tabled any proposals in the said body, on the measures which might be taken for the enactment of legislation or other action.  
(c) Please attach duplicate copies, if possible, or supply information on the substance of the document or documents by means of which the Conventions and Recommendations were submitted, and of any proposals which may have been made.
- III. If the competent authority or authorities have taken a decision on the Conventions and Recommendations which were submitted to them, please indicate the contents of the said decision.
- IV. If it has not been possible to submit the Conventions and Recommendations, please indicate the exceptional circumstances which prevented the Government from submitting the said Conventions and Recommendations to the competent authorities within the prescribed date limits.

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<sup>10</sup> *Ibid.*, para. 46 (e).

<sup>11</sup> ILO: *Report of the Committee of Experts on the Application of Conventions and Recommendations*, Report III (Part 4), International Labour Conference, 36th Session, Geneva, 1953, p. 11, para. 46 (f).

- V. Please indicate the representative organisations of employers and workers to which the information submitted to the Director-General has been communicated.

Please state whether you have received from the organisations of employers or workers concerned any observations concerning the effect given, or to be given, to the instrument (or instruments) to which this information relates.

#### **Federal States**

- VI. Please indicate – with regard to each one of the Conventions and Recommendations on which information is requested-whether the federal Government regards them as appropriate under its constitutional system for federal action or whether, on the other hand, it regards them as appropriate in whole or in part for action by the constituent states, provinces or cantons.
- VII. In the former case (federal action) please supply the information requested under “Unitary States” in paragraphs I to V.
- VIII. In the latter case (action in whole or in part by the constituent states, provinces or cantons) please indicate what measures have been adopted with a view to submitting each one of the Conventions and Recommendations on which information is requested to the appropriate federal, state, provincial or cantonal authorities for the enactment of legislation or other action, and supply the relevant information on the authorities considered as appropriate and the measures taken by them.
- IX. Please indicate the representative organisations of employers and workers to which the information submitted to the Director-General has been communicated.
- Please state whether you have received from the organisations of employers or workers concerned any observations concerning the effect given, or to be given, to the instrument (or instruments) to which this information relates.

**MODEL LETTER**  
**Concerning the ratification of an ILO Convention<sup>1</sup>**

Sir,

I have the honour to inform you that the Government of \_\_\_\_\_, having considered the \_\_\_\_\_ **[title of the Convention]** \_\_\_\_\_, hereby confirm and ratify the same and undertake, in accordance with Article 19, paragraph 5 (d) of the Constitution of the International Labour Organisation, faithfully to perform and carry out all the stipulations therein contained.

Yours faithfully,

**[signed]**

Minister of \_\_\_\_\_

The Director-General,  
International Labour Office,  
GENEVA

---

<sup>1</sup> This model may call for adaptation to take account particularly of:

- (a) any provisions in the Convention concerned requiring specified indications to be included in the ratification;
- (b) national provisions and practice concerning ratification of international instruments.

## **MODEL INSTRUMENT** **Concerning the ratification of an ILO Convention<sup>1</sup>**

Whereas the \_\_\_\_\_ **[title of the Convention]** \_\_\_\_\_ was adopted by the International Labour Conference at its \_\_\_\_\_ Session in \_\_\_\_\_ **[place]** \_\_\_\_\_ on \_\_\_\_\_ **[place]** \_\_\_\_\_.

The Government of \_\_\_\_\_, having considered the aforesaid Convention, hereby confirm and ratify the same and undertake, in accordance with Article 19, paragraph 5(d) of the Constitution of the International Labour Organisation, faithfully to perform and carry out all the stipulations therein contained.

**[signed]**

\_\_\_\_\_  
President of the Republic

\_\_\_\_\_  
Minister of Foreign Affairs

<sup>1</sup> This model may call for adaptation to take account particularly of:

- (a) any provisions in the Convention concerned requiring specified indications to be included in the ratification;
- (b) national provisions and practice concerning ratification of international instruments.

**MODEL**  
**Declaration to be appended to the instrument  
of ratification of Convention No. 138**

In accordance with article 2, paragraph 1, of the Minimum Age Convention, 1973 (No. 138), the Government of \_\_\_\_\_ declares that the minimum age for admission to employment or work within its territory and on means of transport registered in its territory is \_\_\_ years; subject to Article 4, 6, 7 and 8 of the Convention, no one under this age shall be admitted to employment or work in any occupation.

