



INTERNATIONAL
LABOUR OFFICE
GENEVA



CHILD LABOUR

Targeting the intolerable

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The *International Labour Organization* was founded in 1919 to promote social justice and, thereby, to contribute to universal and lasting peace. Its tripartite structure is unique among agencies affiliated to the United Nations; the ILO's Governing Body includes representatives of government and of employers' and workers' organizations. These three constituencies are active participants in regional and other meetings sponsored by the ILO, as well as in the International Labour Conference – a world forum which meets annually to discuss social and labour questions.

Over the years, the ILO has issued for adoption by member States a widely respected code of international labour Conventions and Recommendations on freedom of association, employment, social policy, conditions of work, social security, industrial relations and labour administration, among others.

The ILO provides expert advice and technical assistance to member States through a network of offices and multidisciplinary teams in over 40 countries. This assistance takes the form of labour rights and industrial relations counselling, employment promotion, training in small business development, project management, advice on social security, workplace safety and working conditions, the compiling and dissemination of labour statistics, and workers' education.

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Introduction

The world community is calling for an end to the intolerable: the persistent exploitation of children in slave-like and bonded conditions, in hazardous and arduous work, in prostitution, pornography and other unspeakable situations.

As part of its campaign to eliminate child labour, the International Labour Organization is proposing the adoption of new international legal instruments to combat the worst forms of child labour, supplemented by recommendations for practical action and assistance. The proposal, put forward by its three constituent groups — governments, and employers' and workers' organizations — seeks the commitment of member States to ban and prevent child labour in hazardous work and to remove children without delay from such work.

Drawing on ILO action against child labour, including the experience of the ILO's International Programme on the Elimination of Child Labour and other initiatives, this report chronicles the exploitation and abuse of working children, surveys international and national law and practice, and points the way toward effective practical action to remove children from debt bondage, prostitution and hazardous occupations and activities. It is accompanied by a questionnaire (Report VI (1): *Questionnaire*) which seeks the views of governments, in consultation with employers' and workers' organizations, on the possible scope and content of the proposed international legal instruments.

The problem

1

The world context

Child labour remains a serious problem in the world today. According to revised estimates by the ILO's Bureau of Statistics, the number of working children between the ages of 5 and 14 is at least 120 million. As may be expected given the prevailing economic conditions, the overwhelming majority of these are in developing countries in Africa, Asia and Latin America. But pockets of child labour also exist in many industrialized countries. Numerous children work in occupations and industries which are plainly dangerous and hazardous. They are found in mines, in factories making glass bangles, matches and fireworks, in deep-sea fishing, in commercial agriculture and so on. The list is endless, as are the dangers and hazards and the consequences:

- Working children suffer significant growth deficits compared with children in school: they grow up shorter and lighter, and their body size continues to be smaller even in adulthood.¹
- Both anecdotal evidence and statistical surveys indicate that far too many working children are exposed to hazardous conditions which expose them to chemical and biological hazards. For example, according to one large-scale ILO national survey in the Philippines, more than 60 per cent of working children are exposed to such hazards and, of these, 40 per cent experience serious injuries or illnesses including amputations and loss of body parts.
- Large numbers of working children work under conditions which expose them to substances with long latency periods — for example, asbestos — which increases the risk of contracting chronic occupational diseases such as asbestosis or lung cancer in young adulthood. A World Health Organization (WHO) report on a district in India attributes epidemic epilepsy to chronic exposure to the pesticide benzene hexachloride, which is used as a food preservative.²

- In rural areas, more children are believed to die of exposure to pesticide than from the most common childhood diseases put together, according to a study on occupational health in developing countries.³
- Children in certain occupations are especially vulnerable to particular types of abuse. For example, many studies confirm that child domestic workers are victims of verbal and sexual abuse, beating or punishment by starvation.

Child labour is simply the single most important source of child exploitation and child abuse in the world today.

But there are grounds for optimism. The world we now know is radically different from what it was some 15 years ago. It offers new opportunities and possibilities and there is an emerging consensus that the world community has the duty and the obligation to combat especially those intolerable forms of child labour that still persist in much of industry, agriculture and services and in conditions of bondage and serfdom.

One of the most striking developments in the last decade and a half is the emergence of a worldwide movement against child labour. This is reflected in the remarkable changes in attitudes and perceptions as well as in the number and range of actors involved in the cause of children and child workers.

Until very recently, child labour was not an issue of major concern, at either the national or the international level:

- There were few institutions active in child labour, say, before the mid-1980s. For all practical purposes, the ILO was one of the few international organizations and ILO Conventions the only international instruments directly focused on and committed to the elimination of child labour.
- Until a few years ago, child labour was viewed with a mixture of indifference, apathy and even cynicism. It was so widely practised that it was accepted by many as part of the natural order of things. For others, child labour was equated with child work, excused with the argument that work is good for children and a means of helping families.

At the policy level, therefore, a major difficulty facing the ILO was getting member States to admit or recognize the problem. The position was one of denial — denial by governments, by employers and by parents. For most governments child labour was illegal, and therefore what did not exist in law did not prevail in practice. For employers the

illegality of child labour meant that children could be employed only clandestinely. For destitute parents trapped in poverty the employment of their children was considered the only option left and its prohibition a nuisance and even a portent of economic catastrophe. Even for the donor community child labour was almost nowhere on its list of priorities. There was thus a silence born out of necessity and opportunism which kept the problem hidden, making remedial action virtually impossible.

This is no longer the case. Today, child labour is one of the dominant issues of our time:

- There is an explosion in the literature on child labour and in the coverage of child labour abuses and violations in the international print and electronic media.
- Today, there is a large number of distinguished institutions at the forefront of the struggle against child labour. In 1986 UNICEF gave impetus to the cause through its programme on children in especially difficult circumstances. The body of international law and ILO instruments was given added momentum with the adoption, in 1989, of the United Nations Convention on the Rights of the Child. Perhaps less well known, but important too, was the increasingly central place that child labour was given in the deliberations of the subcommittees of the Geneva-based United Nations Commission on Human Rights.
- Thanks to the commitment of thousands of concerned individuals and groups, the cause of child rights has been given a further boost by the emergence of numerous non-governmental organizations (NGOs) which have carried the torch and transformed what was at best a fledgling local concern into a formidable worldwide movement.

Perhaps the best illustration of the long distance we have travelled is the fact that child labour has now shot to the top of the global agenda and consumer concerns in both developing and industrialized countries. Corporations are reacting to consumer and other pressure in rich countries demanding corporate responsibility from manufacturers to respect human rights, including the ILO's Conventions on workers' rights and child labour. World-renowned manufacturers such as Levi Strauss, Reebok, Sears and others in the sporting goods industry are now looking into the conditions under which their products are being produced. In Europe a number of established stores have decided not to sell products such as carpets unless they are certified as being made

without child labour. Some have agreed to establish a code of conduct to help abolish child labour. The world's football governing body, the International Federation of Association Football (FIFA) has agreed upon the content of a code of labour practice for production of goods licensed by FIFA with the International Confederation of Free Trade Unions (ICFTU), the International Textile, Garment and Leather Workers' Federation (ITGLWF), and the International Federation of Commercial, Clerical, Professional and Technical Employees (FIET). The Code contains a specific provision prohibiting the use of child labour in producing FIFA-licensed goods; only workers above the age of 15 years are allowed, in accordance with ILO Convention No. 138.

These very powerful movements by consumers and manufacturers alike have been accompanied by perhaps even more powerful efforts on the legislative and trade fronts:

- The European Union (EU) has reached agreement on a new Generalized System of Preferences (GSP). The GSP, while providing reduced tariffs on the import of many products from developing countries, requires a ban on goods produced by prison and slave labour, respect for trade union rights and the prohibition of child labour, as defined by ILO Conventions. Countries which provide proof of compliance will receive privileged access to EU markets.
- The United States also has introduced provisions into its legislation linking the granting of trade privileges to foreign countries with their respect for minimum workers' rights. The Generalized System of Preferences (GSP) includes references to workers' rights in the exporting country. In the United States, Senator Tom Harkin has introduced a bill, not yet enacted, banning the import of products from industries using child labour.
- At the international level, there has been considerable discussion as to whether global competition rules should require the implementation of certain basic international labour standards, including the progressive elimination of child labour. In the ILO, the question of linkage of trade and labour standards has been the subject of sharply divergent views. But there has been wide agreement on the need for intensified action against child labour with an immediate attack on the worst abuses.

This change in attitude has led to some remarkable changes in the behaviour of the major actors, particularly governments. In the past, the illegality of child labour and the political sensitivity of governments

were such a barrier to national action that there was not one single technical cooperation project which the ILO could implement. This is no longer so.

Many governments have embarked on a review and updating of national legislation on child labour and have adopted practical policies and programmes on child labour (Brazil, India, Indonesia, Kenya, Nepal, Pakistan, Philippines, United Republic of Tanzania, Thailand, Zimbabwe). The ILO's International Programme on the Elimination of Child Labour (IPEC) is now operational in more than 25 countries.

The nature and magnitude of the problem

Child labour today

Much has been achieved, but there is still so far to go.

Statistics on child labour are elusive not only because of the special and practical difficulties involved in the design and implementation of child surveys but also because of differences in perception about what constitutes a child, or child work, or child labour. Even so, the evidence reveals a problem found throughout the world, and especially in Africa, Asia and Latin America.

Earlier estimates based on very limited statistical information obtained from about 100 countries indicated that there were 73 million working children between 10 and 14 years of age in these countries in 1995. However, recent experimental surveys carried out by the ILO's Bureau of Statistics in a number of countries indicate that this figure is a gross underestimation. They further indicate that even children below 10 years of age are at work in substantial numbers. The Bureau now estimates that, in the developing countries alone, there are at least 120 million children between the ages of 5 and 14 who are fully at work, and more than twice as many (or about 250 million) if those for whom work is a secondary activity are included. Of these, 61 per cent are found in Asia, 32 per cent in Africa, and 7 per cent in Latin America. Although Asia has the largest number of child workers, Africa has the highest incidence at around 40 per cent of children between 5 and 14 years old. Though primarily a developing country problem, child labour also exists in many industrialized countries and is emerging in many East European and Asian countries which are in transition to a market economy.

There are, of course, considerable national differences in the incidence of child labour. A recent ILO survey of child labour in Ghana,

India, Indonesia and Senegal⁴ found that 25 per cent of all children between 5 and 14 years of age had been engaged in an economic activity and that around 33 per cent of the children did not attend school.

“Everyone”, says the Universal Declaration of Human Rights, “has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory.” Today, lack of education is especially damaging because both individual and societal well-being increasingly depend on literacy, numeracy and intellectual competence. A child working is therefore a future denied.

Working children are disadvantaged in other ways as well, and there is evidence that the early involvement of children in work can have serious health and developmental consequences.⁵ A comparative study carried out over a period of 17 years in India on both school-going children and working children in agriculture, small-scale industries and the service sector showed that working children grow up shorter and lighter than schoolchildren.⁶ In studies carried out in Bombay the health of children working in hotels, restaurants, construction and elsewhere was found to be considerably inferior to that of a control group of children attending school. Symptoms included muscular, chest and abdominal pain, headaches, dizziness, respiratory infections, diarrhoea and worm infection.⁷ Similar findings were observed in the carpet-weaving industry in Mirzapur, India. Poor sanitation, overcrowding, inadequate ventilation and extreme temperatures in the working environment are aggravated by poor conditions and malnutrition in the living environment, thus making working children more susceptible to infectious diseases, injuries and other workplace-related ailments.

Most statistical surveys cover only children aged 10 and above. But many children begin work at an earlier age. Rural children, in particular girls, tend to begin their economic activity at an early stage, at 5, 6 or 7 years of age. In some countries, children under 10 years of age are estimated to account for 20 per cent of child labour in the rural areas and around 5 per cent in urban centres. Their number can be much higher in certain occupations and industries, for example, in domestic service and home-based industries. Children are also conspicuously present in scavenging and rag-picking or in marginal economic activities in the streets and are exposed to drugs, violence, criminal activities, physical and sexual abuse in many cities around the world.

Child labour, then, is a denial of the right to education and of the opportunity to reach full physical and psychological development. Worse still, many millions of children are found working throughout the

world, trapped in forced labour, debt bondage, prostitution, pornography, and other kinds of work which cause lasting damage and immediate dangers. Clearly, therefore, the design of a national policy aimed at the effective abolition of child labour must focus on a priority basis on the most vulnerable children and on the most intolerable forms of child labour.⁸

Children in hazardous work

The most common situation in which children are vulnerable is when they work in hazardous occupations and industries.

Health and safety hazards in the working environment can be related to the nature of the work (for example, whether or not the work involves intrinsically hazardous processes), to their exposure to hazardous substances and agents or to their exposure to poor working conditions.⁹ Chemical, physical, biological and psychological hazards are often found in combination in the workplace. Often, too, their adverse effects are not only cumulative but magnified through their synergic interaction. It is not easy to isolate one single source or cause of an occupational hazard.

Children are susceptible to all of the dangers that are faced by adults when placed in the same situation, and survival and physical integrity are of course as important to them as to older people. However, work hazards that affect adults affect children even more strongly. Children differ biologically from adults in their anatomical, physiological, and psychological characteristics. These differences make them more susceptible to occupational hazards. The health effects can be more devastating for them, causing irreversible damage to their physical and physiological development, resulting in permanent disabilities, with serious consequences for their adult lives. For example, carrying heavy loads or being forced to adopt unnatural positions at work can permanently distort or disable growing bodies. There is evidence that children suffer more readily from chemical hazards and radiation than do adults, and that they have less resistance to disease. They are much more vulnerable to psychological and physical abuse than are adults, and suffer more devastating psychological damage from living and working in an environment in which they are denigrated or oppressed. When speaking of children, therefore, it is necessary to go beyond the relatively limited concept of "work hazard" as applied to adults, and expand it to include the developmental aspects of childhood. Because children are still growing, they have special characteristics and needs that must be taken into consideration when defining workplace risks to them.

Children are found working in manifestly hazardous industries and exposed to different types of risks. For example, studies in India describe how children are exposed to intrinsically dangerous processes such as firing ceramics and drawing molten glass. In the brassware industry in Moradabad, Uttar Pradesh, they work under exposure to extremely high temperature while rotating the wheel furnace, and use sharp and heavy hand tools.¹⁰ In Pakistan also, children are found working in a wide range of industries, including construction-related industries such as brick-making, under arduous and hazardous conditions. Muro-ami fishing, which is common in many countries in Asia, involves deep-sea diving without the use of protective equipment. This is notoriously hazardous, resulting in drowning, ruptured eardrums and death from decompression illness.¹¹ In slate-making and metalwork, children are exposed to, and are sometimes victims of, unguarded and poorly maintained machinery, and inappropriate and unsafe hand tools.

There are various other hazards in the physical working environment of children. Exposure to organic dusts is widespread in farms and plantations. According to data from Sri Lanka, mortality from pesticides poisoning is greater than from a combination of other childhood diseases such as malaria, tetanus, diphtheria, polio and whooping cough.¹² Children working in repair shops, woodwork and construction suffer from constant exposure to dust and fumes, as has been reported by various studies from Egypt, the Philippines and Turkey. Ergonomic problems are serious in work where children have to squat for long hours such as in carpet making and in subcontracted garment work. Poor housekeeping contributes to accumulation of dusts and wastes causing respiratory troubles and accidents, as observed in artisanal work in Kenya, the United Republic of Tanzania and the Philippines.

Several work situations expose children to dangerous substances including toxic and carcinogenic substances. Asbestos is probably one of the best known of the human carcinogens. Children should not work in mining, construction, brake repair, or anywhere asbestos is used, nor in jobs with exposure to silica or coal dust. Aniline dyes are also known human carcinogens and children should not be involved in the dying of wool for carpets or leather for shoes if aniline dyes are used.

Exposure to solvents and glues causes neurotoxicity. Children should thus not be involved in work with these substances, for example in the leather industry. Many metals contain lead and mercury. Children are particularly sensitive to lead exposure which is frequent in construction, glass works and repair of automobile radiators. Children

would incur high mercury exposure in gold-mining and therefore need to be removed immediately from such an occupation.

Benzene is another established human carcinogen. It is used as solvent for glues, rubber, paints and oils. Even at low levels, exposure can give rise to toxic symptoms; long-term exposure can result in blood disorders ranging from anaemia to leukaemia. Children are found in garage work and gasoline stations where exposure to benzene is a definite risk.

For all the reasons outlined above, the exposure of children to hazardous substances and agents should be avoided. Any work that involves exposure to known human carcinogens, neurotoxins, heavy metals, and substances which sensitize skin or lungs should be banned for children.

Children working in hazardous employment handle hazardous materials and use inappropriate tools. As evidenced above, they are exposed to ergonomic hazards, toxic chemicals and hazardous physical and biological agents such as noise and anthrax spores. Exposure limits established for adult workers are not protective enough for children. Children using hand tools designed for adults run a higher risk of fatigue and injury. When personal protective equipment does not fit children they have to work without it or use alternative devices, such as handkerchiefs to cover their nose and mouth, which do not provide real protection. Children who use seats and work benches designed for adults may develop musculoskeletal disorders.

Children undertaking heavy work, carrying heavy loads and maintaining awkward body positions for a long time, can develop deformation of the spinal column and sometimes of the pelvis because excessive stress may be placed on the bones before the epiphysis has fused and may result in skeletal damage or impaired growth. Heavy work at an early age also has direct consequences on the child's physical and mental development. Physically, children are not suited to long hours of strenuous and monotonous work. Their level of concentration is also lower than that of adults. Their bodies suffer the effects of fatigue faster than adults due to excessive energy expenditure, and most suffer from malnutrition, which lowers their resistance to disease.

Even if most child labourers work side by side with adults, the conditions of work of children and of adult workers may not be the same. Children may be more exposed to an occupational hazard than adult workers in the same trade because of the type of task they carry out. In many cases, children tend to be given the most menial jobs which might involve exposure to solvents, strong alkalis and a variety of toxic

substances, with which they are often unfamiliar. Children are especially vulnerable to accidents because they have neither the awareness of the dangers nor knowledge of the precautions to be taken at work. It is often found that children and young workers tend to have more serious accidents than adults.

If child workers in general are vulnerable to work-related hazards, very young children and girls are of course even more so. Children starting work at an early age have a longer period of exposure to cumulative hazards. In certain enterprises, children are hired because adult health has already been compromised, as for example in limestone, slate and glass industries. Exposure in early life to substances with long latency periods such as asbestos increases the possibility of contracting chronic diseases such as lung cancer in young adulthood instead of at a later age. Children have a lower heat tolerance than adults and are therefore more subject to heat stress, just as young workers are more susceptible to induced hearing loss from noise exposure. For these reasons, maximum permitted heat and noise levels for adults may not be stringent enough for children. Ionizing radiation, too, is likely to be particularly harmful for children since their injurious effects on growing tissues are well known and the risk is cumulative.

Because some kinds of work tend to be performed mostly by girls and others by boys, there are sexual differences in the exposure of children to work hazards. Boys predominate in construction work, and girls in domestic service. There is some evidence that girls, as a group, work longer hours than boys, which largely reflects their concentration in household tasks. This is one important reason why girls receive less schooling than do boys. They are also much more vulnerable than boys to sexual abuse and its consequences, such as social rejection, psychological trauma and unwanted motherhood. Boys, on the other hand, tend to suffer more injuries resulting from carrying weights too heavy for their age and stage of physical development.

Some examples of occupational hazards in specific occupations and industries are set out below:

Agriculture: Children work in agriculture throughout the world and are subject to occupational hazards such as exposure to machinery, biological and chemical agents. They can be found mixing, loading and applying pesticides, fertilizers or herbicides, some of which are highly toxic and potentially carcinogenic. Pesticides exposure poses a considerably higher risk to children than adults and has been linked to an increased risk of cancer, neuropathy, neuro-behavioural effects and immune system abnormalities.

Mines: Child labour is used in small-scale mines in many countries in Africa, Asia and Latin America. The children work long hours, without adequate protective equipment, clothing and training, and are exposed to high humidity levels and extreme temperatures. Hazards include exposure to harmful dusts, gases and fumes which cause respiratory diseases that can develop into silicosis, pulmonary fibrosis, asbestosis, and emphysema after some years of exposure. Child miners also suffer from physical strain, fatigue and musculoskeletal disorders, as well as serious injuries from falling objects. Those involved in gold-mining are endangered by mercury poisoning.

Ceramics and glass factory work: Child labour in this industry is common in Asia but can also be found in other regions as well. Children carry molten loads of glass dragged from tank furnaces at a temperature of 1,500-1,800°C. They work long hours in rooms with poor lighting and little or no ventilation. The temperature inside the factories, some of which operate only at night, ranges from 40°C to 45°C. Floors are covered with broken glass and in many cases electric wires are exposed. The noise level from glass-pressing machines can be as high as 100db or more, causing hearing impairment. The main hazards in this industry are: exposure to high temperatures leading to heat stress, cataracts, burns and lacerations; injuries from broken glass and flying glass particles; hearing impairment from noise; eye injuries and eye strain from poor lighting; and exposure to silica dust, lead and toxic fumes such as carbon monoxide and sulphur dioxide.

Matches and fireworks industry: The production of matches normally takes place in small cottage units or in small-scale village factories where the risk of fire and explosion is present all the time. Children as young as 3 years of age are reported to be involved in the production of matches in unventilated rooms where they are exposed to dust, fumes, vapours and airborne concentrations of hazardous substances — asbestos, potassium chlorate, antimony trisulphide, amorphous red phosphorous mixed with sand or powdered glass, tetraphosphorus trisulphide. Intoxication and dermatitis from these substances are frequent.

Deep-sea fishing: Muro-ami fishing, which involves deep-sea diving without the use of protective equipment, is common in Asia, particularly in Burma, Indonesia, the Philippines and Thailand. It relies on children who bang on coral reefs to scare the fish into nets. Each fishing ship employs up to 300 boys between 10 and 15 years old recruited from poor neighbourhoods. Divers reset the net several times a day, and therefore

children are in the water for up to 12 hours. Dozens of young swimmers die or are injured each year. They can be attacked by predatory fishes (needle-fish, sharks, barracudas, poisonous sea snakes) or suffer from drowning, ruptured eardrums, decompression illness or other fatal accidents due to exposure to high atmospheric pressure.

Child domestic workers

Violence and sexual abuse are among the most serious and frightening hazards facing children at work. It is of course almost inevitable that children growing up in such an environment will be permanently damaged both psychologically and emotionally.

Among the groups subject to such abuse are child domestic workers. Child domestic service is a widespread practice in many developing countries, with employers in urban areas often recruiting children from rural villages through family, friends and contacts. While most child domestic workers come from extremely poor families, many have been abandoned, are orphaned or come from single parent families. (A survey of child domestic workers in Togo found that 24 per cent of child domestic workers were orphans.)

We do not know how many children are employed in domestic service because of the “hidden” nature of the work but the practice, especially in the case of girls, is certainly extensive. For example, studies in Indonesia estimate that there are around 400,000 child domestic workers in Jakarta and up to 5 million in Indonesia as a whole, and about 500,000 in Sri Lanka. In Brazil 22 per cent of working children are employed in services, of which domestic service is the main occupation, and in Venezuela 60 per cent of the girls working between 10 to 14 years of age are employed as domestic workers.

The majority of child domestic workers tend to be between 12 and 17 years old, but some surveys have identified children as young as 5 or 6 years old. For example, a Bangladesh survey of child domestic workers found that 38 per cent were 11 to 13 years old, and nearly 24 per cent were 5 to 10 years old. Other surveys found that 11 per cent of child domestic workers were 10 years old in Kenya; 16 per cent were 10 years old or less in Togo; around 5 per cent were less than 11 years old, and 29 per cent were between 11 and 15 years old in Greater Santiago; and 26 per cent were less than 10 years old in Venezuela.

Hours of work tend to be long. The Domestic Workers Union in Zimbabwe reports as much as 10-15 hours of work per day; a survey in Morocco found that 72 per cent of the children started their working day

before 7 a.m. and 65 per cent went to bed after 11 p.m. There is also alarming evidence of physical, mental and sexual abuse of adolescents and young women working as domestics.

Slavery and forced child labour

Slavery is not dead. Societies are loath to admit to still harbouring it but, as can be surmised from cases reported to the ILO Committee of Experts on the Application of Conventions and Recommendations, numerous children are trapped in slavery in many parts of the world. Of all working children, surely these are the most imperilled.

Some bondage practices are virtually indistinguishable from chattel slavery of 200 years ago, except that the markets are not so open. Children are sold outright for a sum of money. Sometimes landlords buy child workers from their tenants or, in a variant of the system, labour “contractors” pay an advance sum to rural families in order to take their children away to work in carpet-weaving, in glass manufacture, in prostitution. Child slavery of this type has long been reported from South and South-East Asia and West Africa, and despite vigorous official denial of its existence it is both common and well-documented.

One of the most common forms of bondage is family bondage, where children work to help pay off a loan or other obligation incurred by the family. The lenders, who are often landlords, usually manipulate the situation in such a way that it is difficult or impossible for the family to pay off its debt, thereby assuring essentially free labour indefinitely. A family may thus remain bonded through generations, with children replacing their aged or infirm parents in an inter-generational bondage arrangement. Perhaps most widespread of all are informal bondage agreements under which impoverished parents surrender their children to outsiders simply to work in exchange for their upkeep, on the assumption that they will be better provided for as unremunerated servants in an affluent household than they could be in their own families.

Bondage arrangements, it must be emphasized, are illegal in nearly every country, including in the countries where they are most prevalent. They fall foul not only of child labour laws, but also of international conventions of which virtually all countries are signatories.

Prostitution and trafficking of children

The commercial sexual exploitation of children has in recent years become an issue of global concern, and the indications are that it is on the

rise. Children are increasingly being bought and sold across national borders by organized networks.

There are believed to be five such international networks trafficking in children from Latin America to Europe and the Middle East; from South and South-East Asia to northern Europe and the Middle East; a European regional market; an associated Arab regional market; and a West Africa export market in girls. In Eastern Europe today, the traffic generally moves from East to West, girls from Belarus, Russia and Ukraine being transported to Hungary, Poland and the Baltic States, or on to Western European capitals. There is also a traffic in Romanian prostitutes to Italy, Cyprus and Turkey. Several well-defined child trafficking routes have been identified in South-East Asia: Myanmar to Thailand; internally within Thailand; from Thailand and other countries to China, Japan, Malaysia and the United States; from the Philippines and Thailand to Australia, New Zealand and Taiwan, China; from Bangladesh and Nepal to India; from South-East Asia to Hawaii and Japan via Hong Kong; from India and Pakistan to the Middle East.

