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INTRODUCTION

The first discussion of the question of child labour took place at the 86th Session (1998) of the International Labour Conference (ILC). Following that discussion, and in accordance with article 39 of the Standing Orders of the Conference, the International Labour Office prepared and communicated to the governments of members States a report(1) containing a proposed Convention and a proposed Recommendation concerning the prohibition and immediate elimination of the worst forms of child labour, based on the conclusions adopted by the Conference at its 86th Session.

Governments were invited to send any amendments or comments they might wish to make so as to reach the Office by 30 November 1998 at the latest, or to inform it, by the same date, whether they considered that the proposed texts constituted a satisfactory basis for discussion by the Conference at its 87th Session (1999).
At the time of drawing up this report, the Office had received replies from the
governments of the following 83 members States: Argentina, Australia, Austria,
Bahrain, Bangladesh, Belarus, Belgium, Benin, Bolivia, Botswana, Brazil, Bulgaria,
Canada, Cape Verde, Chile, China, Colombia, Croatia, Cyprus, Czech Republic,
Denmark, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Germany,
Greece, Haiti, Hungary, India, Indonesia, Ireland, Italy, Japan, Jordan, Kenya,
Republic of Korea, Kuwait, Latvia, Lebanon, Madagascar, Malaysia, Mali, Mauritius,
Mexico, Morocco, Myanmar, Netherlands, New Zealand, Norway, Pakistan, Peru,
Poland, Portugal, Qatar, Romania, Saudi Arabia, Senegal, Slovakia, South Africa,
Spain, Sri Lanka, Sudan, Sweden, Switzerland, Syrian Arab Republic, United
Republic of Tanzania, Thailand, Togo, Tunisia, Turkey, Uganda, Ukraine, United
Arab Emirates, United Kingdom, United States, Venezuela, Yemen, Zambia,
Zimbabwe and the Holy See.

In accordance with article 39, paragraph 6, of the Standing Orders of the Conference,
governments were requested to consult the most representative organizations of
employers and workers before finalizing their replies and to indicate which
organizations were consulted.

The governments of the following 49 member States (Bangladesh, Belarus, Belgium,
Benin, Brazil, Bulgaria, Canada, Chile, China, Croatia, Cyprus, Czech Republic,
Denmark, Egypt, El Salvador, Estonia, Finland, France, Germany, Greece, Hungary,
Indonesia, Ireland, Italy, Japan, Jordan, Kenya, Republic of Korea, Latvia, Mauritius,
Myanmar, Netherlands, New Zealand, Norway, Portugal, Slovakia, South Africa,
Spain, Sweden, Switzerland, Syrian Arab Republic, United Republic of Tanzania,
Togo, Turkey, United Arab Emirates, United Kingdom, United States, Venezuela,
Zimbabwe) stated that the most representative organizations of employers and
workers had been consulted.

In the case of the following 37 member States the replies of employers' and workers'
organizations were incorporated into those of the government, were appended or were
communicated directly to the Office: Bangladesh, Belarus, Belgium, Brazil, Bulgaria,
Canada, Chile, Croatia, Czech Republic, Denmark, Egypt, Estonia, Finland, France,
Germany, Greece, Hungary, Indonesia, Ireland, Italy, Japan, Jordan, Kenya, Republic
of Korea, Netherlands, New Zealand, Norway, Portugal, South Africa, Spain,
Sweden, Switzerland, Syrian Arab Republic, Turkey, United States, Venezuela,
Zimbabwe.

The United Nations Committee on the Rights of the Child formulated comments
during its 20th Session.

To ensure that the texts in English and French of the proposed Convention and the
proposed Recommendation concerning the prohibition and immediate elimination
of the worst forms of child labour are in the hands of governments within the time-
limit laid down in article 39, paragraph 7, of the Standing Orders of the Con-
ference, Report IV (2) is published in two volumes. The present bilingual volume
(Report IV (2 B)) contains the English and French versions of the proposed texts,
amended in the light of the observations made by governments and by employers' and
workers' organizations and for the reasons set out in the Office commentaries. In
addition, some slight changes were made, where appropriate, in the wording of the
texts, mainly to ensure full convergence between the two versions of the proposed instruments. If the Conference so decides, these texts will serve as a basis for the second discussion, at the 87th Session (1999), of the question of child labour.

PROPOSED TEXTS

The following are the English versions of (A) the proposed Convention concerning the prohibition and immediate elimination of the worst forms of child labour, and (B) the proposed Recommendation concerning the prohibition and immediate elimination of the worst forms of child labour, which are submitted as a basis for discussion of the fourth item on the agenda of the 87th Session of the Conference.

A. Proposed Convention concerning the prohibition and immediate 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 effective elimination of the worst forms of child labour, as the main priority for national and international action, to complement the Convention and Recommendation concerning Minimum Age for Admission to Employment, 1973, which remain the fundamental instruments with a view to achieving the total abolition of 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 basic education and the need to remove the concerned children from work and to provide for their rehabilitation and social reintegration, and

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

Recalling the relevant provisions of the Labour Inspection Convention, 1947, and the Human Resources Development Convention and Recommendation, 1975, and

Recalling the Declaration on Equality of Opportunity and Treatment for Women Workers, adopted by the International Labour Conference in 1975, as well as the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development, 1995,
and the Beijing Declaration and Platform for Action of the Fourth World Conference on Women, 1995, 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 day of June of the year one thousand nine hundred and ninety-nine the following Convention, which may be cited as the Immediate Abolition of the Worst Forms of Child Labour Convention, 1999.