---

[Date]

---

[Signature]

## **How and where can one obtain additional information?**

### **International Programme on the Elimination of Child Labour (IPEC)**

*On the Internet:* <http://www.ilo.ch/public/english/standards/ipecc/index.htm>

### **ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up**

*On the Internet:* <http://www.ilo.org/public/english/standards/decl/index.htm>

### **How to ratify an ILO Convention**

*On the Internet:*

<http://www.ilo.org/public/english/standards/norm/howused/ratific.htm>

### **ILO C. 182 Worst Forms of Child Labour Convention**

*On the Internet:* <http://ilolex.ilo.ch:1567/scripts/convde.pl?C182>

### **ILO R. 190 Worst Forms of Child Labour Recommendation**

*On the Internet:* <http://ilolex.ilo.ch:1567/cgi-lex/convde.pl?R190>

### **List of ILO C. 182 Ratifications**

*On the Internet:* <http://ilolex.ilo.ch:1567/cgi-lex/ratific.pl?C182>

### **Child Labour: Targeting the Intolerable**

Report VI (1) submitted to the 86th Session (1998) of the International Labour Conference, (Geneva, ILO, 1996)

*On the Internet:* <http://www.ilo.org/public/english/support/publ/intro/index.htm>

*Hard copy:* (Priced publication, 15.- SFR can be ordered from the ILO Publications Bureau <http://www.ilo.org/public/english/support/publ/intro/index.htm> )

### **Report of the ILO Committee on Child Labour**

87th Session of the International Labour Conference, Geneva, June 1999

*On the Internet:*

<http://www.ilo.org/public/english/standards/relm/ilc/ilc87/com-chil.htm>

### **Action against Child Labour**

By N. Haspels, M. Jankanish, Geneva, ILO-IPEC, 2000, 334 p. ISBN 92-2110868-6 (Only available in English and printed form)

*Hard copy:* (Priced publication, 50.- SFR can be ordered from the ILO Publications Bureau <http://www.ilo.org/public/english/support/publ/intro/index.htm> )

### **Monitoring and Evaluation**

*Good Practices in Action Against Child Labour: A Synthesis Report of seven Country Studies (Brazil, Indonesia, Kenya, Philippines, Tanzania, Thailand, Turkey)*, 1997-98, by independent researchers,. Geneva, ILO-IPEC, 2001, 107 p. – ISBN 92-2-112485-1. (Only available in English)

*On the Internet:*

<http://www.ilo.org/public/english/standards/ipecc/publ/monitoring/index.htm>

### **Time Bound Programmes**

*On the Internet:*

<http://www.ilo.org/public/english/standards/ipecc/timebound/index.htm>

### **Labelling**

*On the Internet:*

<http://www.ilo.org/public/english/standards/ipecc/publ/policy/papers/labelling/index.htm>

### **ILO-IPECC Statistical Monitoring Programme (SIMPOC)**

*On the Internet:*

<http://www.ilo.org/public/english/standards/ipecc/simpoc/index.htm>

### **Office of the UN High Commissioner for Human Rights**

*On the Internet:* [www.unhchr.ch](http://www.unhchr.ch)

*Address:* Palais des Nations, Avenue de la Paix 8-14, 1211 Geneva 10,

*Tel:* (+41 22) 917 90 00 / *Fax:* (+41 22) 917 90 16.

### **Convention on the Rights of the Child (CRC)**

*On the Internet:* <http://www.unhchr.ch/html/menu3/b/k2crc.htm>

### **Committee on the Rights of the Child**

*On the Internet:*

<http://www.unhchr.ch/tbs/doc.nsf/Documentsfrset?OpenFrameSet>

(For text and Committee report subsequently clicking on: Documents/Treaty Body Database/Documents/By Treaty/Committee on the Rights of the Child).

### **Information on the special procedures**

*On the Internet:* <http://www.unhchr.ch/html/menu2/xtraconv.htm>

### **On children and armed conflicts**

*On the Internet:* [www.unhchr.ch/html/menu2/i2chiarm.htm](http://www.unhchr.ch/html/menu2/i2chiarm.htm)

### **Sale of children, child prostitution and child pornography**

*On the Internet:* [www.unhchr.ch/html/menu2/i2chisal.htm](http://www.unhchr.ch/html/menu2/i2chisal.htm)

### **International Covenant on Economic, Social and Cultural Rights (CESCR)**

*On the Internet:*

*For text, ratifications and reservations:* [www.unhchr.ch/html/menu3/b/a\\_ceschr.htm](http://www.unhchr.ch/html/menu3/b/a_ceschr.htm)

### **International Covenant on Civil and Political Rights (CCPR)**

*On the Internet:*

*For text, ratifications and reservations:* [www.unhchr.ch/html/menu3/b/a\\_ccpr.htm](http://www.unhchr.ch/html/menu3/b/a_ccpr.htm)

## Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (CAS)

*On the Internet:*

*For text and ratifications:* [www.unhchr.ch/html/menu3/b/30.htm](http://www.unhchr.ch/html/menu3/b/30.htm)

## Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (CSTP)

*On the Internet:*

*For text and ratifications:* [www.unhchr.ch/html/menu3/b/33.htm](http://www.unhchr.ch/html/menu3/b/33.htm)

## UN Global Compact

*On the Internet:* <http://www.unglobalcompact.org/>

## Employers on child labour

ILO Bureau for Employers activities (ACT/EMP)

*On the Internet:* [www.ilo.org/public/english/dialogue/actemp/index.htm](http://www.ilo.org/public/english/dialogue/actemp/index.htm)

International Organization of Employers (IOE)

*On the Internet:* [www.ioe-](http://www.ioe-emp.org/ioe_emp/papers_statement/papers_statments_home.htm)