According to the 1996 report of the United Nations Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, about 1 million children in Asia are victims of the sex trade.¹³ Reports in the media and from NGOs indicate that trafficking of young girls between Thailand and neighbouring countries is on the rise, that girls from Cambodia, China, Laos, Myanmar and Viet Nam are being sold to brothels in Thailand and that the problem is also becoming visible in Bangladesh, India, Nepal, the Philippines and Sri Lanka.¹⁴ In Latin America a large number of children work and live on the streets, where they can easily become victims of commercial sexual exploitation. A report published by the International Catholic Child Bureau revealed that the problem exists in Argentina, Bolivia, Brazil, Chile, Colombia and Peru. In Africa, too, a number of countries including Burkina Faso, Côte d'Ivoire, Ghana, Kenya, Zambia and Zimbabwe are faced with rising child prostitution. The increase in the child sex trade in Africa, Asia and Latin America is no doubt largely due to the internationalization of sex tourism, together with the false perception by many that there is less danger of infection from AIDS with younger partners.

At the root of the commercial sexual exploitation of children in many countries lies poverty, the inability of rural and urban families to support and educate their children. In some cases ethnic origin, cultural practices and social discrimination render children from indigenous populations, minority groups and the lower castes especially vulnerable. They may

not speak the same language, they may not have rights to citizenship and education and, once forced into this situation, they are isolated and unable to communicate with the outside world.

Commercial sexual exploitation is one of the most brutal forms of violence against children. Child victims suffer extreme physical, psychosocial and emotional abuse which have lifelong and life-threatening consequences. They risk early pregnancy, maternal mortality and sexually transmitted diseases. Case-studies and testimonies of child victims speak of a trauma so deep that many are unable to re-enter or return to a normal way of life. Many others die before they reach adulthood.

The causes

Factors affecting the supply of child labour

The available data on the causes of child labour normally relates to the phenomenon in general, and a great deal remains to be learnt about the causes of child labour in hazardous work as distinct from non-hazardous occupations. However, poverty is the most important reason why children work. Poor households need the money which their children can earn, and children commonly contribute around 20-25 per cent of family income.¹⁵ Since by definition poor households spend the bulk of their income on food (the poverty line in a relatively poor country such as India is defined as only 20 per cent more than the income required for purchasing the minimum nutritional needs for a family) it is clear that the income provided by working children is critical to their survival.

It cannot, however, be said that poverty necessarily causes child labour. The picture varies, and in many poor households some children at least are singled out to attend school. Similarly, there are regions in poor countries where child labour is extensively practised while in other equally poor regions it is not. Kerala State in India for example, though poor, has virtually abolished child labour. At the international level again, countries may be equally poor and yet have relatively high or relatively low levels of child labour.

Other supply factors affecting child labour are also important for understanding not only why child labour exists but also why children from certain families, areas and countries are more likely to be available for hazardous work. Certain areas and certain families have a tradition of

children following in their parents' footsteps. If the family has a tradition of engaging in a hazardous occupation such as leather tanning, then there is every likelihood that the children will be caught up in the same process. In industries and occupations where payment is on a piece-rate basis, children are frequently called upon to "help" the other members of the family, for example, in construction sites in many parts in the world and in home-based work such as bidi-making.

Finally, child labour in hazardous conditions is most prevalent in the most vulnerable families, those whose low income allows them little margin to cope with the injury or illness of an adult member of the household or the distress and disruption resulting from abandonment or divorce. Not only do poor households have few financial assets, but in many cases they are in debt. Whatever the reason, debt or the threat of debt is very often at the root of hazardous and bonded child labour, children being in effect sold to pay off the family debt.

Demand for child labour

Research on the causes of child labour tend to concentrate on the supply factors, both because of a justifiable preoccupation with the victims, the children, and because of the commonly shared view that poverty is the driving force. But the demand for child labour plays a critical role in determining the involvement of children in hazardous work.

There are a number of reasons why employers hire child labour, commonest explanations that are given being the lower cost and the irreplaceable skills afforded by children (the "nimble fingers" argument). In fact, however, these two claims are often unsustainable, and there are many other and more telling reasons why children are hired.

To take the "nimble fingers" argument first (that only children with small fingers have the ability to make fine hand-knotted carpets, for example) ILO studies and a workshop on hazardous work in India recently concluded that this argument was entirely fallacious in a number of hazardous industries, including carpet-making, glass factories, the mining of slate, limestone and mosaic chips, lock-making and gem and diamond polishing. In all these industries most of the activities performed by children are also performed by adults working side by side with the children in unskilled work. Obviously, then, adults could take their place. Moreover, virtually all the tasks carried out almost exclusively by children, such as carrying and packing, are unskilled and require little physical strength. Here again, it is clear that child labour is

replaceable. Even in the hand-knotting of carpets, which calls for considerable dexterity, an empirical study of over 2,000 weavers found that children were no more likely than adults to make the finest knots. Some of the best carpets, with the greatest density of small knots, are in fact woven by adults, and if a child's "nimble fingers" are not essential in such demanding work, it is difficult to imagine in which trades the claims might be valid.

So much for the "nimble fingers" argument. But what of the argument of children's economic irreplaceability? The fact is that it fares only a little better. That child workers are paid less than their adult counterparts is indeed true in most cases. But the lower wages and other advantages claimed for child labour are not always as clear and compelling as is said. Recent ILO studies conducted in India¹⁶ suggest that, as a portion of the final price of carpets or bangles to the consumer, any labour-cost savings realized through the employment of children are surprisingly small — less than 5 per cent for bangles and between 5 and 10 per cent for carpets. At this level, it is likely that sellers and buyers could between them easily absorb the added cost of hiring adults only. Given this extremely small difference, why then does the industry hire children, especially in the face of growing international resistance to products involving the use of child labour? The answer lies in *where* the gains from using child labour occur. In the carpet industry, for example, it is the loom owners who supervise the weaving who benefit directly. Many in number, they are themselves usually poor, small contractors (most with only one or two looms) who work to a very slim profit margin and who can as much as double their meagre income by utilizing child workers. Yet, their income is so modest that a very small levy on the consumer price would be sufficient to subsidize the cost to the loom owner of using exclusively adult labour if the payments were properly targeted.¹⁷

The implication from this is that children are not in fact economically necessary for the carpet industry to survive in the market, and that relatively minor changes in the financial arrangements between loom owners, exporters and importers could reduce the incentive to employing child labour. These findings from an extremely competitive, labour-intensive industry, thought by some to be among those most dependent on child workers, raise serious doubts that any industry at all has to depend on child workers in order to be competitive, and surely puts the burden of proof on those who would make such a claim. Nevertheless, in a free global market in which countries compete in producing similar products, abolishing child labour in one country could have the effect of

simply transferring business to others that still employ it. Again, the example of handwoven carpets is instructive. A survey of carpet importers in a United States city found that, if the price of carpets in India rose by more than about 15 per cent, the importers would stop buying them from the country.¹⁸ In such cases the demand for child labour is effectively international, and action to discourage it needs to encompass all the major producers so as to avoid “beggar-thy-neighbour” competition.

Since the children do not have irreplaceable skills and are often not much less costly than adults, a major important explanation for hiring children seems to be non-economic. There are many non-pecuniary reasons but the most important seems to be the fact that children are less aware of their rights, less troublesome and more willing to take orders and to do monotonous work without complaining (indeed, children often engage in work activities which are considered too menial by many adults), more trustworthy, less likely to steal, and less likely to be absent from work. Children’s lower absentee rate is especially valuable for employers in informal sector industries where workers are employed on a daily, casual basis and a full contingent of workers must therefore be found each day.

Priorities for action

Clearly, the problem of child labour is quite enormous and there is an urgent need for action. But where does one begin? Not all countries are institutionally or financially equipped to attack all forms of child labour at once. Choices must be made about where to concentrate available human and material resources. The most logical and humane strategy must therefore be to focus scarce resources first on the most intolerable forms of child labour such as slavery, debt bondage, child prostitution and work in hazardous occupations and industries, and the very young especially girls. This approach has the additional advantage that policies designed to reach the children in most need are likely to benefit other working children and that focusing on the most socially repugnant examples can help maintain the necessary social commitment and consensus.

A second important point to note is the need to address the problem relating to the invisibility of endangered children. One reason why modern societies and governments have not been more active in curbing the most harmful forms of child labour is that working children are often not readily visible. It is a matter of “out of sight, out of mind”.

Any effort to protect children from workplace hazards must therefore begin by making the invisible visible, bringing to light and public consciousness both the children who work and the dangers they face. A starting-point would be to carry out a survey of the child labour situation. In diagnosing and analysing the results, priority should be given to identifying those children whose work constitutes a serious threat to their lives or to their physical, mental and social development.

But by what criteria is it possible to set priorities according to risk? It is certainly helpful to start with lists of industries, occupations and working conditions known to place children in jeopardy, but generic information of this sort does not automatically address the most vexing questions. How does one decide whether one kind of work is more detrimental to children than another? How can one rank injurious effects of different types? Is vision loss worse than lung disease? How much physical risk equates with how much psychosocial jeopardy? How should short- and long-term effects be compared? In setting priorities, such questions are inescapable, but there are no easy or universal answers to them and the process of deciding whom to consider most at risk necessarily involves an element of subjective judgement.

Experience shows that questions of this sort have no purely technical solution and must be resolved by agreement rather than by formula. What is important is that concrete, feasible decisions be made about which child work problems require the most urgent attention, and that these decisions enjoy at least a modicum of social credibility and legitimacy. Fortunately, the task of designating children at high risk usually turns out to be easier in practice than in theory. Within a given place, the most dangerous forms of work and the children affected tend to stand out when adequate information is available. Knowledgeable people of different institutions and perspectives seem able to agree on who are the most threatened child workers.

Notes

¹ World Health Organization: *Children at work: Special health risks*, Technical Report Series No. 756 (Geneva, 1987); K. Satyanarayan et al.: "Effect of early childhood under-nutrition and child labour on growth and adult nutritional status of rural Indian boys around Hyderabad", in *Human nutrition: Clinical nutrition*, No. 40 C, 1986.

² N. Senanayake and G. C. Román: "Epidemiology of epilepsy in developing countries", in *Bulletin of the World Health Organization*, Vol. 71(2), 1993, pp. 247-258.

³ J. Jeyaratnam: "1984 and occupational health in developing countries", in *Scandinavian Journal on Working Environment and Health*, No. II, 1985.

⁴ International Labour Organization: *Child labour surveys: Results of methodological experiments in four countries, 1992-93* (Geneva, 1996).

⁵ For an extensive discussion of the health and safety hazards facing working children, see V. Forastieri: *Danger: Children at work* (Geneva, ILO, forthcoming).

⁶ Satyanarayan et al., op. cit.

⁷ U. Naidu and S. Parasuman: *Health situation of working children in Greater Bombay* (Bombay, Unit for Child and Youth Research, Tata Institute of Social Sciences, 1985, mimeographed).

⁸ For an extensive treatment of forced and hazardous child work and policy and programme experiences, see A. Bequele and W. Myers: *First things first in child labour: Eliminating work detrimental to children* (Geneva, ILO, 1995).

⁹ For a detailed review and analysis, see Forastieri, op. cit.

¹⁰ E. S. Naidu and K. R. Kapadia (eds.): *Child labour and health, problems and prospects* (Bombay, Tata Institute of Social Sciences, 1984), and *Child labour in the brassware industry of Moradabad* (Ghaziabad, India, National Labour Institute, July 1992).

¹¹ Rialp, op. cit.

¹² J. Jeyaratnam: "Planning for the health of the worker", in *Bull pesticides and the third world poor: A growing problem* (Oxford, Oxfam Public Affairs Unit, 1982).

¹³ United Nations Commission on Human Rights: *Rights of the child: Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography* (Doc. No. E/CN.4/1996/100, 17 Jan. 1996), p. 7.

¹⁴ For more detailed information, see M. Black: *In the twilight zone: Child workers in the hotel, tourism and catering industry* (Geneva, ILO, 1995); S. W. E. Goonesekere: *Child labour in Sri Lanka: Learning from the past* (Geneva, ILO, 1993); V. Rialp: *Children and hazardous work in the Philippines* (Geneva, ILO, 1993).

¹⁵ R. Anker and H. Melkas: *Economic incentives for children and families to eliminate or reduce child labour* (Geneva, ILO, 1996).

¹⁶ Originally begun in 1992, this research concluded with a seminar in India (26-28 July 1995), with the main publication forthcoming. See R. Anker and S. Barge: *Economics of child labour in Indian industries* (Geneva, ILO, forthcoming).

¹⁷ D. Levison, R. Anker, S. Ashraf and S. Barge: *Is child labour really necessary in India's carpet industry?*, Labour Market Paper No. 15 (Geneva, ILO, 1996).

¹⁸ *ibid.*

International law and child labour

2

One of the most important tools available to the ILO for improving the legislation and practice of its member States in the fight against child labour is the adoption and supervision of international labour Conventions and Recommendations. Several international labour standards have been adopted to prohibit child labour in different sectors and under different conditions. ILO Conventions of more general applicability, such as safety and health Conventions, also include provisions specific to the work of children. Additionally, serious problems of the exploitation of children through debt bondage and other “contemporary forms of slavery”, such as child prostitution, are examined by ILO supervisory bodies¹ in the framework of the ILO’s Forced Labour Convention, 1930 (No. 29).

Concern about child labour is also expressed in instruments of the United Nations, most recently the United Nations Convention on the Rights of the Child. To understand how a new instrument on child labour would fit into this existing system and to avoid the possible incompatibility of proposed new instruments with existing provisions, it is instructive to examine some of the most relevant international standards concerning child labour and their application.

ILO Conventions and Recommendations

The ILO adopted its first Convention on child labour in 1919, the year of its foundation. The Minimum Age (Industry) Convention, 1919 (No. 5), prohibits the work of children under the age of 14 in industrial establishments. Subsequently, nine sectoral Conventions on the minimum age of admission to employment were adopted applying to industry, agriculture, trimmers and stokers, maritime work, non-industrial employment, fishing and underground work. Numerous other

TABLE 1. MINIMUM AGES IN ACCORDANCE WITH CONVENTION NO. 138

General minimum age (Article 2)	Light work (Article 7)	Hazardous work (Article 3)
In normal circumstances: 15 years or more (not less than compulsory school age)	13 years	18 years (16 years conditionally)
Where economy and educational facilities are insufficiently developed: 14 years	12 years	18 years (16 years conditionally)

ILO standards contain provisions setting minimum ages for various activities.

The most recent and comprehensive ILO instruments on child labour are the Minimum Age Convention, 1973 (No. 138), and Recommendation (No. 146). Convention No. 138 is a consolidation of principles that had been gradually established in various earlier instruments and applies to all sectors of economic activity, whether or not the children are employed for wages.

The Convention obliges ratifying States to fix a minimum age for admission to employment or work and undertake to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons.² The Convention was not intended as a static instrument prescribing a fixed minimum standard but as a dynamic one aimed at encouraging the progressive improvement of standards and of promoting sustained action to attain the objectives.

Recommendation No. 146, which supplements Convention No. 138, provides the broad framework and essential policy measures for both the prevention of child labour and its elimination.

Fixing the minimum age for admission to employment or work remains a basic obligation of ratifying States within the framework of national policy. But rather than speak of one minimum age, it is more appropriate to speak of various minimum ages depending on the type of employment or work (see table 1).

The first principle is that the minimum age should not be less than the age for completing compulsory schooling and in no event less than age 15 and that the minimum age should be progressively raised to a level consistent with the fullest physical and mental development of young persons. For countries whose economy and educational facilities are

insufficiently developed the age can be set initially at 14. Employers' and workers' organizations must be consulted to fix the age for admission to employment at age 14. Recommendation No. 146 recommends raising the minimum age to 16 and calls for the minimum age to be fixed at the same level for all sectors of economic activity.³

Convention No. 138 sets a higher minimum age of 18 for hazardous work, "which by its nature or the circumstances in which it is carried out is likely to jeopardize the health, safety or morals of young persons". Because this provision refers to work "likely" to jeopardize the safety, health or morals of young persons and not only work which is recognized as having that effect, it is necessary to examine both the nature of the work and the circumstances in which it is carried out. Certain types of activities which are not in themselves hazardous may become so in certain circumstances, and the competent authorities are to take this into account.

The Convention also provides that the types of employment or work concerned shall be determined by national laws or regulations or by the competent authority, leaving it to the individual countries to determine the content of these activities. Whatever the method chosen, it is necessary that a determination be made, and for this purpose prior consultations must be held with the organizations of employers and workers concerned, if they exist in the country.

The Recommendation gives guidance on the criteria which should be applied to the determination of hazardous employment or work. It states the need to take full account of relevant international labour standards and to pay special attention to dangerous substances, agents or processes (including ionizing radiations), the lifting of heavy weights and underground work. It further states that a periodic review of the types of employment or work designated as hazardous should be undertaken, particularly in the light of advancing scientific and technological knowledge, and in consultation with employers' and workers' organizations.

The minimum age for the types of work described is 18 years. The Recommendation reinforces this by stating that when the minimum age is still below 18 years, immediate steps should be taken to raise it to that level. However, the Convention provides that a lower age of 16 may be authorized if (a) the health, safety and morals of the young persons concerned are fully protected and (b) they have received adequate specific instruction or vocational training in the relevant branch of activity. Both these conditions must be fulfilled to allow such a lower

age, as well as consultation with the employers' and workers' organizations concerned beforehand.

Although Convention No. 138 requires a minimum age for employment or work and is, in principle, to be applied to all sectors of activity whether or not children are employed for wages, flexibility is built in to allow for progressive implementation. For example, a country whose economy and educational facilities are insufficiently developed can initially specify a general minimum age of 14 years of age instead of 15, which lowers the minimum age for light work to 12 instead of 13. There is no corresponding exception, however, concerning dangerous work, which is consistent with the principle that the level of development is no excuse for allowing children to be exposed to work which is likely to jeopardize their health, safety or morals.

In addition, Convention No. 138 contains provisions intended to make it flexible concerning economic sectors or activities covered. It permits the exclusion of limited categories of employment or work which raise special and substantial problems of application, though these are not further defined. During the preparatory work, however, reference was made to employment in family undertakings, domestic service in private households and some types of work carried out without the employer's supervision, for example, home work.⁴ These exclusions were foreseen mainly because of the practical difficulties of enforcing laws in the categories in question, not because of the absence of possible exploitation or abuse in these situations.

The Convention also gives a developing country the possibility of limiting initially the scope of its application by specifying the branches of activity or types of undertakings to which the Convention will apply. It none the less requires that the following seven sectors be covered: mining and quarrying; manufacturing; construction; electricity, gas and water; sanitary services; transport, storage and communication; and plantations and other agricultural undertakings (excluding family and small-scale holdings mainly producing for local consumption and not regularly employing hired workers).

Several other provisions allow for exceptions — for example, the exclusion of work done in specified schools or training institutions and the participation of children in artistic performances — and for setting the minimum age for apprenticeship at 14. In the context of hazardous work, the care needed in applying these provisions cannot be underestimated. For example, work in artistic performances can present a risk of serious damage to the health or morals of young persons. As a result, some countries prohibit work in night clubs, cabarets and

circuses, for example. Such work can also lead children into situations of sexual exploitation. Training relationships can be subterfuges to enable employers to demand heavy and continuous work from children below the minimum age. Supervisory and inspection activities are thus essential to ensure that young people receive training in proper conditions and are not exposed to hazardous work.

The Convention requires the competent authority to take all necessary measures, including the provision of appropriate penalties, to ensure the effective enforcement of the provisions of the Convention. Penalties, here, mean those to be defined in national legislation for violations of national law giving effect to the Convention.

Another ILO Convention that is crucial in protecting children against some of the worst forms of exploitation is the Forced Labour Convention, 1930 (No. 29), which aims at suppressing the use of forced or compulsory labour — defined as “work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily”. This Convention is one of the fundamental Conventions of the ILO and one of the most widely ratified. Since it applies to everyone, whatever age, it protects children from forced or compulsory labour and is applicable to some of the most intolerable forms of child labour, such as children in bondage and their exploitation in prostitution and pornography. Indeed, the Committee of Experts and the Conference Committee on the Application of Standards have been dealing extensively with the problem of the forced or compulsory labour of children in relation to the application of the Convention by several member States.

In 1994 the Committee of Experts expressed its grave concern about forced child labour, and particularly the exploitation of children for prostitution and pornography. It has stated on several occasions that forced labour exploitation of children is one of the worst forms of forced labour, which must be fought energetically and punished severely. The Committee has called for action not only by the States in which such exploitation of children occurs, but also by other countries to assist in the eradication of these practices, especially exploitation by tourists and visitors from outside. The United Nations Working Group on Contemporary Forms of Slavery too has come to classify the sale and sexual exploitation of children as contemporary forms of slavery, and the ILO's Committee of Experts observed in 1995 that the nature of child labour often brings it within the meaning of forced or compulsory labour. Countries which have not ratified child labour Conventions but have

ratified forced labour Conventions are therefore being held accountable under the latter.

In view of this, it might seem that new instruments would overlap with the forced labour Convention. But a new Convention which explicitly covered forced child labour would in no way reduce the importance of Convention No. 29, nor the obligations of States which have ratified it. A new Convention would add specificity and focus on the worst forms and most hazardous types of child labour, including slavery, servitude, forced labour, bonded labour and serfdom, and on the measures to be taken to eradicate them. The principles of application established by ILO supervisory bodies concerning forced child labour under Convention No. 29 would also be relevant to the new Convention. The practice of the supervisory bodies in the case of Conventions covering the same subject is to examine the matter under the most recent or more specific instrument.

Ratification of relevant Conventions

There is then a wide range of Conventions that bear on the problem of forced and hazardous child labour. The great majority of the ILO's member States (133 out of 173) have ratified at least one of the 11 ILO Conventions concerning the minimum age of admission to employment or work and thus have made a formal commitment to undertake measures concerning some aspects of child labour or child labour in certain branches of activity. To date, 49 countries have ratified Convention No. 138 (see table 2 and appendix), a fairly high score compared to that of the other Conventions adopted between 1970 and 1974. But only 21 developing countries have ratified Convention No. 138, and these do not include any in Asia where over half of all working children are found. Convention No. 138 is one of the fundamental Conventions of the ILO. It remains a key instrument of a coherent strategy against child labour at the national level. None the less, it is the Office's experience that an obstacle to ratification has been that some member States view the text as too complex and too difficult to apply it in detail. The Office intends to take more vigorous action to promote ratification by providing technical advisory services and a better explanation of the provisions of this instrument and the possibilities of applying its flexibility clauses. But it is generally thought that ratification would still be difficult for many countries and that there is a need for a new instrument focusing on extreme forms of child labour and one which will complement Convention No. 138.

TABLE 2. RATIFICATION OF ILO CONVENTIONS ON MINIMUM AGE AND FORCED LABOUR (AS AT 15 AUGUST 1996)

Convention No.	Title of Convention	Total of ratifications ¹
5	Minimum Age (Industry), 1919	72 [23]
59	Minimum Age (Industry) (Revised), 1937	36 [17]
7	Minimum Age (Sea), 1920	53 [23]
58	Minimum Age (Sea) (Revised), 1936	52 [21]
10	Minimum Age (Agriculture), 1921	54 [23]
15	Minimum Age (Trimmers and Stokers), 1921	70 [27]
33	Minimum Age (Non-Industrial Employment), 1932	25 [8]
60	Minimum Age (Non-Industrial Employment) (Revised), 1937	11 [10]
112	Minimum Age (Fishermen), 1959	30 [17]
123	Minimum Age (Underground Work), 1965	42 [10]
138	Minimum Age, 1973	49
29	Forced Labour, 1930	49 ²
105	Abolition of Forced Labour, 1957	118 ³

¹ The figures in brackets are the total of denunciations following ratification of revised Conventions. In most cases, the ratification of a new Convention implies the automatic denunciation of the earlier Convention on the same subject.

² List of countries with specified minimum age:

[14] El Salvador, Equatorial Guinea, Guatemala, Honduras, Nicaragua, Niger, Rwanda, Togo, Venezuela (9 countries).

[15] Belgium, Bosnia and Herzegovina, Costa Rica, Croatia, Cuba, Dominica, Finland, Germany, Greece, Iraq, Ireland, Israel, Italy, Libyan Arab Jamahiriya, Luxembourg, Mauritius, Netherlands, Norway, Poland, Slovenia, Spain, Sweden, Uruguay, Yugoslavia, Zambia (25 countries).

[16] Algeria, Antigua and Barbuda, Azerbaijan, Belarus, Bulgaria, France, Kenya, Kyrgyzstan, Malta, Romania, Russian Federation, San Marino, Tajikistan, Tunisia, Ukraine (15 countries).

³ Malaysia and Singapore have denounced this Convention.

Other international treaties

A good number of international treaties are relevant to child labour and the protection of children from its most intolerable forms. Foremost among these is the United Nations Convention on the Rights of the Child, 1989 (entry into force: 2 September 1990; 187 ratifications as at 31 July 1996). This Convention is the most comprehensive treaty on the rights of children, whom it defines as persons under the age of 18, unless the age of majority is attained earlier. It seeks to protect a wide range of children's rights, including the right to be protected from economic exploitation and from performing any work that is likely to be hazardous

or to interfere with their education, or to be harmful to their health or physical, mental, spiritual, moral or social development. It requires States Parties to take legislative, administrative, social and educational measures to ensure implementation and, in particular, to provide for (a) a minimum age or minimum ages for admission to employment, (b) appropriate regulation of the hours and conditions of employment, and (c) appropriate penalties or other sanctions to ensure the effective enforcement of its provisions. The International Labour Office regularly sends information relating to the application of the relevant provisions of the instrument to the pre-sessional working group of the Committee on the Rights of the Child, which examines the reports of States Parties concerning the application of the Convention.

The United Nations Convention also contains several articles bearing on other extreme forms of child labour, such as sexual exploitation and sexual abuse, the abduction of, sale of or traffic in children for any purpose or in any form, and all other forms of exploitation prejudicial to any aspects of the child's welfare. It calls on States to take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of neglect, exploitation or abuse. The right of the child to education is also recognized under this Convention, which provides that primary education should be compulsory, available and free to all.

The other major international instruments relevant to child labour include the International Covenant on Economic, Social and Cultural Rights (entry into force: 3 January 1976; 133 ratifications), some of whose provisions relate to compulsory free primary education, the International Covenant on Civil and Political Rights (entry into force: 23 March 1976, 132 ratifications) which deals with the prohibition of slavery, servitude and forced or compulsory labour and the protection of minors, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (entry into force: 30 April 1957; 114 ratifications) which refers to debt bondage of children, and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (entry into force: 25 July 1951; 70 ratifications).

Notes

¹ The supervisory bodies referred to in this chapter are the Committee of Experts on the Application of Conventions and Recommendations (referred to as the Committee of Experts) and the tripartite Committee on the Application of Standards of the International Labour Conference (referred to as the Conference Committee). The Committee of Experts is a body of independent experts entrusted with the technical examination of reports supplied by governments to the ILO, as well as other relevant information, concerning the application of ILO standards. The report of the Committee of Experts is discussed by the Conference Committee which reports to the Conference.