Article 1

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

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 expression "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, forced or compulsory labour, debt bondage and serfdom;

(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 jeopardize 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 account relevant international standards.

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, after consultation with the organizations of employers and workers concerned.

**Article 5**

Each Member shall 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.

**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 children from engaging in the worst forms of child labour;

   (b) provide the necessary and appropriate direct assistance for their removal from work, rehabilitation and social reintegration through, inter alia, access to free basic education;

   (c) identify and reach out to children at special risk; and

   (d) 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 steps, as appropriate, to assist one another in giving effect to the provisions of this Convention through international cooperation or assistance.

**B. Proposed Recommendation concerning the prohibition and immediate 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

Having adopted the Immediate Abolition of the Worst Forms of Child Labour Convention, 1999, 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 a Recommendation supplementing the Immediate Abolition of the Worst Forms of Child Labour Convention, 1999;

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

1. The provisions of this Recommendation supplement those of the Immediate Abolition of the Worst Forms of Child Labour Convention, 1999 (hereafter referred to as "the Convention"), and should be applied in conjunction with them.

I. Programmes of action

2. The programmes of action referred to in Article 6 of the Convention should be designed and implemented in consultation with relevant government institutions, employers' and workers' organizations and, as appropriate, other concerned groups. They should aim at, inter alia:

(a) identifying and denouncing the worst forms of child labour;

(b) preventing children from engaging in or removing them from the worst forms of child labour, protecting them from reprisals and providing for their rehabilitation and social reintegration through measures which address their educational, physical, emotional and psychological needs;

(c) giving special attention to:

   (i) younger children;

   (ii) the problem of hidden work situations, in which girls are at special risk;

   (iii) other groups of children with special vulnerabilities or needs;

(d) identifying and reaching out to communities where children are at special risk;

(e) informing, sensitizing and mobilizing public opinion and concerned groups, including children and their families.

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, as a minimum, to:

(a) work which exposes children to physical, emotional 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 which does not allow for the possibility of returning home each day.

III. Implementation

4. (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 immediate elimination of its worst forms.

(2) As far as possible, such information and statistical data should include data disaggregated by sex, age group, occupation, branch of economic activity and status in employment.

(3) Relevant data concerning violations of national provisions for the prohibition and immediate elimination of the worst forms of child labour should be compiled and kept up to date.

5. The compilation and processing of the information and data referred to in Paragraph 4 above should be carried out with due regard for the right to privacy.

6. The information compiled under Paragraph 4 should be communicated to the International Labour Office on a regular basis.

7. Members should establish or designate appropriate national mechanisms to monitor the implementation of national provisions for the prohibition and immediate elimination of the worst forms of child labour after consultation with employers' and workers' organizations and, as appropriate, other concerned groups.

8. Members should ensure that the competent authorities which have responsibilities for implementing national provisions for the prohibition and immediate elimination of the worst forms of child labour cooperate with each other and coordinate their activities.

9. 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 immediate elimination of the worst forms of child labour.

10. Members should, in so far as it is compatible with national law, cooperate with international efforts aimed at the prohibition and immediate elimination of the worst forms of child labour 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.

11. 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, forced or compulsory labour, debt bondage and serfdom;

(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.

12. Members should ensure that penalties including, where appropriate, criminal penalties are applied for violations of the national provisions for the prohibition and immediate elimination of any type of work referred to in Article 3(d) of the Convention.

13. Members should also provide for other remedies, where appropriate, to ensure the effective enforcement of national provisions for the prohibition and immediate elimination of the worst forms of child labour.

14. Other measures aimed at the prohibition and immediate elimination of the worst forms of child labour might include the following:

(a) informing and sensitizing 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 concerned government officials, especially inspectors and law enforcement officials, and for other relevant professionals;
(d) providing for the prosecution in their own country of the Members' nationals who commit offences under 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) giving publicity to best practices on child labour;

(g) giving publicity to legal or other provisions on child labour in the different languages or dialects;

(h) establishing special complaints procedures and making provisions to protect those who legitimately expose violations of the provisions of the Convention from discrimination and reprisals, as well as establishing help lines or points of contact and ombudspersons.

15. International cooperation or assistance among Members for the prohibition and immediate elimination of the worst forms of child labour should include:

(a) mobilizing resources for national or international programmes;

(b) mutual legal assistance;

(c) technical assistance including the exchange of information.


2. Replies that arrived too late to be included in the report may be consulted by delegates at the Conference.

3. The Government of Belgium sent with its reply an opinion from the National Labour Council (CNT).

4. The Ministry of Social Affairs and Labour responded for the Government. The Ministry of Industry provided comments in its capacity as an employer in the public sector of industry.

5. The Holy See has observer status with the ILO.

6. Report IV (2 A) will be in the hands of governments approximately one month after the present volume and will contain summaries of the replies received and the Office commentaries.