[emp.org/ioe\\_emp/papers\\_statement/papers\\_statments\\_home.htm](http://www.ioe-emp.org/ioe_emp/papers_statement/papers_statments_home.htm)

## Workers on child labour

ILO Bureau for Workers' activities (ACTRAV)

*On the Internet:* [www.ilo.org/public/english/dialogue/actrav/genact/child /](http://www.ilo.org/public/english/dialogue/actrav/genact/child/)

Programme for Workers' Activities at the ILO International Training Centre in Turin, Italy

*On the Internet:* [www.itcilo.it/english/actrav /](http://www.itcilo.it/english/actrav/)

International Trade Union Organisations (List of)

*On the Internet:*

[http://www.ilo.org/public/english/dialogue/actrav/genact/child/part2\\_c/intern\\_org.htm](http://www.ilo.org/public/english/dialogue/actrav/genact/child/part2_c/intern_org.htm)

International Confederation of Free Trade Unions (ICFTU)

*On the Internet:* [www.icftu.org/focus.asp?Issue=childlabour&Language=EN](http://www.icftu.org/focus.asp?Issue=childlabour&Language=EN)

World Confederation of Labour (WCL)

*On the Internet:* [www.cmt-wcl.org/en/pubs/childl.html](http://www.cmt-wcl.org/en/pubs/childl.html)

Education International (EI)

*On the Internet:* <http://www.ei-ie.org/action/english/Childlabour/etrchildlabor.htm>

International Federation of Building and Wood Workers (IFBWW)

*On the Internet:* <http://195.144.54.85/ifbww/index.html>

International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF)

*On the Internet:* [www.iuf.org/iuf/ChildLabour /](http://www.iuf.org/iuf/ChildLabour/)

Public Services International (PSI)

*On the Internet:* <http://www.world-psi.org/psi.nsf?Open>

**Global March against Child Labour**

*On the Internet:* <http://www.globalmarch.org/>

**On positions taken by the Inter-Parliamentary Union  
in recent years on children's issues**

*On the Internet:* [www.ipu.org](http://www.ipu.org)

*Hard copy:* Document CONF/106/4-Doc.Inf.4, of 23 August 2001, contains a compilation of relevant excerpts from IPU resolutions and other documents, during the period 1985-2001, expressing IPU Members' position on various issues relating to children.

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## **The International Labour Organization (ILO)**

The International Labour Organization is the United Nations specialized agency which seeks the promotion of social justice and internationally recognized human and labour rights. It was founded in 1919 and is the only surviving major creation of the Treaty of Versailles which brought the League of Nations into being and it became the first specialized agency of the UN in 1946.

The ILO formulates international labour standards in the form of Conventions and Recommendations setting minimum standards of basic labour rights: freedom of association, the right to organize, collective bargaining, abolition of forced labour, equality of opportunity and treatment, and other standards regulating conditions across the entire spectrum of work related issues. It provides technical assistance primarily in the fields of vocational training and vocational rehabilitation; employment policy; labour administration; labour law and industrial relations; working conditions; management development; cooperatives; social security; labour statistics and occupational safety and health. It promotes the development of independent employers' and workers' organizations and provides training and advisory services to those organizations. Within the UN system, the ILO has a unique tripartite structure with workers and employers participating as equal partners with governments in the work of its governing organs.

In 1992, the ILO's International Programme on the Elimination of Child Labour (IPEC) was founded. IPEC's aim is to work toward the progressive elimination of child labour, starting with its worst forms, by strengthening national capacities to address child labour problems, by increasing knowledge about child labour and by creating a worldwide movement to combat it. IPEC relies on a coalition of nearly 100 partners, comprising member countries that have invited IPEC to set up local programmes, donor governments and other contributing governmental and non-governmental organizations. The Programme's priority target groups are children in the worst forms of child labour, reaching out in particular to the very young (below 12 years of age), working girls and children in hidden forms of work.

## **The Inter-Parliamentary Union (IPU)**

Created in 1889, the Inter-Parliamentary Union is the international organization that brings together the representatives of Parliaments of sovereign States.

In January 2002, the parliaments of 143 countries were represented.

The Inter-Parliamentary Union works for peace and co-operation among peoples with a view to strengthening representative institutions.

To that end, it:

- fosters contacts, coordination and the exchange of experience among parliaments and parliamentarians of all countries;
- considers questions of international interest and expresses its views on such issues with the aim of bringing them about by parliaments and their members;
- contributes to the defence and promotion of human rights, which are universal in scope and respect for which is an essential factor of parliamentary democracy and development;
- contributes to better knowledge of the working of representative institutions and to the strengthening and development of their means of action.

The Inter-Parliamentary Union shares the objectives of the United Nations, supports its efforts and works in close cooperation with it.

It also cooperates with the regional inter-parliamentary organizations as well as with international intergovernmental and non-governmental organizations which are motivated by the same ideals



“A child  
**in danger**  
is a child that cannot wait.”

*Kofi A. Annan*

*Secretary-General of the United Nations*

International Labour Office



Inter-Parliamentary Union