² This was the first time the phrase on national policy had been used in a minimum age Convention.

³ In the preparatory work on these instruments, it was explained that this provision was "intended to prevent, as far as possible, situations in which children ineligible for employment in a well regulated sector are employed in sectors covered by lower standards with the result that the child labour is merely transferred rather than reduced or abolished".

⁴ The Home Work Convention (No. 177) adopted in 1996 calls for the promotion of equality of treatment between homeworkers and other wage-earners in relation to minimum age, among other things; the Home Work Recommendation (No. 184) suggests programmes to eliminate child labour in home work.

Basic minimum age

3

Almost all countries have enacted legislation prohibiting the employment of children below a certain age and, where they are legally permitted to work, specifying the conditions under which they may work. Many have set higher minimum ages for hazardous work that legally ban certain work for persons under age 18. There are still shortcomings, however, especially in the coverage of many of these laws and in their application in practice. Legislative commitments often lie dormant, sometimes due to lack of resources for effective monitoring and enforcement, sometimes due to lack of political will, but often simply because the authorities do not know how to tackle the problem of eliminating child labour given the invisibility of so many child workers and the fact that the poverty, discrimination and cultural attitudes that foster it are so deeply entrenched in society.

Setting a minimum age for work

A review of the legislation of 155 ILO member States shows that, although virtually all countries have enacted legislation setting a basic minimum age for admission to employment, many have not established a single minimum age for admission to *any employment or work* as required by Convention No. 138 ; only 33 (or one-fifth of the countries) have done so, and only in Europe is this common practice. The usual practice is to prescribe a basic minimum age but to limit it to specified sectors or occupations. Another approach, followed in about one-quarter of all countries surveyed, is to prescribe different minimum ages according to the sector of economic activity while totally excluding from coverage certain sectors or occupations.

Most of the countries surveyed conform to the spirit of Convention No. 138 : some 45 set the minimum age for admission to employment or work at 15, and 37 at 14. The age of 15 tends to be the age in Europe and

14 in the rest of the world. In 23 countries the basic minimum age is 16, while four others have age limits between 15 and 16. In other words, at least 122 countries have legislation prohibiting work for children below the age of 14, at least in some sectors.

On the other hand, in 30 countries it is legally acceptable for children below 14 to work, and in six the basic minimum age is 12. The greatest spread in minimum age limits is in Africa and Asia where they range from 12 to 16, as opposed to Europe where they range from 14 to 16.

The minimum age may not be applicable in certain sectors of economic activity but no country excludes industry. On the other hand, agriculture is commonly excluded, and about a quarter (38) of the countries examined have done so — most of them in Asia. Commerce is excluded from general rules on minimum age in 17 countries, and in 13 other exceptions can be enacted by the competent authority.

Sometimes, certain types of undertaking or categories of work are excluded. One of the most common exclusions from coverage, found in some 60 countries, concerns family undertakings, defined with different degrees of rigour. Another category widely excluded is domestic service. Among the other categories excluded from coverage in various countries are undertakings employing fewer than a specified number of workers (often 10); apprentices, self-employed persons, homeworkers and temporary or casual workers. Finally, in the great majority of countries — some 135 — exceptions from general rules may be granted by the competent authority.

There are two main exceptions to the generally prescribed minimum ages provided for in Convention No. 138: a lower minimum age for “light work”, and a higher minimum age for hazardous employment or work. Although the focus of this report is on hazardous work, it is relevant to see how national laws and regulations interpreted the term “light work”.

In approximately half the countries examined certain types of light work are permitted for children below the generally prescribed minimum age (see table 3 for a summary of provisions in national legislation on light work). While 13 countries exclude certain types of light work from any limitations, the majority fix 12, 13 or 14 years as the minimum. One country, Lebanon, sets the minimum age at age 8 for children performing certain unspecified non-arduous work “suitable to their age”. Regionally, the 12-year minimum age for light work dominates in the Americas and in Africa, while it is more common in Europe to allow 13- or 14-year-old children to perform light work.

Only about 20 countries which waive the basic minimum age for light work subject such exceptions to all of the conditions laid down in Convention No. 138, namely that the work should not be harmful to the child's health or development, should not interfere with school instruction, should not take place during school hours and should not be for more than specifically prescribed hours of work. A frequent condition in national law is that work only be permitted in a family undertaking or under parental supervision. Thirty-four countries allow light work of any type, while 21 lower the minimum age for light agricultural, horticultural or plantation work — the large majority to 12 years, three countries to 13, and seven to any age. Light work of a non-industrial nature is permitted for children in 17 countries.

While 43 countries exclude domestic service from their legislation, 15 considered it as "light work"; six set limits on the hours of work and three stipulate that the work must not interfere with education. Eight countries subject such work to the authorization of a competent authority.

Difficulties relating to the type of work classified as "light" for the purpose of minimum age regulation or to the conditions under which such work is permitted constitute, in the view of many governments, a major obstacle to the ratification of Convention No. 138.

Compulsory education

Compulsory education has historically been one of the most effective instruments for eliminating child labour in practice. It is evident that children in school are less likely to be in full-time or close to full-time employment or work. Conversely, children who are not obliged to attend school or who realistically do not have access to education have little alternative to working or falling into begging, delinquency or worse. Child labour legislation, in addition to protecting children from unsuitable work or working conditions, is aimed at ensuring that their education and development are not jeopardized. Thus, compulsory education laws and minimum age laws are interdependent; the enforcement of one contributes to the enforcement of the other. That is why Convention No. 138 explicitly links the minimum age for admission to employment with the age of completion of compulsory schooling.

This link is reflected in the legislation of most industrialized countries, which fix substantially the same ages for both purposes or in

TABLE 3. LEGISLATIVE PROVISIONS ON LIGHT WORK

Definition of light work	Min. age	Country
General, i.e. not restricted to any particular sectors	15	Bulgaria, ^{1, 9, 13, 14} Mongolia ¹
	14	Antigua and Barbuda, Botswana, ^{1, 2, 10, 11, 12, 19} Chile, ^{1, 2, 9 or 15, 17} Finland, ^{8, 13, 14, 20} France, ²⁰ Hungary, ²⁰ Iceland, Portugal, Tunisia, ^{1, 2, 5, 7} Zaire ^{1, 2, 23}
	13	Cyprus, ^{11, 15} Equatorial Guinea, ^{1, 2} Germany, ^{1, 8, 17, 21} Latvia, ^{2, 9} Norway, ^{1, 2, 15} Sweden, ^{1, 2} Turkey ^{1, 2}
	12	Albania, ^{2, 20} Brazil, ^{1, 2} Burundi, ^{1, 2, 12, 15, 16} Colombia, ^{9, 15, 23} Cyprus, ^{6, 11, 15} France, ^{1, 2, 11} Malawi, ¹⁵ Seychelles, ² Singapore, ¹³ Somalia, ^{1, 22} Uganda ¹⁵
	None	Algeria, Republic of Korea, ² Malaysia, ^{7, 11, 12} Philippines ^{1, 2}
	15	Netherlands ²
	14	Ireland, ² Italy ^{1, 2}
	13	Denmark, ^{1, 2, 5, 7, 8, 14, 26} Switzerland, ^{1, 2, 6, 8} Tunisia, ^{1, 2} United Kingdom ^{1, 2, 6, 8}
	12	Chad, ^{9, 15} Central African Republic, ^{9, 13, 15} Congo, ^{9, 15} Japan, ^{2, 7, 9} Mali, ^{15, 23} Thailand, ¹⁶ Uruguay ^{15, 17, 18}
	8	Lebanon
Light work of a non-industrial nature	None	Jamaica, ¹¹ Niger, ^{2, 6, 7, 15} Solomon Islands ^{11, 15}
	12	Austria, ^{1, 2, 5, 6, 7, 8, 9} Seychelles
Non-agricultural work, occasional, light assistance, of short duration and not equivalent to that of an employee	13	Denmark, ^{1, 2, 5, 7, 8, 14} Germany, ^{2, 8, 9, 24, 25} Netherlands ⁶
	12	Benin, Burkina Faso, Burundi, ^{1, 2, 9, 12, 16} Cape Verde, Central African Republic, ^{9, 13, 15} Costa Rica, ^{2, 27} Congo, ^{1, 9, 15} Côte d'Ivoire, ^{9, 23} Equatorial Guinea, ¹⁵ Fiji, ⁴ Guinea-Bissau, Mali, ^{15, 23} Niger, ^{2, 6, 7} Nigeria, ^{11, 15} Panama, ^{2, 15} Paraguay, ^{1, 2, 7, 9, 13, 15, 23} Sao Tome and Principe, United Republic of Tanzania ^{8, 11, 15, 23}
Light agricultural, horticultural or plantation work	None	Belize, ⁴ Ghana, ¹¹ Jamaica, ¹¹ Saint Lucia, ⁴ Sierra Leone, ^{6, 8, 11, 15} Sri Lanka, ^{4, 11} United Kingdom ^{1, 2, 6, 8}
	14	Botswana, ^{1, 12} Italy ^{1, 2, 4}
Domestic service	12	Belize, Benin, Burkina Faso, Burundi, ^{1, 2, 9, 12} Central African Republic, ^{9, 13, 15} Chad, ^{9, 15} Congo, ^{9, 15} Costa Rica, ² Côte d'Ivoire, Haiti, ¹⁵ Jamaica, ¹¹ Mali, ^{15, 23} Niger, ^{2, 6, 7} Nigeria, ^{11, 15} Panama ^{2, 15}
	None	Sierra Leone ^{6, 8, 11, 15}

Definition of light work	Min. age	Country
Excluded from coverage by legislation		Afghanistan, Algeria, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Comoros, Costa Rica, Dominica, Ecuador, Egypt, Iceland, India, Indonesia, Japan, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Libyan Arab Jamahiriya, Malawi, Nepal, Nicaragua, Pakistan, Peru, Qatar, Sao Tome and Principe, Saudi Arabia, Switzerland, Swaziland, Syrian Arab Republic, United Republic of Tanzania, Tunisia, Turkey, United Arab Emirates, United States, Venezuela, Yemen, Zambia
Shop assistants, work in laundries, ticketing goods, kiosks, bakeries, greengrocers, packing and sorting light articles, newspaper sale and delivery	15 13	Netherlands ^{2, 5} Denmark, ^{1, 2, 5, 7, 8, 14} Thailand ^{1, 16}
Seasonal and intermittent work	15 14 12	Poland ¹⁵ Russian Federation, San Marino Senegal ⁹

¹ Work must not expose the minor to risk of accident, endanger physical or mental health or development, or jeopardize morals. ² Work must not interfere with school instruction/not during school hours. ³ Not in industry, commerce or commercial agriculture. ⁴ Only on parents' or guardians' lands, gardens or plantation. ⁵ No work on weekly rest day or religious or statutory holidays. ⁶ Work must not exceed two hours a day. ⁷ Combined school and work hours must not exceed seven in any day. ⁸ No work between 20:00 and 08:00/19:00 and 06:00, or similar time periods. ⁹ Consent of a parent or guardian is required. ¹⁰ Domestic service only where suitable accommodation is provided. ¹¹ Work allowed if performed for a member of the family, in a family undertaking or under parental supervision. ¹² No more than six hours a day or 30 hours a week. ¹³ Medical examination required, either before acceptance for employment or on a regular basis during employment. ¹⁴ Must have an interruption of at least 12 or 14 hours between days of work. ¹⁵ Work must be authorized by the labour inspector or appropriate authority. ¹⁶ Weight limits imposed for loads which may be lifted by minors. ¹⁷ Provided compulsory schooling has been completed. ¹⁸ Work is essential to the existence of the family. ¹⁹ Child must return each night to parents' or guardians' residence. ²⁰ Work to be done only during school holidays and for a restricted time during the holidays. ²¹ Light work up to seven hours a day and 35 hours a week. ²² Work must be essential to the learning of the trade/apprenticeship. ²³ Work must not exceed four or four-and-a-half hours a day. ²⁴ No work before school on school days. ²⁵ Work must not exceed three hours a day. ²⁶ In individual cases, and subject to a decision for each occasion, children under 13 years may take professional part in certain public performances, including sport activities, theatre, concerts, circus performances, radio and TV performances and film production. ²⁷ Work must not exceed five hours a day and 30 hours a week except for domestic service.

Source: This table is an updated version of Annex 2, of Part II "National legislation on the minimum age for admission to employment or work", in ILO: *Conditions of Work Digest*, Vol. 10, No. 1: *Child labour: Law and practice* (Geneva, 1991), pp. 46-47.

some other way condition access to employment on completion of compulsory education. Enforcement techniques can also gain from such a link. Some countries, for example, require employers to maintain work permits for children of a certain age, which can only be issued by the school authorities after taking into account school attendance and other relevant regulations. In other cases, the labour administration may be responsible for issuing the permit, but with the approval of parents and school authorities. Establishing and monitoring a link between labour and school authorities is crucial to ensuring that both societal goals of universal education and the elimination of child labour are met. An important dimension of compulsory education laws is that they place an obligation on parents to send their children to school.

Of course, compulsory education laws are meaningless if adequate schools are not available or if, because of cost or other practical difficulties, they are not accessible to poorer families. Thus any serious endeavour to attack the problem of child labour as a whole must include the commitment of sufficient resources to provide free and compulsory schooling to all children up to the age at which they become eligible to enter employment or work.

An overview of the existing legal position by region may be found in table 4, which presents a comparison of compulsory school ages with minimum ages for admission to employment.

TABLE 4. COMPULSORY EDUCATION AGES AND MINIMUM AGE FOR ADMISSION TO EMPLOYMENT BY REGIONS OF THE WORLD

Africa

Country	Age limits for compulsory education	Minimum age for work		
		Basic minimum age	Light work	Dangerous/hazardous work
Algeria	6-15	16	None; authorization necessary ²	16 to 18 ¹
Angola	7-15	14	—	18
Benin	6-11	14	12	18
Botswana	—	15	14	15 to 18 ³
Burkina Faso	7-14	14	12	16 to 18 ⁴
Burundi	7-13	16	12	18
Cameroon	6-12	14	—	18
Cape Verde	7-13	14 to 15 ⁵	12	16 to 18
Central African Republic	6-14	14	12	16 to 18
Chad	6-14	12 to 14 ⁶	12	16 to 18
Comoros	7-16	15	—	— ⁷
Congo	6-16	16	12	16 to 18
Côte d'Ivoire	7-13	14	12	18
Djibouti	6-12	14	—	16 to 18
Egypt	6-11	12	—	15 to 17
Equatorial Guinea	6-14	14	12 to 13	16
Eritrea	7-13	—	—	—
Ethiopia	7-13	14	—	14 to 18
Gabon	6-16	16	—	18
Gambia	—	—	—	—
Ghana	6-14	15	No limit	18
Guinea	7-13	16 ⁸	—	—
Guinea-Bissau	7-13	14 ⁹	—	18
Kenya	6-14	16 ¹⁰	—	16
Lesotho	6-13	15 ¹¹	13 (apprentice)	18 (16 for male apprentice)
Liberia	7-16	14 to 16 (by sector) ¹²	—	18
Libyan Arab Jamahiriya	6-15	15	—	18
Madagascar	6-13	14 to 15 (by sector) ¹³	—	16 to 18
Malawi	6-14	14 to 15 (by sector) ¹⁴	12	18
Mali	8-15	14	12	16 to 18
Mauritania	—	14 to 15 (by sector) ¹³	—	18
Mauritius	5-12	15	—	18

Child labour: Targeting the intolerable

Country	Age limits for compulsory education	Minimum age for work		
		Basic minimum age	Light work	Dangerous/hazardous work
Morocco	7-13	12	—	16
Mozambique	7-13	15	—	18
Namibia	6-16	14	—	15 to 16
Niger	7-15	14	12	16 to 18
Nigeria	6-12	12 to 15 (by sector) ¹⁵	No limit	16 to 18
Rwanda	7-13	14	—	—
Sao Tome and Principe	7-14	14 to 15	12	16 to 18
Senegal	7-13	14 to 15 (by sector) ¹³	12	16 to 18
Seychelles	6-15	15	12	18
Sierra Leone	—	12 to 16 (by sector) ¹⁶	No limit ¹⁷	16 to 18
Somalia	6-14	15	12	16 to 18
South Africa	7-16	15	—	16
Sudan	7-12	12	—	18
Swaziland	6-13	13 to 15 (by sector) ¹⁸	—	18
Tanzania, United Republic of	7-13	12 to 15 (by sector) ¹⁹	12	18
Togo	6-12	14	—	18
Tunisia	6-16	13 to 15 (by sector) ²⁰	13 to 14	18
Uganda	—	— ²¹	12	16 to 18
Zaire	6-12	16	14	18
Zambia	7-14	14 ¹⁰	—	18
Zimbabwe	7-15	—	—	17 ¹

¹ 16 for work that is dangerous, unhealthy or detrimental to morals. ² 18 for work in the maritime industry. ³ Determined by the competent authority. ⁴ 15 for work involving lifting, carrying or moving anything heavy; 18 for underground work and dangerous or harmful work. ⁵ General minimum age for hazardous work is 16 years; 18 for work exceeding strength and harmful to morality. ⁶ Minimum age of 14 for contract as a permanent worker; 15 for work in industry. ⁷ General minimum age is 14 years; 12 years for specified agricultural work. ⁸ Age limits and nature of work prohibited to adolescents to be determined by ministerial decision. ⁹ Applies only to industry and contractual employment. ¹⁰ Or upon completion of compulsory schooling. ¹¹ Basic minimum age applies only to industry. ¹² Basic minimum age applies only to commerce and industry. ¹³ General minimum age is 14 years; 15 for work on fishing vessels and on school ships; 16 for work in industry, agriculture and on ships. ¹⁴ General minimum age is 14 years; 15 for work at sea. ¹⁵ Minimum age of 14 for work in industry; 15 for work at sea. ¹⁶ General minimum age is 12 years; 15 for work in industry and at sea; 16 for work in mines. ¹⁷ Authorized only where the work is not harmful to the child. Authorization for light work is subject to approval by the competent authority. ¹⁸ Minimum age of 13 in commercial undertakings; 15 in industrial undertakings. ¹⁹ General minimum age is 12 years; 15 for work in industry. ²⁰ 13 years for work in agriculture; 15 for work in industry, fishing and work at sea. ²¹ A person under the apparent age of 18 shall not be employed other than as provided for by decree.

Americas

Country	Age limits for compulsory education	Minimum age for work		
		Basic minimum age	Light work	Dangerous/hazardous work
Antigua and Barbuda	5-16	16 ¹	14	—
Argentina	6-14	14	—	18
Bahamas	5-14	14 ²	—	16 to 18
Barbados	5-16	15 to 16 ³	—	18
Belize	5-14	12 to 15 (by sector) ⁴	No limit	16 to 18
Bolivia	6-13	14	—	18
Brazil	7-14	14 ⁵	—	18 to 21 ⁶
Canada	6-16	— ⁷	—	17 ⁸
Federal		Various ⁹	—	16 to 18
Provinces				
Chile	6-13	15	14	18 to 21 ¹⁰
Colombia	6-12	14	12	18
Costa Rica	6-15	12 to 15 ¹¹	12	18
Cuba	6-11	15 to 17	—	17 to 18
Dominica	5-15	15 ¹²	—	18
Dominican Rep.	7-14	14	—	18
Ecuador	6-14	14	—	18
El Salvador	7-15	14	—	18
Grenada	5-16	—	—	—
Guatemala	7-14	14	—	16
Guyana	6-14	14	—	16 to 18
Haiti	6-12	12 to 15	—	18
Honduras	7-13	14	—	16
Jamaica	6-12	12 to 15 (by sector) ¹³	No limit	16 to 17 ¹³
Mexico	6-14	14	—	16 to 18
Nicaragua	7-12	14 ²	—	18
Panama	6-15	14 to 16 ¹⁴	12	18
Paraguay	7-12	15	12	18
Peru	6-16	12 to 16 (by sector)	—	18
Saint Kitts and Nevis	5-17	—	—	—
Saint Lucia	5-15	12 to 14 (by sector) ¹⁵	No limit	14 to 16
Saint Vincent and the Grenadines	—	—	—	—
Suriname	6-16	14	—	18

Child labour: Targeting the intolerable

Country	Age limits for compulsory education	Minimum age for work		
		Basic minimum age	Light work	Dangerous/ hazardous work
Trinidad and Tobago	6-12	12 to 16 (by sector) ¹⁶	—	14 to 18
United States (Federal)	7-16	16	—	16 to 18
Uruguay	6-14	15	12	18 to 21
Venezuela	5-15	14	—	18

¹ Minimum age applies only to agriculture and industrial undertakings and for work on ships. ² Minimum age applies only to industrial undertakings. ³ Minimum age applies only to industrial undertakings or ships, including work in mines and quarries, construction, transportation. Minimum age of 15 only if compulsory schooling is finished. ⁴ General minimum age is 12 years; 14 for work in industry, mines and quarries, construction, transportation, etc.; 15 for work at sea. ⁵ Except apprentices above the age of 12. ⁶ Minimum age of 21 for stevedoring and underground work. ⁷ The Canada Labour Code does not set an absolute minimum age for employment. It provides that an employer may employ a person under 17 years in (a) occupations as may be specified by regulation, and (b) subject to the conditions and at a wage of not less than the minimum wage prescribed, and (c) provided that persons under 17 years are not required by provincial law to be in attendance at school (the youngest age for leaving school as provided by the provinces is 15). (Branches and undertakings governed by federal jurisdiction include communications, international and national transport, broadcasting, banking, uranium extraction and nuclear energy, and also certain branches declared by Parliament to be of interest to the nation. Federal legislation covers 10 per cent of the active population.) ⁸ Persons under 17 years cannot be employed in specified jobs or at night. ⁹ According to province, or territory, and sector. In certain provinces and territories, the employment of young persons is prohibited for various sectors only during school hours. ¹⁰ Minimum age of 21 for work in cabarets, etc., presenting live performances and offering alcoholic beverages. ¹¹ Minimum age of 12 only if compulsory schooling has been completed or work does not prevent its completion, and not for more than five hours a day. Minimum age of 15 to 18 for work not exceeding seven hours a day. ¹² Minimum age applies only to industrial undertakings, including mining, manufacturing, shipbuilding, electrical utilities, construction and transportation. ¹³ General minimum age is 12 years; 15 for work in industry, mines and quarries, construction, transportation, and work at sea. ¹⁴ General minimum age is 14 years; 15 years where the child has not yet finished school; 16 for work on ships. ¹⁵ General minimum age is 12 years; 14 for work in industry and on ships. No work may be performed during school hours, if the child is still completing schooling. ¹⁶ General minimum age is 12 years; 14 for work in industry; 16 for work on ships.

Asia

Country	Age limits for compulsory education	Minimum age for work		
		Basic minimum age	Light work	Dangerous/hazardous work
Afghanistan	7-13	15	—	18
Armenia	—	—	—	—
Australia	6-16	Varies according to province and sector ¹	—	16 to 18
Azerbaijan	6-17	—	—	—
Bahrain	6-17	14	—	16
Bangladesh	6-10	12 to 15 (by sector) ²	—	16 to 18 ³
Cambodia	6-12	16	—	18
China	7-16	16	—	18
Fiji	—	12 to 15 (by sector) ⁴	No limit	16 to 18
India	6-14	14 ⁵	—	18
Indonesia	7-13	14 ⁶	—	18
Iran, Islamic Rep. of	6-10	15	—	18
Iraq	6-12	15	—	18
Japan	6-15	15	12	18
Jordan	6-15	13 ⁷	—	15
Kazakhstan	6-18	—	—	—
Korea, Rep. of	6-15	13	13, with permission	18
Kuwait	6-14	14	—	18
Lao, People's Dem. Rep.	6-15	15	—	18
Lebanon	—	13	8	13 to 16
Malaysia	6-16	14	No limit	16
Mongolia	8-16	16	15	18
Myanmar	5-10	—	—	—
Nepal	6-11	14	—	16
New Zealand	6-16	15 ⁸	—	15 to 21
Oman	—	—	—	—
Pakistan	—	14 to 15 (by sector) ⁹	—	15 to 21
Papua New Guinea	—	14 to 16	—	16
Philippines	7-13	15	No limit	18
Qatar	—	12	—	—
Saudi Arabia	—	13	—	18
Singapore	—	12 to 14 (by sector)	12	16 to 18

Child labour: Targeting the intolerable

Country	Age limits for compulsory education	Minimum age for work		
		Basic minimum age	Light work	Dangerous/ hazardous work
Solomon Islands	—	12 to 15 (by sector) ¹⁰	No limit	16 to 18
Sri Lanka	5-15	14 to 15 (by sector) ¹¹	No limit	16 to 18
Syrian Arab Rep.	6-11	12 to 13 (by sector) ¹²	—	15
Tajikistan	7-17	—	—	—
Thailand	6-11	13	13 to 15	15 to 18
United Arab Emirates	6-12	15 ¹³	—	18
Uzbekistan	—	—	—	—
Viet Nam	6-11	15	—	18
Yemen	7-14	15	—	—

¹ Regulations cover only work at sea (16 years). Certain states and territories impose a minimum age in certain sectors; others merely prohibit the employment of young persons during school hours. ² Minimum age of 12 for work in shops and on tea plantations; 14 for work in factories; and 15 for work at sea. ³ 16 for work in factories with machinery in motion; 17 for mining; 18 for work at sea as trimmers and stokers. ⁴ General minimum age is 12 years; 15 for work in industry. ⁵ Minimum age applies only to designated occupations. ⁶ Children below 14 may work with the permission of parents or guardians up to four hours a day. ⁷ Legislation in factories applies only to those employing at least ten workers. The competent authority may authorize the exclusion of any region or establishment from the scope of legislation concerning commerce. ⁸ Minimum age applies only to factories, work at sea, fishing and railways. ⁹ Minimum age of 14 for work in factories, shops and commerce, and work at sea; 15 for work in mines and on railways. ¹⁰ General minimum age is 12 years; 15 for work in industry and at sea. ¹¹ General minimum age is 14 years; 15 for work at sea. ¹² General minimum age is 12 years; 13 for work in industry. Applies only to undertakings with more than 10 employees. ¹³ Minimum age applies only to undertakings with more than five employees.

