ILO Convention Num. 182 concerning Minimum Age for Admission to Employment

This convention establishes the age of 18 years, as the minimum age for admission to employment. The “employment” in this case must fall under criteria of special protection that should be supervised and controlled by the Labour Ministry. Thus the Convention excludes employment by persons less than 15 years old, as well as work performed by persons less than 18 years of age, which by its nature or the conditions under which it is executed may result hazardous for health, safety or morals, are prohibited.

Convention Num. 182 regarding the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour

In 1999, the international community decided to extend the protection against exploitation of children and adolescents, through ILO Convention 182, which declares and denounces the existence of other particularly atrocious forms of exploiting children and adolescents. For this purpose, they established a list of the “Worst Forms of Child Labour” that, due to their particularities, can be divided into two categories:

**Hazardous work**

- This is work performed by persons less than 18 years of age, which by its nature or the circumstances in which it is carried out, is likely to be harmful to the health, safety or morals of children (see article 3, clause d, of Convention 182). This type of work requires that the tasks to which the child is subjected are known as “Lists of Hazardous Child Labour”. There may be cases where the words “hazardous” become ambiguous, and such activities are completely eliminated and it falls within the parameters of the minimum age for admission to employment.

**The unconditional worst forms of child labour**

- These are forms of economic exploitation of children and adolescents that are similar to slavery, and to those that should be considered CRIMES, and are committed by those who use, recruit and maintain any person under the age of 18 in these forms of exploitation. Therefore, they are included according to the stipulations of the Penal Code of the countries for which the Convention has been entered into force.

In contrast to dangerous work, these forms of economic exploitation are situations that:

- Do not require definition at the national level (since they are defined in the Convention).
- Being CRIMES under the law, they demand immediate cessation of the situation and immediate attention (it is not acceptable improve a “working conditions”).

These “unconditional worst forms” include:

- Slavery and all similar practices, such as the sale and trafficking of children and adolescents for means of exploitation.
- Use of children in armed conflicts.
- Utilization of underage persons to carry out illicit activities.

This includes submitting children and adolescents:

- To having sexual relations or carrying out any other type of sexual activity.
- Producing and distributing pornographic material (videos, magazines, photos, etc.)
- Participating in public or private sexual shows (in nightclubs, bars, and parties, amongst others).

Traditionally, society has recognized prostitution as adults of a “form of work”. However, in the case of persons under 18, the payment for sexual activities constitutes to the exploitation of women, men, girls, boys and adolescents. It involves multiple, physical, psychological and social consequences for its victims, therefore, it is a crime.

The following graph clarifies the basic distinctions that we have mentioned in the previous paragraphs:

### Child Labour: basic distinctions

- **Shaded area:** child labour that must be eliminated + economic exploitation
- **Unshaded area:** acceptable forms of work

The “client-exploiters”: These people pay to carry out sexual activities with children and adolescents to satisfy their own desires, consuming pornographic materials containing images of children and adolescents; or participate as clients of sexual shows where persons under 18 participate.

Pimps or intermediaries: are the persons who take advantage of the vulnerability of children and adolescents, especially those coming from conditions of poverty, misfortune or addiction (motivation, reduce or refuse to carry out the work and receive an economic benefit for mediating or facilitating situations of CSEC.

**How can I detect a situation of commercial sexual exploitation?**

There are certain economic sectors where commercial sexual exploitation is frequent, such as: brothels, nightclubs, public or private shows... In which it is important to pay special attention to those industries involving sex and teenagers. As a labour inspector, you might suspect you are in the presence of a situation of commercial sexual exploitation if you detect the following situations upon making a visit to a workplace:

- In a bar or place where you suspect drugs are sold.
- In places frequented by children, massage parlour, casinos or nightclubs.
- In hotels, unaccompanied by a family member.
- In places frequented by young people, accompanied by a foreign or non-family member adult.
- In places with little or no inspection (bars, hotels, etc.).
- In places with a lot of transportation movement (border crossings, important highway rest stops, etc.).

**Persons under 18 involved in a CSEC situation are victims of a form of violence and exploitation and cannot be considered as “workers”**

Any child or adolescent can be a victim! But some are more vulnerable if they...

- Have no money.
- Use alcohol and drugs.
- Have no education.
- Are physically and mentally vulnerable.
- Have no money.
- Are physically and mentally vulnerable.
- Have no education.
- Have no family support.
- Suffer abuse in their homes.
- The institutions that should protect them fail to do so.
- They live in a country or area with low standards of living.
- They have no family support.
- They are forced into prostitution...

**The term “prostitution” should not be used when one refers to children and adolescents. It reinforces the idea that they are “selling a service” when they are really being exploited.**

Any person who involves a child or adolescent in any sexual activity cannot consider themselves “their choice” or “employer”. He is a delinquent and should be denounced and punished by the law.
In order to detect CSEC situations, any observation that you can perform at the site is fundamental. Be aware that at the least suspicion of a CSEC situation, you are obliged to inform the Prosecutors’ Office or the police department, as the ones in charge of investigating these crimes and can contact the Child Protection Institution, for them to provide immediate protection for the child.

In the face of suspicion or certainty of a commercial sexual exploitation situation, it is not recommended, but also illegal, to initiate a labor administrative process for “child labour and protection of a working adolescent,” as it aims to improve the “working conditions” of the adolescent. We must remember that exploitation is a criminal offense which has to be denounced after the formal judicial proceeding in this way can seriously obstruct a criminal investigation.

How can I report commercial sexual exploitation crimes?

- With nothing more than a reasonable suspicion that a crime has been committed, one should file a criminal report, even if you are not sure you are in the presence of a CSEC crime, as you are on a safe bet in what could be a crime. Do not worry, the police authorities and the Prosecutors’ Office will take care of it.
- It is important for you to contribute by reporting all the information that is possible to gather (according to your competences), this does not mean you should become a police investigator. You should not put your life or the victim’s life at risk. But you can report the possible suspicious cases, take notes, and picture the situation you are observing; address the site, any data that you have on the assumptions of persons present (name, description, observation of other persons present, whether they are victims, witnesses or suspects, vehicles and any detail you can provide).
- Provide any other reference and information that might be useful for the investigation: for example, write a report with all the information you have.
- In many cases, the denunciation may be anonymous, however, it is important that the investigators tend to maintain in any situation, to any additional information they may need.
- Remember that reports are to be made to the Prosecutors’ Office or to the Police.

Other actions that you can take to combat commercial sexual exploitation.

- Within the Labour Inspection must act as a preventive action. It should clearly state with whom one must coordinate when confronted by a CSEC situation.
- Inform and train all labour inspectors on the subject. Place potential informative materials in your workplace to inform other persons about the problem and to encourage its denunciation.
- Participate in the local and national networks (commissions, work groups, committees, and institutional networks, among other things) that deal with this matter.
- Give your support to cultural change towards Zero Social Tolerance of exploitation situations.

In the following chart you will find the telephone numbers of your country’s institutions, with whom you can coordinate actions for the protection of victims and reporting of CSEC cases.

**Taking Action!**

There are many myths or false beliefs about the reality of these victims, for example, believing that they “earn a lot of money”, “like it” or “need to be abused.” These myths place the guilt on the victims, and we should avoid them if we wish to provide effective protection to them and comply with adequately.

There are no excuses … it is a crime!

The fight for the eradication of commercial sexual exploitation requires the support of many sectors of society. Children and adolescents need to count on your support in this battle.