Europe

Country	Age limits for compulsory education	Minimum age for work		
		Basic minimum age	Light work	Dangerous/ hazardous work
Albania	6-14	16	12	16 to 18
Austria	6-15	15	12	16 to 18
Belarus	6-17	16	12	18
Belgium	6-18	14 ¹	13 to 14 ²	16 to 21
Bosnia and Herzegovina	—	—	—	—
Bulgaria	7-16	16	15	18
Croatia	7-15	15	—	Generally no
Cyprus	6-15	15	No limit	16 to 18
Czech Republic	6-15	15	—	18
Denmark	7-15	15	13	15 to 18
Estonia	7-17	—	—	—
Finland	7-15	15 ¹	14	16 to 18
France	6-16	16 ¹	12 to 14	16 to 18
Georgia	—	—	—	—
Germany	6-18	15 ³	13	18
Greece	6-15	15	—	16 to 18
Hungary	6-16	15 ¹	14	16 to 18
Iceland	7-15	15 ⁴	14	18 to 19
Ireland	6-15	15 ¹	14	18
Israel	5-16	15	—	16 to 18
Italy	6-13	14 to 15 (by sector) ⁵	14	15 to 18
Kyrgyzstan	—	—	—	—
Latvia	7-15	15	13	18
Lithuania	7-16	—	—	—
Luxembourg	6-15	15 ¹	—	18
Malta	5-16	15 to 16 (by sector) ⁶	—	18
Moldova, Rep. of	6-17	—	—	—
Netherlands	5-16	15	13 to 15	18
Norway	7-15	15 to 16 (by sector) ⁷	13	18
Poland	7-14	15	15	18
Portugal	6-15	16	14	18
Romania	6-14	14 to 16	—	16 to 18
Russian Federation	7-17	15	14	18
San Marino	6-13	16	14	—
Slovakia	6-15	15	—	18
Slovenia	7-15	15	—	18
Spain	6-15	16	—	18
Sweden	7-15	16	13	18

Child labour: Targeting the intolerable

Country	Age limits for compulsory education	Minimum age for work		
		Basic minimum age	Light work	Dangerous/ hazardous work
Switzerland	7-15	15	13	16 to 18
Turkey	6-14	15	13	18
Turkmenistan	7-15	—	—	—
The former Yugoslav Republic of Macedonia	7-15	—	—	—
Ukraine	7-15	15 to 16	—	17 to 18
United Kingdom	5-16	13 to 16 (by sector) ⁸	—	16 to 18
Yugoslavia	7-15	15	—	18

¹ Provided compulsory schooling has been completed. ² Determined by the competent authorities on condition that well-being, safety and health are not endangered. ³ Child must have completed compulsory schooling. Minimum age applies not only to employment relationships, but to all work, including the self-employed. ⁴ Minimum age applies only to factories and transport. The child must have also completed compulsory schooling. ⁵ General minimum age is 15 years; 14 for work in agriculture or to assist the family. ⁶ General minimum age is 16 years; 15 for work on ships. ⁷ General minimum age is 15 years and the completion of compulsory schooling; 16 to work in merchant shipping. ⁸ General minimum age is 13 years; 16 for work in industry. Children below the age of 16 may not work during school hours or for more than two hours a day.

Source: UNESCO: *Statistical Yearbook*, 1995; and ILO: *Conditions of Work Digest*, op. cit.

National legislation on hazardous work

4

Prohibiting child labour in hazardous activities

The ILO's Minimum Age Convention, 1973 (No. 138), sets a minimum age of 18 for employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardize the health, safety or morals of young persons. That is the sense in which the term "hazardous" work is used in this report, and that is the main target of the urgent and concentrated action being proposed by the ILO.

Effective laws and regulations are fundamental to underpin action against child labour. Where violations are particularly egregious, as is often the case where children are working in hazardous occupations and conditions, legal remedies and penalties might be the only effective way of putting an immediate stop to the practice and compensating the victims. Therefore, an essential first element in national legislative action against child labour in hazardous work is the fixing, unambiguously, of the minimum age for admission to hazardous work which, under the ILO's Minimum Age Convention, 1973 (No. 138), should not be less than age 18.

Another important aspect of legislation is the designation of work considered hazardous. As seen in Chapter 1, work hazards have various dimensions. They can be obvious and immediate, as in the case of physical hazards — for example, the risks associated with construction work or in glass factories. They can be imperceptible and may appear only after a long time of exposure, as in the case of work involving the use of chemicals or radiation agents. Or the hazards may be of a psychological nature linked to various forms of abuse, as occurs in domestic service. Again, the hazards may have far-reaching physical and moral consequences, as in the case of children working in bars and places

of entertainment where the job overlaps with prostitution. In short, the dangers are diverse and numerous, and often have multiple sources.

Just as the hazards and dangers to which children are exposed vary from one sector, industry and occupation to another, so the focus for action will vary from country to country and even within countries. In a mineral-producing country (Colombia), the priority may be child labour in mines, in an island economy (the Philippines), deep-sea fishing, in a very poor country (Bangladesh, Sri Lanka, Togo), domestic service, elsewhere (Thailand, Mexico, Kenya), the entertainment industry. Consequently, one of the first steps must be to identify the occupations that are manifestly hazardous and where the employment of children should therefore be prohibited. For this, there must be a mechanism for consulting government, employers, workers, community groups, relevant professional groups, non-governmental organizations and religious groups. Moreover, the list of hazardous occupations and industries must be monitored and reviewed in the light of new technologies and processes, industrial development and the identification of work-related risks and dangers.

The following review of the decisions being taken by legislators on what constitutes hazardous work for children is based on the legislation of 155 member States.

The universal recognition of the imperative need to protect children from hazardous work is demonstrated by the fact that all but a handful of the countries examined have enacted national laws or regulations imposing stringent restrictions on work by children in hazardous work.

The majority of countries (76) view 18 as the appropriate minimum age for certain hazardous activities. A fair number fix age limits of 16 or 17 years. A few countries set the limit higher, up to 21 years, whereas in a few others children of 14 or 15 may engage in certain hazardous occupations. Five countries appear to have no rules on the subject.

Convention No. 138 does not itself specify the types of work considered hazardous because any such text in a binding international instrument could be limitative and quickly fall out of date. But the Convention does require national laws or regulations of the competent authority, after consultation with employers' and workers' organizations, to make the necessary determination.

In national law and practice there is considerable variety in the restrictions on dangerous work by young persons. In some cases, the definition merely refers to "dangerous, dirty, unhealthy or detrimental to morals" in general, or is left to separate regulations; in others, hazardous

Hazardous industries, occupations, activities and agents most frequently cited in national legislation on child labour

Prohibited industries and occupations	No. of countries
Mining, quarries, underground work	101
Maritime work (trimmers and stokers)	57
Machinery in motion (operating, cleaning, repairs, etc.)	57
Weights and loads	40
Construction/and or demolition	37
Circular saws and other dangerous machinery	35
Lead/zinc metallurgy	34
Transportation, operating vehicles	33
Entertainment	32
Alcohol production and/or sale	29
Cranes/hoists/lifting machinery	23
Crystal and/or glass manufacture	22
Welding and smelting of metals	20
Agriculture (specified tasks only)	14
Abattoirs and meat rendering	14
Underwater work	13
Street trades	12
Production of pornographic material	10
Tanneries	12
Textile industry (specified tasks)	5
Metal and wood handicraft (different tasks inc. carpentry, slate-pencil production, precious stone work)	7
Forestry	6
Brick manufacture	5
Prohibited agents	
Explosives (manufacturing and handling)	50
Fumes, dust, gas and other noxious substances	35
Radioactive substances or ionizing radiation	29
Chemicals, general provisions for exposure to	26
Pathogenic agents, exposure to (hospital work, city cleaning, work related to sewers, handling of corpses)	18
Electricity	15
Paints, solvents, shellac, varnish, glue or enamel	9
Asbestos	8
Benzene	5

activities are listed in detail. As can be seen in the box, underground work, maritime work (especially trimmers and stokers), work with machinery that is in motion, work with explosives or noxious substances and work in lead or zinc metallurgy are most commonly singled out for prohibition or a higher minimum age.

A few countries define dangerous or hazardous work in their principal legislation. For example, in Mexico, it is work which, on account of its nature or the physical, chemical or biological conditions of the environment in which it is performed or the composition of the raw materials used, is liable to affect the life, development and physical and mental health of young persons. Slovenia prohibits work which can have a harmful influence on and seriously endanger children's health or development, and Sweden work that involves a risk of accidents, excessive strain or any other effect detrimental to their health or development. Saint Lucia introduces the notion of education and prohibits any occupation likely to be injurious to life, limb, health or education.

Some countries define dangerous and unhealthy work separately. For example, the Labour Code of El Salvador defines "unhealthy work" as work that "is capable by its nature of being detrimental to the worker's health or of causing injury by virtue of the type of substance used or produced, including toxic materials, harmful gases, vapours or effluvia and dangerous or noxious dust, and any other type of work specified in relevant laws, regulations, collective agreements, individual contracts or work rules", while "dangerous work" is defined as work which is "capable of causing death or immediate physical injury, because of its nature, the substances used or residues produced, or because of the need to handle or store corrosive, inflammable or explosive substances". The Labour Code of Honduras has a similar provision.

Usually, however, hazardous work is referred to in general terms as posing danger to the *health, safety or morals* of children, as indicated in Convention No. 138. A few countries qualify it as work which is *particularly* dangerous, or work *likely* to be dangerous to safety, health or morals. The definition of "oppressive child labour" in the United States, for example, is employment in any occupation found by the Department of Labor to be particularly hazardous for the employment of children between the ages of 16 and 18 or detrimental to their health or well-being.

Reference is also frequently made (33 countries) to work which is physically arduous for young persons or out of proportion to their strength.

The concept of hazardous work may extend to situations where inexperience or lack of mature judgement could present risks to the safety of others. For example, in Finland work which puts unreasonable pressure or responsibility on a young person or which implies responsibility for another person's safety is prohibited for those below

the age of 18. The same age limit is set in Germany for work which involves a risk of accidents due to a young person's lack of safety consciousness or experience.

A list of general prohibitions is given in table 5.

Another approach is to define hazards in the physical environment which children may not be exposed to (see table 6). These include provisions relating to light, sound, vibration and humidity levels, as well as air pressure. A few countries refer to ergonomic hazards which are specifically dangerous for children. In China, for example, it is prohibited for persons under 18 to do work which involves maintaining a body position (lowered head, stooping, squatting) for a long time, or to repeat the same action more than 50 times.

Very few countries rely entirely on general prohibitions, however, and the overwhelming majority of countries include more or less detailed listings of agents or products that children may not be exposed to (see table 7). In India, a list of hazardous occupations and provisions is included in a schedule which can be modified by the Government with proper notice; the law also provides for a Child Labour Technical Advisory Committee to advise the Government on occupations or processes to be added. Some European Union countries complement listings of harmful agents with references to relevant EU directives, or to regulations implementing such directives.

The largest category of specific legislative prohibitions is the listing of industries, occupations or activities prohibited for children. Again, some countries leave the designation of occupational limitations to administrative decision. The United States Department of Labor, for example, has issued 17 Hazardous Occupations Orders under the Federal Fair Labor Standards Act for youth in non-farm work under the age of 18; separate rules apply to farm work. The complexity of some of these listings is exemplified by the Order of the Department of Labor and Employment in the Philippines, which specifies nine occupational groupings and numerous specific occupations which are prohibited for young persons.

The industries where hazardous work is most commonly prohibited are: mining, maritime work, work with machinery in motion, work involving heavy weights and loads, construction and demolition work, transportation and entertainment (see table 8).

TABLE 5. GENERAL PROHIBITION OF HAZARDOUS WORK BY CHILDREN

General prohibitions	Min. age	Country
Dangerous to safety	18	Argentina, Barbados, Belarus, Botswana, Brazil, Bulgaria, Chile, Costa Rica, Ecuador, El Salvador, Equatorial Guinea, Ethiopia, Lesotho, Mali, Mozambique, Norway, Panama, Romania, Sudan, Swaziland, Tajikistan, United Republic of Tanzania, Togo, Uganda, Ukraine, Viet Nam
	17	Canada (federal)
	16-18	Madagascar
	16	Lebanon, Morocco
Likely to endanger safety	18	Norway
	17	Canada (federal)
Dangerous to health	21	Uruguay
	18	Afghanistan, Albania, Argentina, Barbados, Belarus, Belgium, Belize, Bolivia, Brazil, Bulgaria, Chile, Costa Rica, Croatia, Cuba, Czech Republic, Ecuador, El Salvador, Ethiopia, Greece, Haiti, Islamic Republic of Iran, Iraq, Republic of Korea, Lao People's Democratic Republic, Latvia, Lesotho, Luxembourg, Mozambique, Nigeria, Romania, Slovakia, Sudan, Swaziland, United Republic of Tanzania, Uganda, Ukraine
	16-18	Equatorial Guinea
	16	Algeria, France, Papua New Guinea, Singapore
Particularly dangerous (dangerous to life)	18	Gabon, Venezuela
	16	France
Dangerous to morals	18	Barbados, Belgium, Bolivia, Botswana, Burundi, Chad, Chile, Costa Rica, El Salvador, Equatorial Guinea, Gabon, Islamic Republic of Iran, Iraq, Republic of Korea, Latvia, Lesotho, Luxembourg, Mali, Mauritania, Panama, Swaziland
	16-18	Madagascar
	16	Algeria, France, Morocco, Sao Tome and Principe, Senegal
Likely to be harmful to morals	18	Congo, Guinea, Mali, Nigeria, Sudan
Seriously dangerous to morals	18	Ecuador
Dangerous to the development (physical, intellectual or moral) of a child	18	Angola, ¹ Brazil, Czech Republic, Denmark, Ecuador, Greece, Luxembourg, Norway, Poland, ¹ Venezuela

National legislation on hazardous work

General prohibitions	Min. age	Country
Physically arduous	18	Afghanistan, Argentina, Belarus, Belgium, Bolivia, Brazil, Bulgaria, Mongolia, Mozambique, Romania, Slovenia, Sudan, Ukraine, Viet Nam
Too arduous	18	Albania, Cameroon, Chile, China, Croatia, Germany, Greece, Guinea-Bissau, Haiti, Islamic Republic of Iran, Iraq, Lao People's Democratic Republic, Luxembourg, Mali, Mauritania, Panama, Poland, ¹ Venezuela
	16-18	Madagascar
Particularly hazardous or detrimental to health or well-being	18	United States

¹ Except for apprenticeships.

Source : ILO : *Conditions of work digest on child labour : Law and practice*, Vol. 10, No. 2 (Geneva, 1991), pp. 48-54.

TABLE 6. GENERAL PROHIBITIONS RELATING TO THE PHYSICAL ENVIRONMENT

General prohibitions	Min. age	Country
Thermal stress (heat and/or cold)	20 18 16 15	Uruguay Austria, Bolivia, China, Colombia, ¹ Denmark, ¹ Germany, ¹ Japan, Luxembourg, Poland, ¹ Switzerland, Thailand Bahrain Egypt
Vibration and noise	18	Austria, ¹ Bolivia, China, Colombia, ¹ Denmark, ¹ Germany, ¹ Japan, Poland, ¹ Thailand
Ventilation (inadequate)	18	Colombia, ¹ Denmark ¹
Light (lack of, or at abnormal level)	18	Poland, ¹ Thailand
Air pressure (increased or decreased)	18	Belarus, China, Denmark, ¹ Poland, ¹ Portugal
Ergonomic hazards	18 16	China, Poland ¹ France
Accident hazards	18	Netherlands, Slovakia

¹ Except for apprenticeships.

Source : ILO : *Conditions of work digest on child labour : Law and practice*, Vol. 10, No. 2 (Geneva, 1991), pp. 48-54.

TABLE 7. PROHIBITION OF SPECIFIC AGENTS OR PRODUCTS

Agent or product	Minimum age	Country
Alcohol production and/or sale	21	Chile
	18	Argentina, Australia (Victoria), Bolivia, Brazil, Burundi, Cameroon, Colombia, Costa Rica, Dominican Republic, Ecuador, Equatorial Guinea, Haiti, Italy, Luxembourg, Mexico, Panama, Peru, Portugal, Spain, ¹ Swaziland, Venezuela, Zaire
	17	Egypt
	16	Guatemala, Honduras, Mexico
	15	Jamaica, Thailand
Asbestos	18	Cyprus, Luxembourg, Portugal, Singapore, United Kingdom
	16	Australia (Victoria), Bahrain
	14	India
Benzene	21	Uruguay
	18	Iraq, Netherlands, Portugal
	14	India
Bleaching and chlorine	18	Cameroon, Portugal
Cadmium	18	Portugal
	14	India
Cement	18	Angola, ² Cameroon, Colombia ²
	14	India
	15	Egypt
	12	Bangladesh
Chemicals, general provisions for exposure to	18	Angola, ² Austria, Bolivia, ⁶ Cameroon, Chad, China, Colombia, ² Congo, Cyprus, Denmark, ² France, Germany, Guinea, Lao People's Democratic Republic, Philippines, Poland, ² Portugal, Spain, ¹ Sudan, Thailand, Togo, United Kingdom
	16	Bahrain, Honduras, Mexico
	15	Egypt
	14	India
Chromium	18	Portugal, United Kingdom
	14	India
Compressed air/gas	18	Cameroon, Denmark, ¹ Sweden
	16	Bahrain
	15	Egypt
Electricity	18	Angola, ² Cameroon, Colombia, ² Denmark, ¹ France, Panama, Poland, ² Portugal, Sweden, Uruguay, Zaire
	16	Bahrain, Mexico

National legislation on hazardous work

Agent or product	Minimum age	Country
Explosives	15	Dominica, Jamaica
	14	Belize
	18	Angola, ² Austria, Belgium, Bolivia, Burundi, Cameroon, Chad, China, Colombia, ² Congo, Costa Rica, Côte d'Ivoire, Cyprus, Denmark, ² Djibouti, Ecuador, El Salvador, Equatorial Guinea, Guinea, Finland, France, Japan, Lao People's Democratic Republic, Luxembourg, Madagascar, Mali, Netherlands, Panama, Peru, Philippines, Portugal, Senegal, Spain, ¹ Sweden, Switzerland, Thailand, Togo, United Kingdom, United States, Zaire
	17	Canada (federal), Egypt
	16	Bahrain, Dominican Republic, Honduras, Mexico, Morocco
Fumes, dust, gas and other noxious substances	14	India, Pakistan
	18	Angola, ² Austria, ² Bolivia, China, Chad, Colombia, ² Congo, Denmark, ² Ecuador, El Salvador, France, Germany, ² Japan, Lao Peoples' Democratic Republic, Luxembourg, Madagascar, Netherlands, Nicaragua, Peru, Poland, ² Portugal, Spain, ¹ Sudan, Sweden, Switzerland, Thailand, Togo
	17	Cuba
	16	Bahrain, ³ Honduras, Mexico, Morocco, United Kingdom
	14	India
Infra-red and ultraviolet rays, laser, radio-frequency emissions	18	Austria, Colombia, ² Poland
Lead/zinc metallurgy, white lead, lead in paint	21	Uruguay
	18	Australia (Queensland, Victoria), Austria, Barbados, Belgium, Bolivia, Cameroon, Colombia, ² Cyprus, Denmark, ² Djibouti, Ecuador, France, Gabon, Germany, Ireland, Madagascar, Malta, Norway, Portugal, Sudan, Sweden, Syrian Arab Republic, Togo, United Kingdom, ⁷ Zaire
	17	Egypt
	16	Bahrain, Cyprus, Greece, Honduras, Mexico, United Kingdom
	15	Syrian Arab Republic
	14	India
Manganese	18	Portugal
	14	India

Child labour: Targeting the intolerable

Agent or product	Minimum age	Country
Marble, stone and gypsum	18 16	Angola, ² Cameroon, Spain ¹ Bahrain
Mercury	18 17 15 14	Portugal, Sudan Egypt Syrian Arab Republic India
Paints, solvents, shellac varnish, glue, enamel	18 16 14	Angola, ² Bolivia, Cameroon, Colombia, ² Ecuador Cyprus, Mexico India, Pakistan
Pathogenic agents, exposure to (hospital work, city cleaning, work related to sewers, handling corpses, etc.)	18 17	Austria, Bangladesh, Colombia, Ethiopia, Finland, Lao People's Democratic Republic, Luxembourg, Madagascar, Netherlands, Panama, Poland, ^{2, 4} Portugal, Spain, ¹ Switzerland, Thailand, Turkey, Uruguay Israel ⁵
Potassium and sodium	18	Cyprus
Radioactive substances or ionizing radiation	18 17 16	Argentina, Austria, ² Belgium, Colombia, ² China, Denmark, ² Finland, France, Germany, India, Lao People's Democratic Republic, Luxembourg, Malta, Netherlands, Panama, Philippines, Poland, ² Portugal, Slovenia, Sudan, Thailand, United Kingdom, United States Canada (federal) Bahrain, Guyana, Honduras, Switzerland, United Kingdom
Rubber	18 17 16	Angola ² Egypt Cyprus, Mexico
Tar, asphalt, bitumen	18 17 15	Angola, ² Luxembourg Egypt Syrian Arab Republic
Tobacco (inc. bidi and cigarette making)	16 15 14	Cameroon Syrian Arab Republic India, Pakistan

¹ Minimum age of 18 for men, 21 for women. ² Except for apprenticeships. ³ Work connected with materials or components provided for in schedule for occupational diseases attached to Social Insurance Law. ⁴ Risk of contagious diseases generally. ⁵ Applies only to work involving contact with tuberculosis, leprosy or mental patients. ⁶ Exceptions possible under specified conditions for 15-year-olds. ⁷ Specific tasks.

Source: ILO: *Conditions of work digest on child labour: Law and practice*, Vol. 10, No. 2 (Geneva, 1991), pp. 48-54.

TABLE 8. PROHIBITED HAZARDOUS INDUSTRIES, OCCUPATIONS OR ACTIVITIES

Industry, occupation or activity	Minimum age	Country
Abattoirs and meat rendering	18	Central African Republic, Congo, Denmark, ¹ Finland, Gabon, Guinea, Luxembourg, ¹ Thailand, Togo, United States, Zaire
	17	Egypt
	16	Bahrain, Lebanon ²
Aluminium industry	16	Bahrain, Cyprus
Agriculture	21	Uruguay
	18	Colombia, ^{1, 3} Costa Rica, ³ France, ³ Spain, ^{3, 4}
	17	Australia (Queensland), ⁵ Ukraine
	16 or 18	France ^{3, 6}
	16	Denmark, ³ United Kingdom, ³ United States ^{3, 5}
	15	Syrian Arab Republic ⁵
	14	India, ³ Pakistan ³
Airport runways	18	Portugal
Animals, work with dangerous or wild	18	Denmark, ¹ Netherlands
Archaeological excavations	18	Iraq
	16	Mexico
Bakery	21	Uruguay
	18	United States
Brick manufacture	18	Austria, ¹ Colombia, ¹ United States
	16	Bahrain, Cameroon
Cable laying	18	Turkey
Care for mentally disturbed persons	18	Finland
Carpet weaving	14	India
	12	Bangladesh
Catering at railway stations	14	India
Cinderpicking, clearing an ashpit	14	India
Circular saws and other dangerous machines	18	Argentina, Australia (Victoria), Austria, Bolivia, Cameroon, ¹ China, Colombia, ¹ Congo, Côte d'Ivoire, Denmark, ¹ Djibouti, Ecuador, France, Gabon, India, Luxembourg, Madagascar, Mali, ³⁵ Mauritius, Peru, Saudi Arabia, Spain, Thailand, Trinidad and Tobago, United Kingdom, ¹ United States, Zaire

Child labour: Targeting the intolerable

Industry, occupation or activity	Minimum age	Country
	17	Pakistan
	16	Burkina Faso, Chad, Central African Republic, Guinea, Malaysia, ¹ Senegal
Construction and/or demolition	18	Austria, Bolivia, Burundi, Colombia, ^{1, 7} El Salvador, France, Gabon, ⁸ Luxembourg, ⁷ Madagascar, ⁷ Netherlands, Peru, ⁷ Spain, ⁷ Turkey, ¹⁰ United States
	16	Bahrain, Barbados, Burkina Faso, ⁷ Cameroon, ⁷ Central African Republic, ⁹ Chad, Congo, Côte d'Ivoire, ⁷ Djibouti, ⁷ France, Guinea, ⁸ Kenya, Mali, Morocco, Senegal, ⁷ Somalia, United States, ⁷ United Kingdom
	15	Dominica, Jamaica
	14	Belize, Cyprus, India
Cranes/hoists/lifting machinery	18	Argentina, Austria, Canada, Central African Republic, Chad, Colombia, ¹ Congo, Cyprus, Denmark, ¹ Gabon, Guinea, Japan, Luxembourg, Madagascar, Mauritius, Netherlands, Thailand, United Kingdom, United States, Zaire
	16	Bahrain, Denmark, France, Israel ¹¹
Crystal and/or glass manufacture	18	Angola, ¹ Argentina, Austria, Bolivia, Cameroon, Colombia, ¹ Côte d'Ivoire, Cyprus, ¹² Denmark, ¹ Djibouti, Ecuador, Ireland, Madagascar, Mali, ³⁵ Portugal, Senegal
	17	Austria, ³ Egypt
	16 to 18	France ^{3, 6}
	16	Bahrain
	15	Syrian Arab Republic
	14	Pakistan
Domestic service	16	Denmark
Entertainment (night clubs, bars, casinos, circuses, gambling halls)	21	Chile, Seychelles, Uruguay
	18	Angola, ¹ Austria, Bolivia, Brazil, Burundi, Cameroon, Colombia, Costa Rica, ¹³ Ecuador, El Salvador, Italy, Latvia, Luxembourg, Madagascar, Panama, Peru, Philippines, Seychelles, Switzerland, ¹⁴ Thailand
	17	Egypt
	16	Djibouti, France, Honduras, Mali
	15	Thailand
	14 to 18	Dominican Republic ¹⁵
	14	Nicaragua, Republic of Korea

National legislation on hazardous work

Industry, occupation or activity	Minimum age	Country
Excavation	18	Central African Republic, United States
Fire brigades and gas rescue services	18	Austria ¹
Forestry	18 16 to 18	China, Netherlands, Philippines, United States Spain
Machinery in motion (operation, cleaning, repairs, etc.)	21 18 17 16 15	Uruguay Argentina, Austria, ¹ Bolivia, Burundi, Cameroon, Central African Republic, Colombia, ¹ Chad, Congo, Côte d'Ivoire, Cyprus, Denmark, ¹ Djibouti, Dominica, Dominican Republic, El Salvador, Equatorial Guinea, France, ¹⁶ Gabon, Greece, Guinea, India, Ireland, Japan, Luxembourg, Madagascar, Malawi, Mali, Malta, Mauritius, Myanmar, Netherlands, Peru, Saudi Arabia, Spain, Sweden, Switzerland, Thailand, Zaire, Zambia Egypt, Pakistan Bahrain, Bangladesh, Djibouti, France, ¹⁶ Guyana, Jamaica, Malaysia, ¹ Morocco, Nigeria, Saint Lucia, Senegal, Singapore, United Kingdom Italy, ¹⁷ Syrian Arab Republic
Matches, manufacture of	16 14	Cameroon India, Pakistan
Maritime work (trimmers and stokers, stevedoring)	21 19 18 17 16 15 14	Brazil ¹⁸ Denmark ¹ (stokers), Iceland Algeria, Argentina, Australia, Austria, Bahamas, ¹⁹ Bangladesh, ²⁰ Belgium, Belize, ²¹ Burundi, Cameroon, China, Colombia, ¹ Congo, Costa Rica, Côte d'Ivoire, Denmark ¹ (trimmers), Djibouti, Ecuador, El Salvador, Fiji, Gabon, Iraq, Ireland, ¹ Japan, Kenya, Liberia, Luxembourg, Malawi, Malta, Myanmar, Nigeria, ²¹ Pakistan, ²¹ Papua New Guinea, Peru, Philippines, Romania, Sierra Leone, ²¹ Singapore, Solomon Islands, Somalia, Sri Lanka, Sudan, United Republic of Tanzania, Trinidad and Tobago, Tunisia, United Kingdom, ²² Yugoslavia, Zaire Canada (federal), Cuba ¹⁸ Denmark, ²³ Finland, ²³ Singapore ²⁴ Kenya ²⁵ India, Pakistan ²⁶

Child labour: Targeting the intolerable

Industry, occupation or activity	Minimum age	Country
Mining, quarries, underground work	21 18	Brazil Afghanistan, Albania, Angola, ¹ Argentina, Australia (South and Western), Austria, ¹ Belarus, Belgium, Belize, ¹ Bolivia, Botswana, Burundi, Cambodia, ¹ Cameroon, ¹ Cape Verde, Central African Republic, Chad, Chile, China, Colombia, ¹ Congo, Croatia, Cuba, Cyprus, ²⁷ Czech Republic, Denmark, ¹ Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Fiji, France, Gabon, Germany, ¹ Ghana, ²⁸ Greece, Guinea, Guinea-Bissau, India, Indonesia, Iraq, Ireland, Israel, Italy, Japan, Jordan, Lao People's Democratic Republic, Lesotho, ¹ Luxembourg, Mongolia, Nicaragua, Panama, Peru, Philippines, Poland, ¹ Portugal, Sao Tome and Principe, Saudi Arabia, Slovenia, Somalia, South Africa, Sudan, Swaziland, Switzerland, Tajikistan, United Republic of Tanzania, Thailand, Tunisia, Turkey, ¹⁰ United Kingdom, United States, Venezuela, Zaire, Zambia
	17	Australia (Victoria), Bangladesh, Canada (federal), Jamaica, Myanmar, ²⁹ Pakistan
	16	Bahrain, Barbados, Burkina Faso, Côte d'Ivoire, Hungary, Kenya, Mali, Mexico, Nicaragua, Nigeria, Sierra Leone, ² Singapore, Solomon Islands, ² Uganda
	15	Dominica, Syrian Arab Republic
	14	Belize, Cyprus ²⁷
Oil prospecting/work with petroleum	18 16 15	China, Sudan Bahrain, Mexico Egypt
Oxyacetylene blowpipes	16	Australia (all States), Bahrain
Paper/printing	18 14	Spain, ⁴ United States Pakistan
Pedal/crank operated equipment	16	Cameroon, ¹² Congo, Djibouti, ¹² Mali
Pornographic material, 18 production of or work at premises handling	18	Bolivia, Brazil, Cameroon, Colombia, Côte d'Ivoire, Djibouti, Ecuador, Honduras, ³⁰ Uruguay, Zaire
Salt and brine processes	18	Cyprus ¹²

National legislation on hazardous work

Industry, occupation or activity	Minimum age	Country
Shipbuilding	16	Cyprus
Soap manufacture	14	Bangladesh, India, Pakistan
Steam engines or equipment (work with)	18 16	Côte d'Ivoire, France, Sudan Cameroon, Djibouti, Mali
Street trades	18 16 15 14 to 18 14	Austria, Bolivia, Brazil, Peru ⁴ Burkina Faso, Cyprus, Djibouti, ¹² Dominican Republic, Italy, United Kingdom Costa Rica ¹⁷ Ecuador ³¹ Sri Lanka
Sugar mill	16	Jamaica
Tanneries	18 17 16 15 14 12	Chad, France, Gabon, Guinea, Zaire Austria, Egypt Dominican Republic, Mexico Syrian Arab Republic India, Pakistan Bangladesh
Textile industry (specific tasks)	21 18 16 15 12	Uruguay Spain ⁴ Bahrain Egypt Bangladesh
Transportation, operating vehicles	18 17 16 15 14	Argentina, Austria, Bolivia, Burundi, Central African Republic, Chad, Congo, Denmark, ¹ Ecuador, ³² Equatorial Guinea, Gabon, Guinea, Pakistan, ³³ Panama, Peru, Philippines, Portugal, Spain, ⁴ United States, Zaire Egypt Barbados, Dominican Republic, Israel, Kenya, Senegal, ³⁴ United Kingdom Dominica, Jamaica Belize, Cyprus, India
Underwater work	18 16	Austria, China, Colombia, ¹ Croatia, El Salvador, Lao People's Democratic Republic, Poland, ¹ Sudan, Sweden, Thailand, Turkey ¹⁰ Dominican Republic, Mexico
Water and gas industry	18	Spain ⁴

Child labour: Targeting the intolerable

Industry, occupation or activity	Minimum age	Country
Weights and loads	14 to 18	Afghanistan, Australia (Victoria), Bahrain, Belarus, Belgium, Belize, Bolivia, Botswana, Burkina Faso, Burundi, Cameroon, Central African Republic, Chad, China, Colombia, ¹ Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Denmark, ¹ Djibouti, Ecuador, Egypt, Gabon, Guinea, India, Israel, Italy, Latvia, Mali, Netherlands, Niger, Poland, ¹ Saint Lucia, Spain, Switzerland, Ukraine, Uruguay, Zaire
Welding and smelting of metals, metal working	18	Argentina, Australia (all States), Austria, ¹ Bolivia, Cameroon, Colombia, ¹ Cyprus, ¹² Denmark, ¹ Ecuador, Luxembourg, Portugal, Spain, ⁴ Sudan, Sweden, Thailand, United States, Venezuela
	17	Egypt
	16	Bahrain, Mexico
	15	Syrian Arab Republic
Work alone if it involves a risk of accidents or criminal acts	18	Finland
Work at courts, prisons or as probation officers	18	Seychelles

¹ Except for apprenticeships. ² Medical certificate required. ³ For specified tasks only. ⁴ Minimum age of 18 for men, 21 for women. ⁵ Application or manufacture of agricultural chemicals. ⁶ Different minimum age depending on the type of work. ⁷ Applies only to work on scaffolding. ⁸ Except finishing work that does not include scaffolding. ⁹ Not requiring scaffolding. ¹⁰ Applies only to men, women generally prohibited. ¹¹ Including signalling for these operations. ¹² Women only. ¹³ Work during daytime (a general limit of 18 is imposed for all night work). ¹⁴ 16 is minimum age for work in hotels, restaurants and cafes, and 18 for work in other types of entertainment. ¹⁵ Prior authorization required. ¹⁶ Depending on the type of machinery. ¹⁷ Minimum age of 15 for men, 18 for women (applies to street trades in Costa Rica for unmarried women only). ¹⁸ Applies only to stevedoring. ¹⁹ 16 if medically fit according to certificate presented. ²⁰ Exceptionally 16. ²¹ Where a person over 18 is unavailable for a trimmer and stoker position, this position may be filled by two 16-year-olds. ²² Offshore mining. ²³ Except in family undertakings not using dangerous equipment. ²⁴ Except on family vessels. ²⁵ Concerns employment on any vessel unless it is a training ship, a family vessel or unless a medical certificate has been obtained. ²⁶ Concerns only fishing. ²⁷ Minimum age of 18 for underground work; 14 for other work in mines, quarries, etc. ²⁸ Apparently 18. ²⁹ Minimum age of 17 for underground work; 15 for other work in mines, quarries, etc. ³⁰ Minimum age 16 for men and 18 for women. ³¹ Authorization for men between 14 and 18 and for women between 14 and 21 only if necessary for the subsistence of the minor. ³² Only transportation of substances in a state of incandescence. ³³ Minimum age of 21 in road transport services requiring the driving of a vehicle. ³⁴ Piloting ships. ³⁵ The competent authority may grant certain exceptions.

Source: ILO: *Conditions of work digest on child labour: Law and practice*, Vol. 10, No. 2 (Geneva, 1991), pp. 48-54.

Prohibiting forced and bonded labour

Most countries in the world prohibit forced labour in their constitution or general labour legislation; two, India and Pakistan, have adopted legislation specifically outlawing bonded labour.

The Constitutions of most countries contain provisions relating to fundamental rights which include such injunctions as “no person shall be held in slavery or servitude” and “no person shall be required to perform forced or compulsory labour” or to the effect that no person shall be compelled to perform work or render personal services without his or her full consent and/or without fair compensation. Some constitutions deal with forced labour under general provisions on the right to work, stipulating that everyone has the right to freedom of labour and that involuntary labour is prohibited, or that work is an obligation for every citizen but that no one may be unlawfully forced into a specific occupation.

The Constitution of India prohibits a form of forced labour known as *begar*, which is “labour or service exacted by government or a person in power without remuneration”. Honduras appears to be the only country in which the Constitution itself deals specifically with children in bondage: “Every child must be protected against every form of abandonment, cruelty and exploitation. No child shall be the object of any type of bondage”. Penalties are provided for by law for those who violate the provision.

Many countries devote a section of their labour legislation to forced or compulsory labour. Definitions are often in conformity with the ILO’s Forced Labour Convention, 1930 (No. 29), which defines “forced or compulsory labour” as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily” — other than in the performance of military service, normal civil obligations or any work exacted as a consequence of a conviction in a court of law or in cases of emergency.

Though most legislation prohibits forced or compulsory labour in general terms, certain provisions are more detailed. Some, for example, provide for the prosecution of any person who exacts or imposes forced labour or causes or permits forced labour to be exacted or imposes such labour for his benefit or for the benefit of any other person, while others prohibit public officers from putting any constraint upon the population under their charge or upon any individual member of the population to work for any private individual, company or association.

In about half of the countries where the prohibition of forced labour is provided for in general labour legislation, there are specific penalties for the illegal exaction of work or any form of illegal constraint. In others, such provisions are found under general or penalty provisions of the labour legislation. Labour legislation typically declares that any person who imposes or permits the imposition of forced labour is guilty of an offence and liable to a fine of a certain amount of money and/or to imprisonment for some months or years. For example, in the Republic of Korea a person violating the provisions concerning employment of workers through violence, threats, illegal confinement or any other means of unjustifiable mental or physical restraint "shall be punished by imprisonment for not more than five years or a fine not exceeding 30 million *won*"; a labour inspector who has wilfully connived at contravening the same provisions "shall be punished by imprisonment for not more than three years or suspension of civil rights for a period of not more than five years".

In some countries any public servant or person entrusted with a public service who exacts forced labour of a person in circumstances other than in the public interest is liable to imprisonment and/or a fine under the penal code. In others, the provision is more general; for example, the Bahraini Penal Code states that anyone who subjects workers to forced labour for a specific job or who withholds without due cause the whole or a part of their wages is liable to imprisonment and/or a fine.

Specific legislation for the abolition of bonded labour was adopted in India and Pakistan in 1976 and 1992 respectively.

In India *begar* has flourished in various states in invisible forms. Efforts to abolish the practice date back to an 1843 law concerning the prohibition of forced labour, since when various government resolutions and declarations have been adopted on the subject, culminating in the *Bonded Labour System (Abolition) Act, 1976*.

The Act provides that the bonded labour system shall stand abolished and every bonded labourer shall stand freed and discharged from any obligation to render any bonded labour. The law provides for the establishment of vigilance committees which include members of scheduled castes or scheduled tribes and social workers. The committees advise on proper implementation of the Act, provide for economic and social rehabilitation of the freed labourers, coordinate the functions of rural banks and cooperative societies with a view to providing adequate credit to the freed labourers, and defend any suit instituted against a freed bonded labourer for the recovery of bonded debt. Under the Bonded

Labour System (Abolition) Rules, 1976, the registers maintained by the vigilance committees must include the names and addresses of the freed bonded labourers and details of the benefits which they receive, including benefits in the form of land, inputs in agriculture, training in handicrafts and allied occupations, and loans. Under the Act's enforcement measures, "compulsion to render bonded labour, advancement of bonded debt, enforcement of any custom, tradition, contract, agreement or other instrument requiring any service to be rendered under the bonded labour system are punishable with imprisonment for up to three years and a fine". The Act also provides for various measures to be taken by state authorities to ensure punishment of offenders.

Similarly, in Pakistan, the Bonded Labour System (Abolition) Act, 1992, declares the abolition of the bonded labour system and states that every bonded labourer is to be freed and discharged from any obligation to render any bonded labour. No suit or other proceeding can lie in any civil court, tribunal or before any other authority for the recovery of any bonded debt or any part thereof. The Act provides for special enforcement measures, including the setting up of vigilance committees at district level. These committees comprise elected representatives of the area, representatives of the district administration, bar associations, press, recognized social services, and labour departments of federal and provincial governments. Their functions include advising the district administration on matters relating to the effective implementation of the law, helping in the rehabilitation of freed bonded labourers, monitoring application of the law, and providing bonded labourers with the necessary assistance to achieve the objectives of the law. The Bonded Labour System (Abolition) Rules, 1995, provide that provincial governments are to establish one or more authorities to deal with the restoration of the property of bonded labourers, and confer upon every district magistrate the power to inspect workplaces where a system of bonded labour is suspected to operate. Provincial governments are also to establish vigilance committees to enforce the Act, as well as a fund to finance programmes to assist bonded labourers. Compulsion to render bonded labour or extracting bonded labour under the bonded labour system is punishable with imprisonment from two to five years or with a fine of 50,000 rupees, or both.

Attacking child prostitution, sex tourism, sale and trafficking of children, and child pornography

Child prostitution, child pornography and the sale and trafficking of children are crimes of violence against children. They must be treated as crimes and attacked as the most serious crimes are attacked. Such repellent abuses are so far removed from any normal notion of work or labour that it seems strange to focus on them in an ILO report. Yet while they are crimes they are also forms of economic exploitation akin to forced labour and slavery. Any new international standards on the most extreme forms of child labour must therefore specifically aim at abolishing the commercial sexual exploitation of children.

The problem is as complex as it is grave. Some forms of child abuse may not have a clear or direct economic or commercial dimension. But there is undeniably a strong link between paedophilia or sexual abuse in general and the use of children to pander to these vices for commercial gain. Hence, effective action to protect children requires the concerted application, nationally and internationally, of a range of legal measures going well beyond the sphere of labour legislation.

This section describes the various approaches pursued by governments to combat the victimization of children through prostitution, sex tourism, sale and trafficking, and pornography.

The predominant approach to combating child prostitution¹ is to rely on the repressive and deterrent effect of criminal law.

In most countries of the world, criminal law seeks to protect children from prostitution, though child prostitution as such is not usually singled out as a criminal offence. General laws prohibiting prostitution will also apply to children though they do not necessarily distinguish between adult prostitution and child prostitution. It is common, however, to provide higher penalties for involving persons below given ages.

Some countries have enacted specific provisions on child prostitution or on sexual exploitation and abuse which cover prostitution. For example, Sri Lanka recently amended its Penal Code to include sexual exploitation of children and trafficking (see box). The recent law against child abuse, exploitation and discrimination in the Philippines devotes a special part to child prostitution and other sexual abuse (see box). Another example is the St. Kitts and Nevis' Child Welfare Board Act 1994 (No. 6 of 1994), which provides that "child abuse means ... and includes ... the involvement of any child in activities of a sexual nature to which they cannot give consent, including fondling, kissing, engaging in prostitution, the photographing or depiction of any

Republic Act No. 7610 of the Philippines

(Stronger deterrence and special protection against child abuse, exploitation and discrimination.)

Article III

Child prostitution and other sexual abuse

Sec. 5 — Children whether male or female, who for money, profit or any other consideration or due to the coercion or influence of any adult, syndicate or group, indulge in sexual intercourse or lascivious conduct, are deemed to be children exploited in prostitution and other sexual abuse.

The penalty of reclusion temporal in its medium period to reclusion perpetua shall be imposed upon the following:

(a) Those who engage in or promote, facilitate or induce child prostitution which include, but are not limited to the following:

- Acting as a procurer of child prostitute;
- Inducing a person to be a client of a child prostitute by means of written or oral advertisements or other similar means;
- Taking advantage of influence or relationship to procure a child prostitute;
- Threatening or using violence towards a child to engage him as prostitute; or
- Giving monetary consideration, goods or other pecuniary benefit to a child in prostitution.

child for indecent or pornographic purposes or a course of sexual conduct that causes or is likely to cause the health or welfare of the child to be harmed or threatened.”

Most countries criminalize sexual relations with minors, often under 16 or 15 years of age. Some countries define the crime in terms of committing indecent acts with or corrupting minors. In Thailand, for example, the main recourse against child prostitution is to charge perpetrators with an “indecent act on a child” under age 16 whether or not the child consents. The laws of Costa Rica and Colombia criminalize the act of inducing a child under 16 into “perverted and premature sexual acts”. In Costa Rica, however, this provision only protects minors who have not already become “corrupted”. Offenders may also be guilty of crimes such as rape and indecent assault. The Nepalese Penal Code (*Muluki Ain*) considers intercourse with a child under 14 years of age to be rape. Similarly, in the Philippines, perpetrators are prosecuted for rape or lascivious conduct when a child exploited in prostitution is under 12 years of age.

Penal Code, Sri Lanka

Section 360B.

(1) Whoever:

- knowingly permits any child to remain in any premises, for the purposes of causing such child to be sexually abused or to participate in any form of sexual activity or in any obscene or indecent exhibition or show;
- acts as a procurer of a child for the purposes of sexual intercourse or for any form of sexual abuse;
- induces a person to be a client of a child for sexual intercourse or for any form of sexual abuse, by means of print or other media, oral advertisements or other similar means;
- takes advantage, of his influence over, or his relationship to a child, to procure such child for sexual intercourse or any form of sexual abuse;
- threatens, or uses violence towards, a child to procure such child for sexual intercourse or any form of sexual abuse;
- gives monetary consideration, goods or other benefits to a child or his parents with intent to procure such child for sexual intercourse or any form of sexual abuse;

commits the offence of "sexual exploitation of children" and shall on conviction be punished with imprisonment of either description for a term not less than five years and not exceeding 20 years and may also be punished with fine.

(2) In this section "child" means a person under 18 years of age.

The enticement of children into sexual acts, the procurement of children for prostitution and/or the drawing of economic benefit from the sexual activities involving children may also, with a varying degree of detail, be prohibited as separate crimes. One such example is Sweden where a sexual relation with a child under 15 (and with a dependant under 18) is prohibited as one type of crime. Adult prostitution *per se* is not criminalized, but the act of procuring for prostitution as well as the drawing of economic benefit from (any) sexual activities of another person is criminalized independently. Enticing anyone under 18 to have sex is also criminalized.

Comprehensive laws to protect children, inspired by the UN Convention on the Rights of the Child, are another source of law to address child prostitution and child pornography. Recently adopted children's statutes in Brazil, Mauritius, Myanmar and Nepal, as well as the comprehensive programme against sexual exploitation and abuse of children launched by the Philippines under the new law mentioned above, illustrate this trend. For example, the Children's Act 1992 of Nepal regulates the welfare of children in many areas including the

exploitation of children in immoral activities (including prostitution and pornography) and work. Violations are all sanctioned with imprisonment and fines. Damages are also provided for injuries resulting from actions in contravention of the law. Further, these issues can all be heard by a juvenile court instituted under the Act.

National laws concerning child prostitution identify and pursue different groups of actors. Some countries hold parents, guardians or others with legal authority over a child, accountable for failure to supervise the activities of the children effectively. It is not usual for a child to be considered as committing a crime when engaged in prostitution but this does appear to be the case in a few countries. However, the need to distinguish between the perpetrator and the victim is increasingly being recognized. Thus, in Iceland, section 206 of the Penal Code at present provides that it is punishable by up to two years' imprisonment to engage in prostitution for one's living. A draft bill is being discussed which will focus specifically on, *inter alia*, child prostitution, and in which the child will be defined as a victim and not as a perpetrator.

It is general practice to criminalize two main aspects of child prostitution. One is based on using the helplessness of the child to "force" the child to engage in sexual activities (with or without economic benefit for the child), i.e. the act of luring, enticing or tricking (coercing may constitute an independent crime) a child. The other aspect is to derive economic benefit from the sexual activities of the child. Sometimes the law identifies those who derive economic benefit, while in other cases "any" person who does so may be penalized. There are wide variations in national laws along these lines, but most countries criminalize such action.

Whether accepting the sexual services offered by a child is a crime can depend on the age of the child. A number of countries prohibit the acceptance of sexual services offered by a child, and define a child as a person under the age of 18. Among the countries that have recently introduced 18 years as the age limit are Belgium, Mauritius, the Philippines, Spain, Sri Lanka and Ukraine.

In many countries the law prescribes a lower age limit than 18 on the theory that above a certain age — normally after puberty — a child is deemed to be capable of consenting to have sexual relations. In some cases, the child of that age is thus also considered as capable of voluntarily offering sexual relations. In these countries it is therefore not a crime to have sexual relations with a child or make use of sexual services offered by a child above the legally prescribed age. It is most

common to define the age of consent at 16 years, although 14 and 15 are the ages in some countries. However, as mentioned above, other related acts, such as procuring or enticing into prostitution or living off proceeds from prostitution can be a separate crime no matter the age of consent, and the penalties are often higher the younger the child.

Given the importance of age in determining whether a crime has been committed, a procedurally important issue is the evidence requirements concerning the age of a child. In many countries it is a legal defence to plead that the accused had reason to believe the victim in question was above the legal age. A recent amendment in Belgian law removed the right to use such an excuse and shifted the burden of proof to the suspect, who has to demonstrate an “insurmountable error” (e.g. a false identity card used by the minor). In countries like Australia and Sweden the law states that the allegation must be reasonable under the circumstances.

In some countries the legal age for marriage may be lower than the age of consent. In these cases it is a legal defence to invoke the marriage against an allegation of sexual relations with a child below the age of consent. The recently adopted child sex tourism law in Australia provides the same, but adds the requirement that the marriage has to be a valid and genuine marriage.

While there are exceptions at both extremes, the penalties for sexual exploitation of children are quite severe and the trend is to increase them. In the Philippines a bill was filed in Congress to classify child prostitution and paedophilia as heinous crimes, which would increase the penalty from life imprisonment to death. A death penalty is also impossible in particularly grave circumstances under Chinese law. Penalties are also generally more severe where threats or violence are involved.

In addition to punishing prostitution, corruption, rape and sexual abuse of juveniles, Spain’s Criminal Code increases the penalties when the guilty persons are parents, grandparents, tutors or teachers. As a result, parents or tutors can be deprived of their parental or guardianship function. Other countries which make parents, guardians or caretakers criminally liable for causing or allowing a child to engage in prostitution include the Philippines (Special Protection Act), Sri Lanka (Children and Young Persons Ordinance (1939))² and Uruguay (Procurement Law). In the United Kingdom the offences are aggravated if the victim is under 16 or under the care of the offender at the time.

Since child sex offenders, and in particular paedophiles, are not easily deterred from further sexual interactions with children, some

countries have recently enacted laws to prohibit offenders against children from seeking or keeping employment which involves contacts with minors or provides them an opportunity to have access to children. Canadian law, for example, provides that at the time of sentencing, an order is to be considered and can be made to prohibit child sex offenders from being in places where children under age 14 congregate, or to seek or obtain employment, whether paid or as a volunteer, that involves being in a position of trust or authority towards children under age 14.

Sexual exploitation of children is a problem with international implications. Tourists who travel to engage in sexual relations with children have been observed increasingly in recent years. In view of this, an increasing number of countries have recently extended their criminal jurisdiction to cover the criminal acts of their citizens committed against children abroad and are adopting measures aimed at prohibiting the organization of travel with the intent to sexually exploit children.

One tool to combat sex tourism is to apply national criminal law to crimes committed in another country. Sex tourists from countries which do not generally extradite their nationals were able to commit crimes against children with impunity if they managed to return to their countries of origin. Extraterritorial extension of national law closes this “escape route”.

The possibility of applying national criminal laws extraterritorially has existed for some time in certain countries, notably in the Scandinavian countries. Until recently, this possibility was used rather sparingly — if at all — and tended to be limited to crimes related to drug trafficking or economic crimes. Norway led the way in 1990 by applying Norwegian law to crimes committed abroad. This innovative approach encouraged a number of countries which were home to sex tourists to amend their laws to allow for extraterritorial application of criminal laws relevant to child sex tourism. These include: Germany (September 1993), France (February 1994), Australia (July 1994), United States (September 1994), Belgium (March 1995) and New Zealand (July 1995).

A common condition for applying a criminal law extraterritorially is that the crime in question also be punishable in the country where the crime is committed. The laws in Belgium and France evidence a new trend, however, in that they do not require that the act to be prosecuted under national law be punishable in the country where it was committed.

Investigating a crime in a country other than where the crime is committed can, however, be both procedurally complicated and expensive. If the act is not a crime in the country in which it is committed, law enforcement would not normally be involved. Securing evidence may also prove to be cumbersome when local police authorities cannot be relied upon. The Australian law addresses some of these concerns by providing that, under certain circumstances, courts may direct that evidence from witnesses outside Australia be given by video link. For example, this could be done if attendance of the witness at court would cause unreasonable expense or inconvenience, would cause the witness psychological harm or unreasonable distress or cause the reliability of the witness to be reduced because of intimidation or distress.

Obtaining evidence from a child or other witnesses in another country also might depend upon formal and informal mutual assistance agreements between the countries concerned, as well as cooperation between law enforcement officials. The Extradition Act and Mutual Legal Assistance in Criminal Matters Act in Thailand allow the Attorney General to provide assistance in criminal matters to foreign States. The Embassy of the Federal Republic of Germany issues verbal notes explaining the extraterritorial application of its Criminal Act. For example, it has requested the Kingdom of Thailand to inform the competent German criminal prosecution authorities about all cases of relevant criminal offences committed by German citizens, even if they already fled Thailand. The attachment of any evidence found would be helpful for the prosecution and therefore be much appreciated.

Another approach is to penalize sex tours. In the United States, under new legislation on sex tourism, a person can be prosecuted as soon as detailed plans are made for the journey; a paedophile does not have to be caught having sexual relations with a minor — a detailed travel plan and air tickets are enough to prove the existence of sex tourism. In the United Kingdom, advertising and marketing tours which offered opportunities for sexual activity with children have been officially identified as serious criminal offences under the Criminal Law Act of 1977. Information on the law was announced and circulated among travel agencies. New Zealand criminalizes the promotion and organization of child sex tours from within New Zealand.

While not specifically aimed at sex tourism, several provisions of Canada's criminal law could apply to aspects of sex tourism. The prohibition of anyone to procure, attempt to procure or solicit a person to have illicit sexual intercourse with another, whether in or out of Canada,

or to procure a person to leave Canada for the purpose of prostitution would apply to tour operators and travel agents. The maximum sentence is ten years' imprisonment. Conviction of a tour operator could result in the seizure of the tour operator's enterprise as proceeds of the crime.

Cooperation and assistance among judicial and law enforcement agents is also utilized. The Government of the United Kingdom, under the Criminal Justice Act of 1990, assists law enforcement agents of foreign countries by extraditing for prosecution paedophiles suspected of committing offences abroad and the British police share information about known paedophiles with the police in other countries.

Sale and trafficking of children is dealt with by general legislation in most countries. Where particular problems have emerged there has been a tendency to adopt specific legislation to ban the sale of children.

Such legislation — the Suppression of Immoral Traffic in Women and Girls Act — was enacted by India in 1956. This was amended in 1986, and retitled the Immoral Traffic Prevention Act, to cover both sexes and increase penalties for offences involving children and minors. The Penal Code punishes both buyers and sellers of any person under the age of 18 years for the purposes of prostitution or illicit intercourse or any unlawful or immoral purpose. Specific provisions on sale and trafficking of children also exist in a number of other countries including Belgium, Brazil, Costa Rica, Cyprus, the Czech Republic, Hungary, Mauritius, Nepal, the Philippines, Rwanda and the United States. Denmark's Criminal Code focuses on the deprivation of liberty aspect of the sale of children, imposing a penalty of imprisonment for 1 to 12 years on anyone who deprives another of liberty for the purpose of gain.

There is considerable range in the severity of penalties: for example, in Brazil, five to six years in prison; in Costa Rica, eight to ten years; in Mauritius, a maximum of five years plus fines; in the Philippines, imprisonment for life; and, in the United States, a minimum of 20 years or life in prison and fines depending on the circumstances.

There are three main approaches to regulating child pornography: laws containing specific references to child pornography (found in the majority of countries); laws regulating pornography in more general terms; and laws referring to obscene or indecent publications or containing general clauses on corrupting or endangering public morals.

The definition of "child" for the purposes of regulating pornography is frequently related to the "age of consent", though there are an increasing number of countries which fix the limit at 18. In Sweden, an appellate court applied age 18 as the definition of "child", making

explicit reference to the definition of child in the Convention on the Rights of the Child. Consequently, pornography depicting young persons obviously younger than 18 years of age constitutes child pornography which is illegal to distribute. In Denmark, no definition exists as regards the age of the child but the Penal Code provides that the liability to punishment of the photographer presupposes that the physical development of the photographed person corresponds to the age group under the age of 15 years, the general age of consent. In South Africa proposed legislation provides that child pornography should include publications which depict a child who "is or is depicted as being under the age of 16".

The definition of child pornography concerns both the prohibited depictions of children and the media used, but countries have taken different approaches. It is not uncommon simply to prohibit child pornography without defining the term. In some countries the criminalized types of depiction are limited to the depiction of sexual intercourse or closely related sexual behaviours. Other countries, such as the United States, include all "sexually explicit conduct".

Concerning the medium containing the image, older laws sometimes contained references to "indecent photos", but rapid technological advances, particularly in computer technology, are causing such laws to be changed. A 1994 law in the United Kingdom refers to "pseudo-photographs" such as those carried by computer.

Newer technologies also enable "constructing" child pornography from other pornographic material or even creating so called "virtual" pornography which does not rely on a depiction of a real person. Another recent disturbing trend is the use of Internet for dissemination of child pornography. Not only does it make child pornography instantly available to a global audience, but it also poses a daunting challenge for law enforcement officials who need to establish an equally functioning global net for international cooperation in this area. Only the most recently enacted laws or legal interpretations have taken these technical possibilities into consideration when defining child pornography.³

National laws applicable to child pornography are normally construed so as to identify different stages in the production and handling of pornography and to prohibit and penalize those responsible or involved in the different stages. It is common practice to make it a crime both to produce child pornography and to disseminate it. Commercializing such activities normally incurs higher penalties. Some countries have also criminalized possession but this is a relatively new and not yet widespread trend.

Penalties vary widely for the production, possession or dissemination of child pornography. United States legislation seems to be among the most severe, providing up to ten years' imprisonment or fines up to US\$100,000. In France, as in several other countries, the penalty depends on the age of the child involved. Involvement of children aged 15-18 years old brings a maximum penalty of one year and a fine. However, for children under 15, imprisonment of up to five years is possible. In Germany, where the penalty is a minimum of six months and a maximum of five years, it is more severe if the distribution has a commercial motive but may be reduced to three months for handling child pornography for other reasons. Similarly, in the Netherlands possession is punishable by a prison sentence ranging from three months to four years, while producing for commercial purposes is punishable by six years' imprisonment. Luxembourg penalizes possession of child pornography with one year of imprisonment for children under 18, and five years for children under 15. Canadian legislation increased maximum sentences for production, sale and distribution of child pornography and possession for such purposes from two to ten years.

In addition to criminal laws, customs laws and regulations often prohibit the entry into a country of pornographic material. In Canada and the United States, for example, customs and police officers work in close cooperation to halt the trade and handling of child pornography. In the United States, the Postal Inspection Service shares responsibility with the FBI and the Customs Service to enforce child pornography laws. The Customs Service has recently announced that a Child Pornography Investigation Centre is being set up and should be operational in September or October 1996. In helping the Service attack purveyors of child pornography, it will make use of the Internet to strike against the purveyors of child pornography that use the Internet. Other countries rely mainly on customs rules: these include Australia, Ireland, Malaysia and South Africa, though Ireland, like the United States, also intervenes in distribution through the mail. In Botswana, any photographic material may be seized. A few countries mainly use censorship to repress child pornography.

An important tool for preventing and detecting crimes against children is the collection, systematizing and exchange of information. National statistics on crimes committed, categorized by age and gender and any other relevant factors, and registers of convicted offenders are of crucial importance. Internationally, the International Criminal Police Organization (Interpol) serves as a focal point for exchange of

information. A concerted effort is being made to establish a register of convicted paedophiles to facilitate transparency and rapid intervention possibilities. Interpol also uses an “early warning system” to alert national authorities of the movement of known criminals, including information about the movement of paedophiles. This information is circulated to border controls, immigration and customs authorities. Focal points for national expertise and special databases also exist at the national level.

Sharing of information at the national level is equally important. In Canada, provincial and territorial governments and the police have worked to improve information sharing between authorities and NGOs to screen out known sex offenders from staff positions which involve trust of or authority over children. For example, the local police helped one NGO which worked with street children to screen out several male applicants for volunteer posts who had criminal records for procuring young girls for prostitution.

Another approach to improving the exchange of information and the detection and reporting of crimes against children is a system of liaison officers which have been set up in 64 countries. Information on training, legislation, statistics and ongoing investigations is passed on to the countries concerned and to the General Secretariat of Interpol. Training of such officers focuses on children as victims and as witnesses in investigations. Countries also post liaison officers in other countries to coordinate and facilitate investigations of crimes committed by their nationals in the other country.

Private sector initiatives have also enhanced enforcement. Information campaigns have been launched through international associations such as the Universal Federation of Travel Agents' Associations (UFTAA), the World Hotel Federation and the World Tourism Organization. These include the initiative by UFTAA in 1994 to elaborate and adopt a Child and Travel Agent Charter. Pursuant to this Charter the signatory travel agents undertake to fight against child prostitution related to sex tourism by raising awareness in the industry. To date, 60 travel agents have signed the Charter.

The breaking of child pornography rings and the effective application of extraterritorial laws also require extensive international cooperation. For example, an investigation in the Netherlands of a child pornography ring involved 15 suspects, 40 victims and three different countries over a period of 11 years. The United States postal services recently broke a major child pornography ring based in Acapulco, Mexico. At the time of reporting, 56 persons across the United States had

been arrested and charged with receiving — by mail order — videotapes showing sex involving under-age boys. Thousands of videos were seized involving, according to an early estimate, some 300 children, the youngest of whom was believed to be seven years old.

The effective prosecution of defendants in their home country for crimes committed abroad often involves time-consuming procedures and relies on the goodwill and competence of foreign authorities. The difficulties are illustrated by the investigations in the first case of the extraterritorial application of Swedish criminal law. Swedish police in Thailand acted in close cooperation with the Thai police in order to detect the crime and cause the arrest of the offender. In the process of securing evidence, the victim was heard in the presence of both Thai and Swedish police. With knowledge of Swedish evidentiary requirements, the Swedish police were able to formulate questions which were submitted to the Thai police who conducted the interview with the victim. The interview was video recorded with the intention that this video recording could be used in court and the victim be spared the experience of appearing before the court in Sweden. In the end, the Swedish court found that the video recording contained certain statements which conflicted with other evidence, thus the victim had to appear before the court in Sweden. With no other possible means available for financing the travel to Sweden of the victim, an NGO paid for the ticket. The accused was finally convicted for sexual abuse of a minor, including an attempt to commit the same crime in 1995.

While informal channels are often used, special formalized procedures are required between judicial authorities. Requests for special investigation, production of evidence, release of documents and records normally have to go through diplomatic channels. Efforts are made to simplify procedures. For example, the United Nations Crime Prevention and Criminal Justice Branch has drafted a Model Treaty on Mutual Assistance which was adopted by the General Assembly in 1990. National laws can also provide for the conditions under which mutual assistance will be extended to other States in criminal matters. The law of Thailand (Act on Mutual Assistance in Criminal Matters) noted above, contains conditions under which assistance will be given to requesting States.

The Swedish aid agency, Rädde Barnen, helped to produce a card to be inserted in aeroplane tickets to Asia. One side of the card gives “the bright side” of tourism and the other “the dark side”. The cards have been distributed by the Swedish Travel Agency Association. In France, the travel industry and several government ministries have joined to produce

a leaflet which warns against child prostitution. More than 1 million copies have been distributed through travel agents.

The Canadian Criminal Code allows the use of electronic surveillance in investigations of child pornography. Under the legislation, a major child pornography ring was uncovered in London, Ontario. A special joint police task force was established to investigate allegations about the ring, resulting in 38 persons being charged. Another practice is to set up special toll-free telephone lines available to anyone (including, in particular, the victims themselves) to report suspected offences. The institution of ombudspersons specifically for children is yet another approach to improve investigatory methods. Originating from a Scandinavian legal tradition, ombudspersons are intended to serve as an intermediary between the individual and public authorities and normally are vested with supervisory functions over public authorities. They can have various functions such as investigating and following up on suspected violations of the rights of children. Sweden has instituted a special Children's Ombudsman specifically for these purposes. Information concerning this institution is widely spread among children mainly through campaigns at schools and day-care centres. Similar institutions have been set up in other countries.

Police officers need special expertise and sensitivity to deal with child victims. Confidentiality is one aspect. Another is ensuring that assistance is provided by those who have special expertise and can be present when the victimized child is being heard. It is vitally important to limit the trauma experienced by children in recounting their experiences to police authorities. It is also important that the evidentiary value of the child's testimony be adequately protected. In certain countries, such as in the Netherlands, special facilities have been set up specifically for this purpose, such as the immediate appointment of a curator or some other professional to assist the child through an investigation and trial. Procedures in Philippine law for dealing with victimized children include protective custody, restrictions on media and intervention of welfare authorities. In the State of Uttar Pradesh in India, some police stations have been set up with all-women staff and "rescue officers" have been posted in certain sensitive divisions to organize raids with police assistance for rescuing victims and following up court cases.

Reliable statistics on prosecutions are difficult to obtain. To the extent that reports in the press are a valid measure, more cases are being brought to trial. There are frequent reports about arrests and convictions in relation to child pornography and prostitution, and less frequently about successful actions against the sale and trafficking of children.

Notes

¹ The Special Rapporteur of the United Nations Commission on Human Rights on the Sale of Children, Child Prostitution and Child Pornography defines child prostitution as “the act of engaging or offering the services of a child to perform sexual acts for money or other consideration with that person or any other person”.

² A person who, having the custody, charge or care of a girl under 16 years causes or encourages seduction or prostitution of such a girl or allows persons under 16 years to reside in or frequent a brothel is guilty of an offence.

³ On 24 May 1996, two United Kingdom citizens were given prison sentences after pleading guilty to child pornography offences using the Internet computer network. The judge is reported to have ruled that images on the Internet should be treated in the same way as photographs in the eyes of the law. In the United States, the law on pornography includes reproducing, distributing or receiving prohibited visual depictions by computer.

Enforcement

5

Enforcement measures

Convention No. 138 (Article 9) and the accompanying Recommendation No. 146 (Part V) provide the international framework for enforcement of child labour laws. Convention No. 138 requires governments to take all necessary measures, including the provision of penalties, to ensure effective enforcement. It also requires employers to keep registers or other documents showing the name and ages of persons under the age of 18 who work for them. Recommendation No. 146 gives more detailed guidance such as training labour inspectors on detecting and correcting child labour abuses, focusing on hazardous work and describing measures to facilitate verification of ages.

Most national legislation contains specific measures to facilitate enforcement of minimum age and other child labour provisions, as well as machinery for enforcement. Virtually all countries have some form of labour inspection and, indeed, 118 countries have ratified the Labour Inspection Convention, 1947 (No. 81). Even so, in practice many encounter serious problems in enforcing child labour laws.

In the majority of countries the law holds the employer responsible for violations of child labour laws. However, some national legislation also explicitly holds parents or legal guardians responsible for violations concerning prohibited work or conditions. For instance, the laws of Kenya and the United Republic of Tanzania state that “any parent or guardian of a child or young person who permits such child or young person to be employed in contravention of any of the relevant provisions of the law commits an offence”. Norwegian law makes any parent or guardian who allows a child or a young person to perform illegal work liable to a fine, and similar provisions are found in Belgium and Uruguay. Parents and legal guardians are more likely to be made responsible in relation to violations of compulsory schooling requirements, as in Ecuador; more recently, the Philippines has adopted

a new law which places an obligation on parents or legal guardians to ensure that their children are provided with the prescribed primary and secondary education.

States have taken different approaches to record keeping. A substantial number of countries require employers to keep registers or equivalent documentation in respect of all workers employed by them, regardless of their age. In such cases, the date of birth is usually among the entries indicated in the documentation.

Many legislations, however, specifically require employers to keep records of young persons who work for them, in the form of a registry or list (Austria, Belgium, Costa Rica, Ecuador, El Salvador, Germany, Hong Kong, Japan, Republic of Korea, Lesotho, Norway, Pakistan, Peru, the Philippines, Poland, Portugal, Uruguay, Venezuela, Viet Nam, Yemen, Zaire). In some cases certain economic activities or occupations are excluded from this requirement, usually the agricultural sector. There are cases where this requirement is limited to employers of more than a specified number of workers (Mauritius) or according to duration of employment (more than two months in Finland).

In general, registers or equivalent documentation must be kept by employers at their workplace and made available for labour inspectors. The content of these registers may vary, but must usually contain name, domicile, date of birth (or the age or "apparent age", as in the case of the United Republic of Tanzania), date of commencement of work and termination, as well as the conditions and nature of employment. In some countries the law provides for an alternative recording method. In Egypt, for instance, employers must (a) notify the competent authority of the name of each young person employed; and (b) display at the entrance of the establishment a list of the young persons employed and their occupation. In China the employer must obtain a registration certificate for the young person from the competent labour department. Finally, in some countries (Pakistan, the Philippines, Portugal) the law requires the employer, in addition to keeping a register, to notify the inspector about any young employee in the establishment. It seems safe to conclude that the general trend is to conform with Convention No. 138, which requires registers and other documents concerning workers under age 18 as one measure to facilitate enforcement of child labour legislation.

While the requirement for work permits is not widespread, a good number of countries require them in a variety of activities. In some countries, such as Ecuador, Honduras, Morocco, Malta and Venezuela, permits must be obtained from the relevant authority as a prerequisite for entering employment. In Ecuador and Venezuela self-employed young

persons are also required to obtain written authorization from the authorities. In Morocco the local supervisory or municipal authority issues an "employment book", containing the name, date of birth and residence of the young person; employers in commercial or industrial establishments cannot employ young workers under 16 years of age who do not have this document. In Malta workers are obliged to obtain an employment card from the competent authority, but no such card may be issued to a minor of compulsory school age except with the written permission of the Ministry of Education. Similarly, employers in Thailand must obtain a written permit from the labour inspection officer to employ a person 13 years of age by filing an application in accordance with the form prescribed. In most countries the law requires a work permit or authorization for certain activities, especially in entertainment, the film industry and television broadcasting, where the authorized working age is usually lower than for other activities (Belgium, Germany, Tunisia).

The laws in almost all countries require that children and young workers be medically examined before being employed to determine their fitness for work (Bulgaria, Cuba, Dominican Republic, Finland, Islamic Republic of Iran, Italy, Kuwait, Mexico, Nepal, Paraguay, Peru, Portugal, United States.). This requirement is sometimes applicable in general for all young workers below 18, regardless of the job. In Turkey, for instance, the Labour Code provides that before being admitted to "any employment whatsoever" children between the ages of 13 and 18 must be medically examined and that, until they have reached 18 years, they must undergo regular medical check-ups at least every six months. Germany has adopted the same approach, although the requirement does not apply to jobs of less than two months or to light work which has no adverse consequences on the young person's health. The medical certificates must be kept by the employer and produced on request of any competent labour official (Germany, Poland, Turkey). The requirement in several countries is limited to dangerous or hazardous occupations (Lebanon, Norway) or in certain occupations prescribed by law (Egypt, Tunisia).

In a few countries a medical certificate is required for children performing light work (Bulgaria, Central African Republic, Paraguay, Singapore). In some the labour administration (usually the labour inspectorate) may request a medical examination where it deems it necessary and can order the child to stop working if the examination shows that the occupation is detrimental to his or her health and development (Morocco, Tunisia). Portugal has introduced a system of

free medical examinations for street vendors. Broadly speaking, the trend appears to be to include medical examinations in laws and regulations on child labour, in order to safeguard the physical, mental and moral development of minors.

In some countries the employment of children is subject to written permission by parents or legal guardians. This is the case in Viet Nam for children under the age of 15, and in Honduras for children under 16. Egypt's Labour Code provides that employers of young persons under 16 years of age must supply them with a card attesting to their employment.

In some countries the Government has taken measures to overcome the problem of determining a child's age where birth certificates and other official documents are unobtainable. In Sri Lanka it has been possible since 1981 to provide children over 16 years old with a national identity card which can be used instead of a birth certificate as proof of age. In India state governments are to be required to obtain age certificates and maintain registers of child workers.

Employers who employ young persons are often required by law to display a notice at their working place, usually at the main entrance; the notice might include abstracts or the full text of the relevant laws governing the employment of children and young workers (Germany, India, Morocco); information concerning the working conditions of young workers (Egypt, Germany); a list of their names (Egypt); and the location of the inspection office competent to supervise the working place or establishment.

Almost all countries specify penalties for violations of the legal provisions concerning the employment or work of children. The type and severity of penalties vary enormously, but generally they are in the form of money penalties only, or fines and/or imprisonment (the latter usually only in the case of repeated offences). Employers may also be penalized by revoking their licence to operate or even closing down their establishment. Finally, many countries impose fines or imprisonment on anyone who obstructs a labour inspection official in the performance of his duties (Cameroon, Viet Nam).

The laws of countries which provide for money penalties only usually establish the minimum and maximum limits. In some cases the law prescribes one specific fine for several specific violations. For instance, the Labour Code of Tunisia provides that violations of specific provisions of the Code (or of decrees or orders made pursuant to the Code), such as the prohibition of employment of children in hazardous occupations or in night work and the requirement of keeping a register

and providing for medical examinations, must be sanctioned with a fine of between 500 and 2,800 dinars. The Turkish Labour Act details penalties according to the provision violated; for instance, the penalty imposed on an employer who violates the provision on young workers in prohibited or hazardous occupations is much higher than the penalty prescribed for the violation of the provision concerning medical certificates. The same is true in Cameroon. In some other countries (China, Norway, Zaire), the fine applies to all provisions or is left to the judicial or administrative authorities to determine. For repeated offences fines are generally doubled.

Imprisonment is often an additional option. In India, Japan and the Republic of Korea imprisonment is limited to specified offences, such as the employment of children in harmful and dangerous activities. Under the Labour Standards Law of the Republic of Korea, for example, employing children in any work detrimental to morality or harmful to health and in any work inside a pit is punished by imprisonment for up to three years or a fine not exceeding 20 million won.

Penalties are often cumulative for each child concerned, up to a specified sum. For example, the Federal Fair Labor Standards Act of the United States prescribes a penalty of up to US\$10,000 for violation of child labour provisions for each employee who is the subject of the violation.

In addition to fines and imprisonment, various other sanctions exist. In Malta the law not only imposes a fine on an employer who employs a minor of compulsory school age without the required employment card, but also provides that the Court must, at the request of the prosecution, order the suspension or cancellation of any licence held by the offender relating to trade or business, or to any business premises where the persons are employed. Similarly, in the Philippines, in the case of repeated infringements of child labour provisions (the punishment for which may be both fines and imprisonment), the offender's licence is revoked. In Austria, if the employer is a recidivist, the administrative authorities may decide, upon recommendation by the inspector, to forbid the employer to employ young persons, on either a temporary or a permanent basis. In Côte d'Ivoire the employment authorization for the whole establishment may be revoked if it is proved that children of less than 14 years of age have been employed in activities for which they are not fit.

The United States prohibits putting goods into interstate or foreign commerce which have been produced with child labour, i.e. work by children under age 16 or work by those between the ages of 16 and 18

which is particularly hazardous or detrimental to their health or well-being.

The law in some countries explicitly provides that persons other than the competent labour inspector or authority may submit complaints (Nepal, Pakistan, the Philippines). In the Philippines they include the offended party, parents or guardians, ascendant or collateral relatives, officers, social workers or representatives of a licensed child-care institution, officers or social workers of the Department of Social Welfare and Development, or at least three concerned, responsible citizens where the violation occurred. The complaint is normally filed to the competent courts (district, magistrate or juvenile court).

Labour inspection

The State has the primary and general responsibility for enforcing provisions on child labour, which it normally does through the labour inspection system. The ILO's Labour Inspection Convention, 1947 (No. 81), specifies that among the primary duties of inspectors are the enforcement of the legal provisions relating to the employment of children and young persons. In general, labour laws contain specific clauses which give inspectors a wide range of responsibilities and which often give them a measure of discretion to decide if the conditions for employing children have been met and to authorize their work or subject it to further conditions. In many countries the labour inspectors and labour administrative authorities, are vested with the power to: (i) authorize young persons to work (Honduras); (ii) grant authorization for minors to be employed in certain activities involving light work or participation in artistic performances; (iii) request medical examinations when they deem it necessary to determine whether the work performed by young persons could be detrimental to their health or development, especially in the case of dangerous or hazardous work (Morocco); (iv) cancel an employment contract or withdraw a work permit if the work is not suitable for the child's health or physical or moral development (Croatia); and (v) enforce existing legislation during inspection visits by checking the working conditions of children and examining records of hours of work, holidays and wages and medical examinations.

Employers are often required to notify inspectors whenever they employ children or young persons or to provide them with a list of such workers. Inspectors may also be required by law to keep special registers containing the identity, date of issue of work permits and other details concerning young workers (Colombia).

Some laws or regulations include the requirement set out in Convention No. 81 that labour inspectors supply technical information and advice to employers and workers concerning the most effective means of complying with the law. The new Labour Codes of Madagascar, Nepal, Tunisia and Yemen state explicitly that inspectors are to ensure the application of the legal provisions pertaining to the employment of children and young workers, as well as supply information and advice to employers as how best to comply with the law. In the United Republic of Tanzania training has helped labour inspectors better to identify hazardous child labour situations and thus to give advice to employers before taking legal action. In the United Kingdom inspection supplemented by advice is one strategy of the labour inspectorate to reduce accidents to children in agriculture.

In some countries the education system plays an important role in the enforcement of child labour laws. In the United Kingdom, for instance, the National Health and Safety Executive is responsible for both health and safety and child employment legislation, but in non-industrial sectors the responsibility is split; local authority environmental health officials deal with health and safety matters, while education authorities enforce child employment legislation. Education authorities are empowered to go beyond national requirements concerning minimum age, hours of work and prohibited employment.

Problems and progress in enforcement

It is widely recognized that a major obstacle to effective legal protection against child labour is the weakness of enforcement mechanisms. Even countries that have progressive child labour laws commonly find it quite difficult to put them into practice. Enforcement problems are acute in the informal sector, away from main cities and in agriculture, in small businesses such as shops and hotels, in street trading, and in domestic service and home-based work. Since most working children are found in agriculture, domestic service and the informal sector, most of them work where child labour law enforcement is virtually absent. Thus, the legal tools described above have limited effectiveness in reaching much of the hazardous child work. This is true of almost all countries regardless of their level of development.

Sometimes enforcement is greatly complicated by the deficiency or complexity of the relevant laws and regulations. In Sri Lanka, for example, the law imposes so many limitations on the conditions of

employment of children that it has been suggested that a total ban would be far easier to implement.

In addition, labour laws pertaining to children are found in many statutes and subsidiary regulations which are so detailed that violations cannot easily be monitored. Labour inspectors may also have difficulty determining their competencies in the face of conflicting legislation.¹

Gaps in the law are equally detrimental to effective enforcement. Domestic work, agriculture, self-employment and the informal sector, for example, are frequently excluded from coverage of child labour laws, and thus enforcement. Even within regulated sectors there are areas, such as small workshops, that are not covered by prohibitions or regulations (Nepal). Provisions on apprenticeship can also cause problems if they are not sufficiently clear and protective of children, as apprenticeship contracts are often used to disguise exploitative and illegal forms of child labour. Sometimes, too, children are in unpaid “training positions”, a problem some countries have solved by deeming a child found working in an industrial undertaking to be in employment, whether or not he or she receives wages. This method minimizes the need to establish by litigation whether an employer-employee relationship exists.

The inadequacy of penalties is another shortcoming, though it may be difficult to assess from the texts themselves. Penalties are often not well defined or are too light to serve as effective deterrents.

In an increasing number of developing countries child labour provisions are being included in new labour codes, or in special statutes and regulations (Cambodia, Cameroon, Côte d’Ivoire, Gabon, India, Republic of Korea, Laos, Lesotho, Madagascar, Malaysia, Mauritius, Myanmar, Nepal, Pakistan, Panama, the Philippines, Sao Tome and Principe). To expand coverage to excluded sectors, Ireland recently introduced legally enforceable measures in the area of agricultural safety. In the United Kingdom a code of practice was recently adopted to prevent accidents to children in agriculture; it establishes the legal duty of all the parties concerned and includes steps to ensure that areas where children are allowed to work are safe and that they are given proper instruction and supervision.

There have also been efforts to increase penalties for child labour violations in Nepal, Pakistan, Turkey and the United States. In the latter the trend among individual states is to strengthen enforcement and penalty provisions and to restrict hazardous occupations. The State of California recently increased civil penalties with a US\$10,000 maximum fine for serious or wilful violations. In 1995 the State of Missouri authorized civil penalties in addition to criminal penalties,

Jermal operations in Indonesia

Jermals are fish traps — piles of wood implanted at the bottom of the sea with a huge fishing net attached. In the recruitment of fishermen, children are preferred to adult workers, as they are more easily managed, get low wages and work long hours.

Most of them have psychological damage caused by long isolation and separation from their families, verbal and physical abuse, and sometimes sexual abuse by the foreman or the older fisherman. Since the use of children in "jermal" operations is considered illegal, the operators usually recruit them through illegal agents, who usually operate in plantations and agricultural sites and look for poor families with children below 15 and 16 years of age. The agents may receive Rp. 8,000 to Rp. 15,000 for each recruit from the operators.

Some parents know that their children are being recruited for "jermal" operators and realize that the employment may pose serious threats to their health, safety and morals. But in most cases they have no idea how hazardous the work is, and let their children join in "jermal" operations because of their economic difficulties and the illusions created by the agents. In some cases the parents are not even informed that their children are going to work on "jermal" operations. The hazards are so great that parents usually do not let their children return after the first experience.

Source: S. Pardoen: *Children in hazardous work in the informal sector in Indonesia* (Jakarta, ILO/IPEC, 1996), pp. 38-39.

ranging from US\$50 to US\$1,000 according to the nature and gravity of the violation, with each day that a violation continues and each child illegally employed constituting separate violations. The fines collected go to a new Child Labor Enforcement Fund. The United States Department of Labor has also instituted a penalty scheme under which employers can be assessed a fine of up to US\$10,000 for each violation that causes the death or serious injury of a minor; for example, where a 15-year-old is seriously injured while operating a forklift truck at a warehouse, a US\$10,000 penalty could be assessed for violating the ban on minors under the age of 18 operating a forklift truck and an additional US\$10,000 for violating the ban on 14- and 15-year-olds working in a warehouse. In 1994 four companies were assessed US\$242,900 in money penalties which would have been about US\$75,000 under the old structure.

In Indonesia and Sri Lanka the Government reports that the legislation is being changed to impose severe penalties for the child labour violations.

A major problem faced all too often is that the labour laws relevant to child labour are unknown, not only to employers and parents but also to labour inspectors. During inspection visits to small private establishments, in Poland, for example, inspectors observed many violations of the provisions requiring medical examinations as a condition for employing a young person; when interrogated, employers said that they were not aware of the requirement. This ignorance of the law is prevalent in many countries around the world. Parents, too, are often unaware of the hazards their children face at work or of the illegal nature of the work. As a result, complaints are often never made, and so the necessary investigations are not triggered.

Some employers, particularly in small undertakings, are either unaware of the legal provisions or reluctant to observe them strictly. Parents, often themselves illiterate, attach greater economic value to child work than to schooling. And labour inspectors often hesitate to enforce the law and impose sanctions because they know that the families depend on the earnings of their children or believe that child labour makes a substantial contribution to the economy of the country. There is also a common attitude that child work helps young workers develop working skills, keeps children off the streets and is a way for young people to earn pocket money.

To increase awareness of the problem of child labour, several countries have undertaken awareness-raising campaigns. In Denmark a two-day campaign was carried out by inspectors to sensitize people to the serious health and safety problems posed by dangerous work performed by young people and the laws applicable to child labour. In Austria conferences on the observance of laws on the protection of children, juveniles and apprentices are held by the labour inspectorate at two-yearly intervals; they provide a forum for discussion between representatives of employers and employees, and other bodies concerned with the issue. Other awareness-raising initiatives have been undertaken in Brazil, Indonesia, Nepal, Pakistan, the Philippines, the United Republic of Tanzania and Venezuela. In the United Kingdom providing advice and information to farmers, farm workers, parents, teachers, schools and children themselves (free leaflets, videos aimed at children, and specially designed teachers' packs) is an important part of the strategy to prevent accidents to children in agriculture; inspectors also participate in agricultural shows across the country to get the message across and as a result of such efforts and of implementation of the code of practice mentioned above, the fatality rate is reported to have

Difficulties encountered by labour inspectorates

- lack of material resources including scarce transport;
- understaffing of inspection offices;
- overwork and low pay for inspectors;
- inspectors' perception of child labour;
- lack of appropriate training on the special vulnerability of children, child labour and hazards to which children are exposed;
- powers limited by law and lack of appropriate techniques;
- lack of motivation;
- hostile environment;
- lack of cooperation and support from other government agencies, including the education system;
- clandestine nature of child work.

been reduced from approximately 25 per year in the mid-1980s to less than ten a year in 1994.

A simple example of how creating awareness of the hazards of child labour can lead to significant change of attitudes by parents, is an initiative in Istanbul, Turkey. A group of mothers were invited to visit the workplace and observe the dangers to which their children were exposed. Following the visit, most mothers decided to withdraw them from the work.

Effective enforcement of child labour legislation suffers from inadequate labour inspection in most countries, especially those with the worst child labour problems. Child labour law violations are usually detected in the course of routine inspections, or during interventions made on the basis of complaints received. Although inspection was originally intended to deal specifically with child labour, it has over time taken on so many other functions that child labour concerns today occupy only a small portion of an inspector's duties. Numerous other factors impede the ability of inspectorates to live up to their mandate.

In most countries in Africa, Latin America and South-East Asia a common complaint by inspectors is poor working conditions. For example, the lack of sufficient staff creates overwork and frustration. A not untypical example is Indonesia, where 800 inspectors are expected to cover all of Indonesia's registered enterprises (over 4,000 enterprises for each inspector per year). Difficulties in applying the law in Sri Lanka have likewise been attributed to the shortage of labour inspectors. It is

often stated that child labour infringements cannot be the inspectors' priority, as their time is also or primarily devoted to investigating compliance with labour laws in general, administrative matters, settling labour disputes and the like. In some European countries labour inspectors have been assigned the additional task of checking on illegal employment of foreigners and migrant workers. Inspectors in Austria have complained that such additional duties could interfere with the effective discharge of their primary duties. In addition, many countries do not have labour inspectors specialized in child labour matters. For example, it is reported that in Costa Rica, El Salvador, Guatemala and Panama there are few labour inspectors and none of them specialize in such issues.

Another problem is lack of transportation to reach and inspect establishments outside cities, which makes it virtually impossible to monitor agricultural areas — still the largest single sector in which children work and one in which major hazards and bonded labour are common. In Malawi, due to inadequate funds, transportation is provided only to regional offices and to inspectors in the field on a rotation basis. Inspectors are encouraged to buy their own vehicles and to seek reimbursement for their travelling and incidental expenses (food and accommodation) related to inspection visits.

Inspectors may also be restricted by the law itself. For instance, many laws do not reach the informal sector, where young people are employed mostly under verbal contracts or by subcontractors. In addition, inspection techniques that are used in the formal and industrial sector tend to be ill-suited to the informal and agricultural sectors. Some employers resort to various subterfuges to hide illegal child labour or are inaccessible to inspectors because their enterprises are not officially registered. Some of the most exploitative and hazardous conditions exist precisely in unregistered sweatshops and workplaces. Moreover, it happens that inspectors are not empowered to search certain workplaces, such as private households, or to intervene outside prescribed times or without giving previous warning to the employer; in order to do so they may need a search warrant from the police.

Lack of motivation on the part of inspectors also may result from low salaries and insufficient recognition of their work by the authorities supervising them. Inspectors are often subject to direct or indirect pressure from other authorities (administrative, judicial and political) not to carry out inspections targeting child labour, or not to pursue prosecutions. In some countries, corruption also contributes to lax enforcement.

Labour inspection for vulnerable groups

In one African country visits were carried out with the local inspector to a large goldmine employing 350 people. No children were found in the deep galleries 300 metres below the ground where excavation machinery was in operation. However, no inspector has ever visited the nearby open-cast gold-mining areas where 100,000 people live and work. Here there are excavations 80 metres deep which give access to the galleries without any safe means of access. Children are lowered down narrow shafts on ropes and bring up the ore in sacks. These children are fed by the landowner and are only paid if they actually find gold.

On another site the shafts are side by side and children have to descend 30 metres into the galleries where they are 40 or 50 metres from fresh air.

The inspectors claimed that they were unable to deal with this situation as there were no contracts of employment within these family groups. In fact, when more detailed inquiries were made, it emerged that women and children rent their services to the landowner and are paid a fixed rate. They are in fact salaried workers but in this informal sector labour inspectors have never sought to intervene. After this visit, however, they decided to spend a whole week examining the mining system on this site in order to understand better the problems.

Source: International Technical Symposium on Labour Inspection Strategies for Vulnerable Groups, Tunis, 19-20 May 1994.

While real improvements have been slow, there has been growing awareness of the problems facing inspectors in detecting illegal child labour and the beginning of some positive initiatives in enforcing the law.

In some countries, one or more inspectors have been designated to deal mainly or exclusively with monitoring child labour. In Austria, every labour inspection office must have one labour inspector for the protection of children and young persons, whose main task is to ensure the observance of the relevant child labour provisions. Recent measures have been taken to strengthen the staff of inspectors' offices and increase the number of inspectors in Bolivia, the Dominican Republic, Japan and Sri Lanka.

In Brazil a legal provision has been repealed under which enterprises with fewer than ten workers were not subject to inspection. The Government is also endeavouring to modernize labour inspection services by increasing the number of inspectors, improving working conditions and equipment, including mobile units to reach outlying areas, and raising wages. In addition, 150 labour inspectors operate

under state commissions created in each federal state to carry out inspections in the areas of highest concentration of child labour. Finally, an executive group for the repression of forced labour has been established and priority is being given to the inspection of forced labour and work by children and young persons.

There have been several reported increases in the number of inspections carried out to detect child labour violations. In Pakistan, for instance, 6,803 inspections were carried out between January 1995 and March 1996, 2,531 cases of child labour were registered and 774 convictions with fines were assessed. In Spain the number of inspections involving child labour increased between 1990 and 1992, and the number of offences against minors decreased. Positive initiatives have been undertaken in Kenya with IPEC support. One hundred and eighty inspectors have had specialized training in child labour, and intensified inspections have led to 2,982 inspections; 8,074 children under 15 years of age were found working illegally in enterprises. Five cases were filed for prosecution, with two convictions. Moreover, approximately 800 complaints were received by inspectors. Community involvement in child labour issues was also enhanced, as well as collaboration and networking between the inspectorate and other agencies dealing with child labour and children's issues in general. Prior to these efforts, child labour inspections did not exist in practice.

In Pakistan, apart from the increased number of inspections mentioned above, the Ministry of Labour has taken steps to develop a systematic training programme for labour inspectors based on ILO methodology. In the Philippines, since 1993, a number of monitoring operations aimed at taking children away from exploitative work have been successful and some offenders are being prosecuted. The Government is making efforts to increase the number of inspectors and has held special training courses in line with the Government's intensified campaign against child labour. Moreover, the Department of Labour and Employment issued an administrative order in 1993 directing the inspectorate to give special priority to the inspection of establishments employing child workers.

In the United Republic of Tanzania inspections have been undertaken on a more regular basis by inspectors, especially in respect of child labour in hazardous situations; some employers have reportedly stopped employing children, while others have opted to provide them with safe work. The Government of Sri Lanka launched a large-scale campaign to combat child labour in 1992, as a result of which the Department of Protection and Child-Care Services received 1,290

complaints; 50 persons were investigated, and others were still under investigation.

The Turkish Government has been supported by ILO/IPEC for several years in its efforts to improve labour inspection in the field of child labour protection. Several training courses have taken place to sensitize inspectors about child labour problems; 60 out of 750 inspectors have been trained, and a core group of six or seven have become specialists in child labour. The Ministry of Labour in Nepal recently opened a special section to enforce provisions on minimum age for to employment in the carpet industry and on the compulsory issuing of labels stating that the product is "child labour free".

Special campaigns have also been carried out in the United States to enhance enforcement. Four nationwide sweeps, named Operation Child Watch, were carried out in 1990. The strike force of 500 investigators found more than 29,000 child labour violations.

In the majority of countries examined, the number of prosecutions for child labour law violations is low. Even lower is the number of cases actually tried in courts.

The registration of child labour complaints and prosecution of violators are sometimes so complicated that they are virtually inaccessible to children and their families, thus limiting the opportunities for enforcement. The administrative and court procedures, too, can be so intimidating that they discourage poor and uneducated victims from filing complaints. This situation tends to favour the employers over the employees, because of their economic power, the greater sophistication and their easier access to lawyers and other assistance.

Children's families are further discouraged from filing complaints by the feeling among employers and in the court itself that children benefit more by receiving a settlement than by having the employer fined. Even during the proceedings, it happens that parents or children's representatives decide to drop the charges or fail to appear in court. Sometimes, loopholes and shortcomings in the law prevent cases from being tried properly. It also happens that, because of the time and expense of litigation, cases are often settled by negotiation.

Remedial action is further hampered by the frequent uncertainty as to which public authorities are competent to assess and sanction child labour law violations, or by the split jurisdiction of the courts. In Sri Lanka, for instance, juvenile courts, labour courts and criminal courts are all competent in child labour matters. Finally, the authorities may simply not be aware of the extent of illegal child labour because they do not have

Enforcement of legislation against child bondage

Enforcement is a major problem in almost all countries of the Asian region. There are several reasons for this:

- the informality and invisibility of bonded labour and the difficulty of reaching children in bondage;
- the long delay between identification, prosecution and release;
- the inadequacy of financial resources for inspection and enforcement, and the lack of coordination among concerned agencies;
- the lack of cooperation from employers and, in some cases, the bonded child workers and parents themselves who, because the practice is illegal, may collaborate in concealing the problem;
- public apathy.

A comprehensive national programme aimed at effective enforcement will include the following components:

- establishment of a mechanism — a national authority or task force — especially mandated to promote, facilitate and ensure effective enforcement;
- strengthening the judiciary;
- imposition of penalties to deter violations of national law; adverse publicity of convicted violators;
- provision of free legal aid;
- conducting an aggressive public awareness campaign;
- extensive training and information dissemination activities such as seminars, workshops and conferences for all concerned groups, including the judiciary, religious groups and parliamentarians;
- provision of rehabilitation and counselling services.

Source: ILO: *A programme of action against child bondage* (Geneva, 1992), pp. 7-9.

the resources to investigate and pursue cases of potential illegal employment. This was demonstrated by a recent survey carried out in the United Kingdom by the Labour Research Department and covering over 100 local educational authorities. The survey found that in the whole of 1994 there were only eight prosecutions in the United Kingdom for infringement of the by-laws covering child employment. Many of the local educational authorities which responded to the survey indicated that they lacked the necessary resources for dealing with child labour. The local councils which could afford full-time child employment officers stated that a major obstacle was the vast number of children not registered for employment with the authorities.²

Political will is necessary to improve enforcement

The problem of accessibility is real and much more difficult to deal with than expected. Making the children who work in hazardous conditions "visible" is feasible, but there is a big difference between identifying a few cases of child labour exploitation for the purpose of exposing the problem and dealing with the problem in a systematic way.

The recent efforts with labour inspectorates in Indonesia, Philippines and Thailand, where labour inspectors have been trained on how to target the most abusive cases of child labour, have not yet yielded impressive results. Apart from the difficulties encountered in identifying the children working in exploitative and hazardous conditions there is also the problem of "real political will". Although labour inspectors may have been convinced of the usefulness of their work, they have no control over the political and social environment in which they operate. It is hard for them to single out child labour abuses in workplaces where other labour regulations are being ignored. During the training courses conducted by IPEC for labour inspectors, it transpired that labour inspectors were frustrated because, on the one hand, they were asked to enforce the rules while on the other hand the underlying message was not to disrupt the economy.

Source: ILO, Regional Office for Asia and the Pacific.

And then there is the special problem of bonded labour. While almost all countries have legal provisions against bonded labour, enforcement is particularly difficult because of its clandestine nature. This has been a concern of the ILO supervisory bodies which, in examining the application of Convention No. 29, have on many occasions raised doubts about effective enforcement measures to eliminate child bonded labour. Most cases of child bonded labour occur in very remote areas where monitoring by inspectors and law enforcement officers is difficult. As noted above, inspection units are understaffed and ill-equipped. Many smaller operations escape the scrutiny of inspection, either because they do not come under the existing regulations or because they are not registered. Public apathy and the presence of powerful vested interests are also major obstacles.

Action to eliminate child bonded labour requires renewed political commitment, effective and comprehensive national policies, legislative reform, enforcement, systems of compulsory and free education, community mobilization and information campaigns,³ as was pointed out at the ILO Asian Regional Seminar on Children in Bondage held in Pakistan in November 1992, attended by representatives of Bangladesh,

India, Nepal, Pakistan, Sri Lanka and Thailand. An assessment of recent efforts to improve enforcement in Asia is given in the box on page 96.

For all this, we should not forget that progress is being made. Articulating the obstacles and frustration faced by labour inspectors helps governments to become more aware of the problem and to believe that remedial action is both necessary and possible.

Notes

¹ A. Bequele and W. E. Meyers: *First things first in child labour: Eliminating work detrimental to children* (Geneva, ILO, 1995); and IPEC report on Child Domestic Work in Indonesia, p. 12.

² "Hard labour for Britain's kids", in *Labour Research*, Nov. 1995, p. 11.

³ IPEC: *A programme of action against child bondage* (Geneva, ILO, 1992).

Introduction

A major development in the field of child labour in recent years is the reorientation of public policy along comprehensive and pragmatic lines and the search by policy-makers and practitioners in government and non-governmental organizations for new and practical ways to protect working children. The 1990s have also witnessed an increase in the number of countries adopting national policies and programmes. These have formed the basis for mobilizing broad public support as well as for developing the institutional framework and capacity to carry out research and data collection, awareness raising, training, and legislative reform, and to identify target populations and strategic action programmes. An almost unparalleled number and variety of programmes are also being carried out, especially by non-governmental organizations.

National policy and strategies: Elements and processes

A clear national policy against the exploitation of children is the fundamental basis and point of departure for governmental action to suppress hazardous child work. Several countries, for example Bangladesh, India, Indonesia, Nepal, the Philippines, the United Republic of Tanzania, Thailand and Turkey, have adopted national policies and programmes of action, most of them in the last three years. The key features of most national programmes are diagnostic analysis through data collection and research, identifying priority occupations and sectors for action, raising public awareness, developing institutional capacity, mobilizing support, and improving educational, social and health services for the benefit of poor families and their children.

International Programme on the Elimination of Child Labour

The ILO's International Programme on the Elimination of Child Labour (IPEC) has been assisting countries in elaborating and implementing comprehensive policies and targeted programmes and projects. The Programme started in 1992, thanks to the financial support of the Government of Germany. Initially it focused on six countries but it is now operational in more than 25. The number of donors has expanded to include Australia, Belgium, Canada, France, Luxembourg, Norway, Spain and the United States.

IPEC provides support to countries in developing their capacity to appraise the nature and extent of child labour, identify priority target groups, and develop and implement policies and programmes which aim at the elimination of child labour. Participating countries sign a Memorandum of Understanding (MOU) with the ILO, under which national steering committees are established. Countries which have signed MOUs include Bangladesh, Bolivia, Brazil, Chile, Costa Rica, Egypt, El Salvador, Guatemala, India, Indonesia, Kenya, Nepal, Nicaragua, Pakistan, Panama, the Philippines, the United Republic of Tanzania, Thailand and Turkey. In addition, preparatory work to the signing of MOUs is in progress in Argentina, Benin, Burkina Faso, Cameroon, Colombia, Ecuador, Ethiopia, Peru, Senegal, Sri Lanka, Uganda, Venezuela, Zambia and Zimbabwe. The types of programmes supported by IPEC vary from one country to another, depending on the national situation and the most pressing needs identified by the countries themselves. Within its overall strategy to eliminate child labour, IPEC places emphasis on children at greatest risk.

The special merit of a national policy lies in the fact that it articulates societal objectives and commitment and, if pursued faithfully, provides a coherent framework for an associated programme of action. Such a national policy and programme of action can stand on its own or comprise part of a more comprehensive policy ; in either case a complete and implementable national policy and programme of action will contain at least the following elements :

- a definition of national objectives regarding child labour ;
- a description of the nature and context of the problem ;
- identification of the priority target groups ;
- a description of the priority target groups ;
- a description of the intervention approaches to be used ;
- designation of the institutional actors to be involved.

Many countries have incorporated child labour concerns as part of a broad effort to promote the general welfare and rights of children, or in the framework of their obligation under the United Nations Convention

on the Rights of the Child. For example, in Brazil action on child labour at the national, state and local levels has developed as part of the structures set up to defend the rights of the child and adolescents. In the Philippines the objective of eliminating child labour in hazardous work and protecting and rehabilitating abused and exploited children is included in the Philippine Plan of Action for Children adopted in 1990. Other countries have included child labour as an important element in their overall development plan because of the close links between child labour, poverty and unemployment. For example, the sixth five-year plan for 1994-99 in Indonesia clearly states that work by children under the age of 14 will gradually be prohibited so that they can enter the nine-year basic education system. It also indicates the need to set up an effective integrated protection and control system to regulate child labour.

Detailed and reliable data on the nature and magnitude of the child labour problem is essential, particularly for the setting of priorities and for the successful implementation of national programmes. The ILO has developed two instruments to assist countries to improve their information base on child labour: a statistical survey methodology and a rapid assessment technique.

The survey methodology was developed to enable countries to obtain benchmark statistics on children's work in general or to produce statistics on specific core variables. It was tested in Ghana, Indonesia, India and Senegal and has been used as part of an ongoing national survey programme in the Philippines and Turkey. In Pakistan it has been used as a free-standing survey. Bangladesh, Nepal, Indonesia and Thailand are also using the methodology.

The rapid assessment technique was designed to enable organizations to obtain qualitative and quantitative information about child labour problems quickly for the development of action programmes. It also helps locate agencies which can be mobilized in specific areas. The methodology has been tested in Bangladesh and Pakistan.

The setting up or improvement of a systematic information base can be especially useful as a launching pad for determining priorities for action to eliminate child labour. Many countries are increasingly adopting an approach which begins with particularly hazardous occupations and situations and provides for rapid and direct intervention to remove and rehabilitate working children (see box overleaf).

While the process of developing national policies to combat child labour usually begins by collecting and compiling sound information, it

Priority areas for action in national plans

Nepal: Children who are:

- working in hazardous and abusive work
- in prostitution
- in bonded labour
- girls

Thailand: Children who are:

- under 13 years old
- working in hazardous working conditions
- working in illegal establishments
- under confinement
- in work which is physically and/or sexually abusive

India: Children who are:

- working in hazardous employment, such as in the production of glass, brass, locks, gems, matches, fireworks, slates, tiles, carpets and bidis (cigarettes)

Philippines: Children who are:

- victims of trafficking
- working in mining and quarrying
- working in home-based industries, especially under subcontracting arrangements
- trapped in prostitution
- working on sugar-cane plantations
- working on vegetable farms
- engaged in pyrotechnics production
- engaged in deep-sea diving

Indonesia: Children who are:

- scavengers in dump sites
- working in sea-fishing
- working on jermals (offshore fishing)
- working in deep-sea pearl diving
- working as street hawkers

Kenya: Children who are:

- in domestic service
- working in the service sector
- working in commercial agriculture
- working in quarrying and mining
- working in the tourist sector
- working in the informal sector

Source: IPEC.

is often accompanied by an offer to the social partners of a forum to reflect on the strengths and weaknesses of existing policies and programmes. In Bangladesh, Indonesia, Kenya, the Philippines, Thailand and Turkey national seminars or conferences led to the

adoption of national programmes of action, which go beyond a statement of intent and set out strategies to combat child labour. National conferences were also organized in Argentina, Ecuador, Peru, Senegal, Venezuela and Zimbabwe, all of which led to the development of guidelines for action.

The vast and complex nature of the child labour problem implies the need for country approaches. It also requires a multi-pronged strategy, encompassing not only legislation and enforcement but also action in such areas as income and employment, education, welfare and advocacy of children's rights. There is a clear evolution of public policy in many countries along these lines. It is also becoming evident that policy formulation has to go beyond the general level. It can be effective only if it is accompanied by direct practical action focused on child labour in specific industries, areas or occupations characterized by a high incidence of child workers or by extreme forms of exploitation and abusive practices. Here, again, there is now a wealth of evidence and information on different types of initiatives at the national and local level, providing vital basic services and protection to working children at low cost, involving communities, and even helping child workers themselves mount advocacy campaigns and enhance their social and economic well-being.

Action against child labour should not be taken as a technocratic or bureaucratic exercise. Child labour touches on the livelihood and survival of many millions of families and communities as well as the comfort and prosperity of others. It inspires conflicting feelings and reactions and these are best resolved if regulatory action is complemented by dialogue, education and information-sharing among all concerned. Hence the importance of public awareness-raising efforts in the prevention and elimination of child labour. Most action programmes contain an awareness-raising component to sensitize the media and society at large to the problem. Highlighting specific types of child labour and pointing to the consequences are steps in the right direction. If society as a whole recognizes that child labour is a problem, the stage has been set to stigmatize and then eradicate its most abusive manifestations. Government policy, especially the enforcement of national laws, requires public backing and the involvement of the non-governmental sector. Assistance should therefore be given to organizations and programmes which provide information on children's rights to all groups, including parliamentarians, the judiciary and the police.

Strengthening institutional capacity

Designing and implementing a programme of action against child labour requires the strengthening of institutional capacity within government to: (i) set priorities; (ii) promote and coordinate the activities of concerned ministries and other governmental institutions; (iii) encourage the participation of the private sector and ensure that measures taken by the public and private sectors complement each other; and (iv) support pilot schemes at the local level. In many countries that capacity does not exist, and its strengthening is being given increased attention. A number of countries, for example Colombia, Thailand and Turkey, have established specialized bodies within government to supervise and implement action on child labour. In Turkey, a Child Labour Unit was established in 1992 in the Ministry of Labour and Social Security to coordinate child labour activities, develop new concepts and strategies and improve national legislation. Its programme includes the strengthening of the capability of the Ministry, local government bodies, employers' and workers' organizations and other NGOs to deal effectively with child labour. High-level committees consisting of government representatives, employers' and workers' organizations, NGOs and academics have also been set up in Colombia and Thailand to assist in policy formulation and programme implementation.

Employers' and workers' organizations have established specialized units with responsibility to address child labour issues and sensitize their members. The Federation of Kenya Employers (FKE) has set up a Child Labour Unit which carries out research on hazardous conditions for child workers on sugar, coffee and rice plantations and sensitizes employers to improve working conditions and to reduce reliance on child labour. The Central Organization of Trade Unions (COTU) in Kenya has also set up a Child Labour Section which has conducted a survey on child labour practices and integrated child labour issues into COTU's regular educational programmes. COTU is expanding into fields such as the registration of child workers and the management of children's contractual arrangements and obligations, including terms and conditions of work, education and training needs. The Confederation of Turkish Trade Unions (TÜRK-İS), too, has established a Child Labour Bureau to advance the social protection of child labourers and promote awareness among its affiliates.

Improving legislation and enforcement

Assistance in the revision and development of national legislation and drafting rules or by-laws to facilitate the implementation of national legislation has been a major and traditional aspect of the ILO's work over the years. This has been reinforced in recent years with intensified assistance by IPEC to interested governments. There is considerable resistance in many countries to the application of national labour legislation and limited capacity to enforce it. This is in part related to the very small number of labour inspectors to do the job. In addition, the labour inspectorate often lacks the material infrastructure, such as transport to visit the areas or the many small enterprises where child labour is prevalent and to carry out its responsibility.

The labour inspectorate can be a powerful tool in government efforts to suppress child labour, especially its worst forms. Labour inspectors are often the only ones who can gain access to child workers in (hidden) workplaces where others such as NGOs are not allowed. In many countries where there has been joint action between labour inspectors, the media and NGOs in the detection and surveillance of child labour, such cooperation has brought intolerable situations into the open. The ILO has developed a comprehensive training package for labour inspectors, which was field-tested in Indonesia and Turkey and is now being adapted for use in other countries. This package provides guidance on how the labour inspectorate — even with a limited budget — can detect and address the most pressing child labour problems.

Education and economic support

In addition to protective labour legislation for children, affordable education of good quality and which is relevant to the needs of children and their families will ultimately be the most effective instrument for the elimination of child labour. School attendance has a major effect on eliminating child labour in hazardous work. At the very least, it should reduce excess hours of work among children and go a long way to eliminating child labour in hazardous industries where workers need to be at the worksite for a full shift. Schooling has, moreover, a number of other positive effects that help reduce child labour over the longer run. Educated persons are more aware of their rights and so less likely to accept hazardous working conditions; educated persons make more informed and active citizens; educated persons (especially women) have fewer, better educated and healthier children when they themselves

become adults, and these smaller family sizes and educational expectations should reduce child labour in future generations; and educated persons are more productive workers and so help increase economic growth rates and wealth. Factors such as these are why economists and others stress the high social return to education and how it exceeds the private return to education. This divergence between social and private returns to education is especially large for poor families for whom immediate survival is such a pressing concern that they have difficulty fully taking into consideration the long-term benefits of education.

The relation between education and child work is complex, and seemingly obvious solutions may not always work. In some cases apparent solutions may have a perverse effect. Shortcomings in the public education system can and do actually encourage the flow of children into the workplace. At the very least, schools must be available, accessible and affordable (and as far as possible free).

But simply making schools available will not be sufficient to eliminate child labour for poor families. Policies and programmes that provide income replacement and economic incentives have therefore come to the fore in recent times in order to address the poverty issues and the need for poor children to earn income. This strategy of using economic incentives is in keeping with the spirit of the times to consider incentives rather than sanctions as the means for eliminating bad practices.

Since the effectiveness and problems of this approach are not well documented, the ILO recently undertook a survey of NGOs. Results of this inquiry¹ into 51 organizations, almost all NGOs, from 18 countries indicate that the use of economic incentives to eliminate child labour is a relatively recent approach; it includes various in-kind payments to encourage school attendance (such as free school lunches, books, clothes, waiving of fees, etc.); earmarked cash stipends, such as for school attendance; unearmarked cash income payments; apprenticeships and other school/work combinations; income-generating activities for parents; and community development programmes for backward areas. NGOs are generally positive about economic incentive programmes, feeling that they are necessary in situations of poverty. NGOs also feel that economic incentives are more likely to be effective when they are combined with other activities into a comprehensive approach which also includes, for example, awareness raising, improving the quality and availability of schools and community involvement.

At the same time, NGOs indicate that there are a number of practical and conceptual difficulties in effectively implementing economic incentive programmes. These include possible problems of corruption and cheating; the possibility of creating a dependency on the programme; the unattractiveness of schools because of the irrelevance of the school curriculum for poor families; the possibility that children may go to work in order to qualify for an incentive programme; the possibility that adult household members may reduce their own work efforts; and the problem of sustainability, with the risk of children simply going back to work when the incentive stops. Despite these and other problems, NGOs are positive about such programmes. None the less, because of their costliness and the fact that children go back to work when payments are withdrawn, the general feeling is that income replacement programmes are best suited to rehabilitation than to the prevention of child labour, and are best implemented as one element in a comprehensive approach. This is a significant conclusion, considering the need to remove children immediately from hazardous work and rehabilitate them.

NGOs also stress the importance of information and data collection to help in targeting, programme design, monitoring and evaluation; yet efforts in this regard have been poor to date, as indicated by the fact that none of the NGOs involved in the ILO survey knew of a systematic impact assessment study which investigates the longer- or shorter-term impact of such programmes on child labour.

In short, programmes which provide stipends face a dilemma. They can absorb a never-ending stream of funds, but they may sometimes be absolutely necessary and may well be the only way to break the vicious circle. The available evidence suggests prudence and the need to ensure that they are tailored to specific situations and needs.

Rehabilitation

A child's withdrawal from work should be accompanied by a whole range of supportive measures. This is especially important if children have been stunted in their development because they were bonded, have worked practically since they were toddlers, have been prostituted or have been living and working on the streets without their families or without any stable social environment. In addition to education, training, health services and nutrition, these children need to be provided with intensive counselling, a safe environment and often legal aid. To this

end, a number of action programmes for these children have set up drop-in centres where they can stay and recuperate.

The evidence has shown that these children need a range of professional services, from social workers and family or child therapists to psychiatrists. Volunteers or community workers also play an important part, but their work is very taxing. There is a very high turnover of field workers, and therefore they need special training and guidance. Cooperation with the police is often required, too, so that “rehabilitated” children are not stigmatized or persecuted. Agencies have also tried with some success to reunite children with their families. In such cases, support has to be extended to the families as well. Comprehensive rehabilitation measures are badly needed and should be provided even if their cost is very high.

Examples of projects to assist children in forced and hazardous work

National policies and programmes of action on child labour are normally implemented through specific projects. Projects are the building blocks of programmes and are limited in scope and time (see boxes). A project may work with one target group in a particular sector using one or a limited range of interventions over a period of two or three years or may address a wide variety of concerns. The target groups may include children engaged in rural work, tanneries, automobile workshops, carpet-making and construction; sexually abused children; migrant children; children in domestic service; or bonded and trafficked children.

Projects also vary in terms of the types of activity they undertake. Some provide a range of welfare services such as nutrition and health care, while others provide skill training, carry out advocacy campaigns, and support the strengthening of organizational capacity. Projects also differ in objectives. Some are quick-action projects aimed at redressing a specific situation such as removing bonded labour from a specific employer and rehabilitating them; others have more long-term objectives such as removing child labour from a whole industry.

International cooperation

As pointed out in earlier chapters of this report, there has in recent years been increased attention to the problem of child labour in various

Child workers on the streets of Ankara

The city authorities have come to the aid of child workers on the streets of Ankara, Turkey, by creating a local centre in which they find sympathetic social support and receive nutrition, health aid, education and personal care. This is backed by a mobile unit of specialists equipped to follow the children into their working environment.

Nearly 100 children have been placed in jobs linked to formal apprenticeship schools. Some of them benefit from vocational training provided at the centre. Shoeshiners have been moved from the hazards of the open streets to work in the protected locations of public buildings, hospitals and business centres. The police are cooperating by adopting a more understanding approach with the youngsters and ensuring their security in the workplace.

For the first time in Turkey, field research has been done to assess the response of the children to the programme. In the process, many other groups of child workers on the streets — including 9-year-old girls working as car-washers and street vendors — have been identified as desperately needing protection.

The programme is ripe for replication. Other district municipalities have asked to implement a similar operation and other major cities are interested in following suit.

Source: IPEC.

international fora. The work of UNICEF and the United Nations Commission on Human Rights are well known and do not need elaboration. Regional intergovernmental organizations have also addressed aspects of the problem, such as the adoption by the Committee of Ministers of the Council of Europe of Recommendation No. R(91)11, 1991, concerning sexual exploitation, pornography and prostitution of, and trafficking in, children and young adults.

The International Confederation of Free Trade Unions (ICFTU), one of the very early campaigners against child labour, launched a global campaign for the elimination of child labour in 1994 and continues to be active in advocacy and research on behalf of working children.² An important development among the ILO's social partners is the emerging interest of international employers' organizations in child labour. The General Council of the International Organization of Employers (IOE) passed a resolution in June 1996 on child labour which makes a number of basic recommendations to employers and their organizations. The resolution calls, inter alia, for putting an immediate end to slave-like, bonded and dangerous forms of child labour, and for developing action plans at the international, national, industry and enterprise levels. It calls

Trade unions foster a new harvest: Brazil

Learning the secrets and good practice of horticulture has replaced the heavy and hazardous work of many children in a fruit-producing region between the states of Pernambuco and Bahia, in Brazil. Rescue and education came from a workers' organization, the Rural Workers' Union of Petrolina.

Constantly exposed to the most dangerous kinds of agrochemicals, the children had been working to increase the output of their families, who worked for big companies. They were unable to attend school, and those from the poorest families lacked even the most basic health care and nutrition. The trade unions conceived a scheme to provide the children with non-formal education and to train them in skills that would help them find better jobs in the future. A garden school was thus a welcome addition to the non-formal education centre which prepared the children to join the public school system. Music and drama are woven into this combination of non-formal education and skills training. As a means of expressing both their feelings and their creativity, they boost the children's self-confidence and stimulate their intellect. Handicrafts also allow them to express themselves and discover their aptitudes.

The two communities involved supported the programme by donating land for the horticultural training sessions and by building the non-formal education centre. As the scheme progressed and succeeded in withdrawing children from work and enrolling them in schools, it also attracted the interest of the media. Local television channels and radio stations featured the activities in their programmes. The local press soon joined them in publicizing the scheme.

An example of the success of the programme is the fact that 80 children, all of whom had been targeted by the programme, were all enrolled in schools. There is a need now to find out, as precisely as possible, to what extent and in what conditions child labour is expanding in the region in order to plan preventive action.

Source: IPEC.

on the Executive Committee to follow up the resolution with a proactive programme of work by the IOE.

There are many other less known organizations which were active in the child labour area but whose work is of fundamental significance to the campaign against child labour. For example, the main actors in the tourist trade, such as tourist agencies, hotels and air carriers, are beginning to take direct action to fight against sex tourism. The Universal Federation of Travel Agents' Associations (UFTAA) adopted in December 1994 a Child and Travel Agent Charter, committing itself to the fight against child sex tourism. Further, in August 1996, in Stockholm, the World Tourism Organization (WTO) announced that it

Thailand, 1992-97 — Action at the community level

Preventing the commercial sexual exploitation of children

Many countries in Asia and Latin America have projects focusing on preventive strategies against the commercial sexual exploitation of children. Prevention of prostitution requires different types of action at many levels: effective awareness-raising programmes on the risks of prostitution or trafficking; access to education and training, occupational opportunities and economic alternatives for the children and/or their families; and mobilization at the community, district, provincial and national levels. This is an area where the IPEC programme has given top priority for support in every country and the results have been promising.

IPEC has been supporting a preventive programme run by the Daughters' Education Programme (DEP) in the north of Thailand. The DEP is located in an area where there is a high incidence of trafficking of girls within the country as well as across the Thai borders. It implements a series of activities at the local level in order to prevent young village girls from being tricked into prostitution. Girls who are at extremely high risk of being sent into prostitution are given temporary shelter and are enrolled in education programmes. Such girls usually come from families of former prostitutes, drug addicts and broken homes, or from families with debts, or they may be from poorer and isolated tribal communities. The DEP has mobilized the support of teachers and local community leaders in identifying girls at risk. Together with community leaders, DEP staff visit the families and discuss with parents the effects of prostitution on their children. Then it offers alternative education, which is a combination of basic education and skills training for the children concerned. Other issues such as social values and the development of self-esteem are discussed while the girls are in the programme. In addition, leadership training is given to selected groups so that girls can play a leading role in fighting prostitution after completing the programme and returning to their community. As part of its programme, the DEP conducts a whole range of awareness-raising activities among communities prone to sending their children to prostitution to convince them that other options are available.

Source: IPEC.

was forming a joint public-private sector task force of tourism groups to tackle the problem of organized sex tourism and child prostitution. The task force, the Tourism and Child Prostitution Watch, aims to encourage self-regulation in the tourism industry by increasing awareness of the problems of sexual exploitation in tourism, and collecting information on sex tourism and measures that have been successful in stopping it.

The International Criminal Police Organization, Interpol, established in 1992 a Standing Working Party on Offences against

Minors to assist its member countries in combating sexual exploitation of children, including, in particular, child pornography and the activities of paedophiles. It bases its work on a resolution on offences committed against minors which was adopted by the Interpol General Assembly in 1992. This important resolution deals with the measures required to combat the sexual exploitation of children, including the setting up of an international register of paedophiles. (Updated recommendations are expected to be adopted by the Interpol General Assembly in October 1996.)

Most recently, a World Congress on Commercial Sexual Exploitation of Children was held in Stockholm, Sweden, in August 1996. The Conference adopted a Programme of Action which should contribute to the global effort to suppress this very serious problem. Other similar international events are planned. The Government of the Netherlands is planning to organize an international conference in Amsterdam in February 1997 in cooperation with the ILO on the most intolerable forms of child labour. Representatives will be invited from industrialized and developing countries that have already taken steps to eliminate abusive child labour. The purpose of the conference is to exchange views and experiences and to promote international cooperation in this area. A similar meeting will be convened by the Government of Norway in Oslo in 1997, in collaboration with the ILO.

Notes

¹ R. Anker and H. Melkas: *Economic incentives for children and families to eliminate or reduce child labour* (Geneva, ILO, 1996).

² During its 16th World Congress in Brussels, 25-29 June 1996, the ICFTU adopted its most recent statement on eradicating child labour.

Targeting the intolerable

7

The world situation projects two conflicting images: one conveys a positive and optimistic view of the long way we have come in our understanding and awareness of the problem of child labour and the much greater determination to bring about an end to it. The other mirrors seething anger and lingering sadness over the many millions of children who squander their future doing work totally inappropriate to their growth. This waste of valuable human potential is a continuous tragedy for them, their parents and their communities.

The great injury, even deliberate cruelty, which predatory adults inflict on many working children, and the all too frequent fact that they get away with it, is a cruel mockery of the concern for humanity and an affront to the sincerity, political will and collective undertaking of both developing and rich societies alike which profess giving a first call to children, putting people at the centre of development, and upholding respect for human rights as a unifying, though sometimes contentious, principle among all nations of the world. It is all the more cruel that the genuine deprivation of childhood for many millions is trivialized by debating doctrinal questions such as whether the child who sells newspapers before or after school should be exempted from child labour legislation. The condition of children trapped in bonded labour, toiling in heavy construction, or abused in domestic service or prostitution belongs to a world quite unlike that of a child who works intermittently to earn pocket money to buy the latest electronic gadgets or fancy sports shoes.

This said, there are reasons for optimism about the direction of change and the possibilities for action. The world we now know is quite different from that of even five or ten years ago. It offers a favourable climate and hitherto unknown opportunities and possibilities that should enable us to make a decisive assault on child labour. This, therefore, calls

for a number of steps to be taken by governments and the international community. This report has identified in the individual chapters many specific measures which should be undertaken, but the following points deserve special attention.

First, the world community should manifest its commitment to act in solidarity by adopting an international Convention which forbids all extreme forms of child labour. Such a Convention would fill in the gaps in current international legal instruments dealing with children and their rights, and set clear priorities for national and international action. It would build on Convention No. 138 which remains one of the fundamental Conventions of the ILO and is a key instrument of a coherent strategy against child labour at the national level. Convention No. 138 has been ratified by 49 countries. It is the Office's experience, however, that an obstacle to greater ratification of this Convention has been that some member States view the text as too complex and too difficult to apply in its entirety, at least in the short term. The Office's proposals therefore envisage a new Convention which would complement Convention No. 138 and be consistent with it but which would focus on the most intolerable forms of child labour as described in this report. It would apply to all children under the age of 18 and would oblige member States to suppress immediately all extreme forms of child labour including: all forms of slavery or practices similar to slavery; the sale and trafficking of children; forced or compulsory labour including debt bondage and serfdom; the use of children for prostitution; the production of pornography or pornographic performances; the production of or trafficking in drugs or other illegal activities; and the engagement of children in any type of work, which by its nature or the circumstances in which it is carried out, is likely to jeopardize their health, safety or morals. It would require also the provision and strict enforcement of adequate criminal penalties. Importantly also, it would encourage member States to assist each other by means of international judicial and technical assistance or other types of cooperation to combat the intolerable.

Second, the time has come for member States which have been calling for such an international Convention over the last few years and are for the most part signatories to all the major ILO Conventions on child labour and forced labour, as well as the United Nations Convention on the Rights of the Child, to rise to their commitments and utterances by adopting a time-bound programme of action to eliminate child labour. Economic development has been accelerating at a rate of as high as 8-12 per cent a year in many Asian and Latin American countries, and is

predicted to reach respectable rates in many African countries as well. Therefore, given the basis for much higher living standards achieved in many developing countries, governments can and should put a relatively quick end to child labour by adopting a time-bound programme of action in the same way that they have achieved rapid growth rates and increased per capita income and other socio-economic objectives within the compass of time-bound development plans and perspectives.

Third, because children are so important, because those in truly perilous work need assistance urgently, and because effective action is feasible, national policy should give priority in the first instance to abolishing the worst and intolerable forms of child labour such as slavery and slave-like practices, all forms of forced labour including debt bondage and child prostitution, and child work in hazardous occupations and industries.

Fourth, special attention must be devoted to those children who are subject to even greater exploitation and abuse because of their special vulnerabilities. These include the very young, and girls. Many children are put to work at a very early age, in particular in rural areas where they often begin to work as soon as they are five or six years old. The proportion of child workers under the age of ten in the total is far from negligible; it may be up to 20 per cent in some countries. The employment of very young children is an alarming problem; the younger the child, the more vulnerable he or she is to physical, chemical and other hazards at the workplace and, of course, to the economic exploitation of his or her labour. Girls, for example, are often more hidden, denied access to education, and suffer from detrimental cultural practices. Once sexually exploited, they can end up as social outcasts with little chance of reintegration into their communities. Therefore another area for action is the complete prohibition of work by young children (under 12 or 13 years of age) and the protection of girls.

Fifth, national programmes of action against forced and hazardous work should heed the well-known admonition that the best can be the enemy of the good, and ensure that action against hazardous child labour in one sector does not drive it underground or lead to its resurgence in other sectors which are just as, or even more, hazardous. Any action against hazardous child labour, therefore, should have a strong rehabilitative component.

Sixth, as with health, here too prevention is cheaper and easier than cure. The task facing the international community is the immediate suppression of all extreme forms of child labour. To this end, the provision of protection and rehabilitation schemes are absolutely

Targeting the intolerable: What is to be done?

1. A new Convention on child labour.
2. Time-bound programme of action to eliminate child labour.
3. Immediate suppression of extreme forms of child labour.
4. Prohibition of work for the very young (under 12 or 13 years) and special protection for girls.
5. Rehabilitation to ensure permanent removal from hazardous work.
6. Preventive measures.
7. Designation of national authority responsible for child labour.
8. Making crime against a child anywhere a crime everywhere.
9. Increased financial aid to fight against child labour.

essential. Nevertheless, the problem can be attacked on a lasting basis only if short-term action is conceived within the framework of a national policy that gives primacy to preventive measures, including the provision of free, universal, compulsory education, community mobilization, and other supportive measures.

Seventh, along with deciding the main approaches to be utilized in combating child labour, it is essential to indicate the most important actors who must be involved in the effort. In almost all countries, this would include a cross-section of society. But government and government alone has the capability to exert a powerful influence on national values and opinion and to mobilize the financial resources and institutional instruments to make an impact on the problem. Yet all too often this potential influence has been thwarted by the absence of a clear mechanism to promote, monitor and effect action because of the proliferation of government agencies; child labour is everybody's problem and nobody's problem. If, therefore, we are to give impetus and effective action, the laissez-faire attitude characterizing many governments should be replaced by one whereby a national authority with considerable power and influence is designated with the mandate and responsibility for the elimination of child labour.

Eighth, concerted action and international cooperation in North America, Australia and Europe, as well as in Africa, Asia and Latin America is needed to successfully suppress all extreme forms of child labour. The trafficking and commercial exploitation of children in hazardous and forced work and in prostitution and pornography cannot be stopped without it. These should be a crime in every country of the world. And a crime committed anywhere should be considered a crime everywhere.

Lastly, worldwide anger about extreme forms of child labour needs to be translated into a programme for international cooperation in the field of economic and social policy. The situation of children cannot be improved without action to combat world poverty. Laws and schools are important, and necessary. But they will fail if they are not supported by a commitment and a programme of action to deal with the poverty of nations and communities. The fight against child labour has to go hand in hand with a campaign to create full, freely chosen and productive employment and ensure that this goal is considered as an ethical, social, political and economic imperative of mankind. That is the challenge : for governments of developing countries to address the needs of the poorest of their poor, and for governments of rich countries to back up their insistence on observance of universal standards with a commensurate commitment for increased resources to attack world poverty.

Appendix. Ratifications by country of ILO conventions on minimum age and forced labour (as at 15 August 1996)

Country	No. 5	No. 59	No. 123	No. 138	No. 29	No. 105
Total	49	20	32	49	139	116
Afghanistan						x
Albania	x	x			x	
Algeria				x	x	x
Angola					x	x
Antigua and Barbuda				x	x	x
Argentina	x				x	x
Armenia						
Australia			x		x	x
Austria	x				x	x
Azerbaijan				x	x	
Bahamas	x				x	x
Bahrain					x	
Bangladesh		x			x	x
Barbados	x				x	x
Belarus				x	x	x
Belgium				x	x	x
Belize	x				x	x
Benin	x				x	x
Bolivia	x		x			x
Bosnia and Herzegovina				x	x	
Botswana						
Brazil	x				x	x
Bulgaria				x	x	
Burkina Faso	x				x	
Burundi		x			x	x
Cambodia					x	
Cameroon	x		x		x	x
Canada						x
Cape Verde					x	x
Central African Republic	x				x	x

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Country	No. 5	No. 59	No. 123	No. 138	No. 29	No. 105
Chad	x				x	x
Chile	x				x	
China		x				
Colombia	x				x	x
Comoros	x				x	x
Congo	x				x	
Costa Rica				x	x	x
Côte d'Ivoire	x				x	x
Croatia				x	x	
Cuba				x	x	x
Cyprus			x		x	x
Czech Republic	x		x		x	x
Denmark	x				x	x
Djibouti	x		x		x	x
Dominica				x	x	x
Dominican Republic	x				x	x
Ecuador			x		x	x
Egypt					x	x
El Salvador				x	x	x
Equatorial Guinea				x		
Eritrea						
Estonia	x				x	x
Ethiopia						
Fiji	x	x			x	x
Finland				x	x	x
France				x	x	x
Gabon	x		x		x	x
Gambia						
Georgia						
Germany				x	x	x
Ghana		x			x	x
Greece				x	x	x
Grenada	x				x	x
Guatemala		x		x	x	x
Guinea	x				x	x
Guinea-Bissau					x	x
Guyana	x				x	x
Haiti	x				x	x
Honduras				x	x	x
Hungary			x		x	x
Iceland					x	x
India	x		x		x	
Indonesia					x	
Iran, Islamic Republic of					x	x
Iraq				x	x	x
Ireland				x	x	x

Country	No. 5	No. 59	No. 123	No. 138	No. 29	No. 105
Israel				×	×	×
Italy				×	×	×
Jamaica					×	×
Japan	×				×	
Jordan			×		×	×
Kazakhstan						
Kenya				×	×	×
Korea, Rep. of						
Kuwait					×	×
Kyrgyzstan				×	×	
Lao, People's Democratic Republic					×	
Latvia	×					×
Lebanon		×			×	×
Lesotho	×				×	
Liberia					×	×
Libyan Arab Jamahiriya				×	×	×
Lithuania					×	×
Luxembourg				×	×	×
Madagascar	×		×		×	
Malawi						
Malaysia			×		×	
Mali	×				×	×
Malta				×	×	×
Mauritania	×				×	
Mauritius				×	×	×
Mexico			×		×	×
Moldova, Republic of						×
Mongolia		×	×			
Morocco					×	×
Mozambique						×
Myanmar					×	
Namibia						
Nepal						
Netherlands				×	×	×
New Zealand		×			×	×
Nicaragua				×	×	×
Niger				×	×	×
Nigeria		×	×		×	×
Norway				×	×	×
Oman						
Pakistan		×			×	×
Panama			×		×	×
Papua New Guinea					×	×
Paraguay		×	×		×	×
Peru		×			×	×
Philippines		×				×

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Country	No. 5	No. 59	No. 123	No. 138	No. 29	No. 105
Poland			×	×	×	×
Portugal					×	×
Qatar						
Romania				×	×	
Russian Federation				×	×	
Rwanda			×	×		×
Saint Kitts and Nevis						
Saint Lucia	×				×	×
Saint Vincent and the Grenadines						
San Marino				×	×	×
Sao Tome and Principe						
Saudi Arabia			×		×	×
Senegal	×				×	×
Seychelles	×				×	×
Sierra Leone	×	×			×	×
Singapore	×				×	
Slovakia	×		×		×	
Slovenia				×	×	
Solomon Islands					×	
Somalia					×	×
South Africa						
Spain			×	×	×	×
Sri Lanka	×				×	
Sudan					×	×
Suriname					×	×
Swaziland	×	×	×		×	×
Sweden				×	×	×
Switzerland	×		×		×	×
Syrian Arab Republic			×		×	×
Tajikistan				×	×	
Tanzania, United Republic of	×	×			×	×
Thailand			×		×	×
The former Yugoslav Republic of Macedonia						
Togo				×	×	
Trinidad and Tobago					×	×
Tunisia			×	×	×	×
Turkey		×	×			×
Turkmenistan						
Uganda	×		×		×	×
Ukraine				×	×	
United Arab Emirates					×	
United Kingdom	×				×	×
United States						×
Uruguay				×	×	×
Uzbekistan						

Country	No. 5	No. 59	No. 123	No. 138	No. 29	No. 105
Uzbekistan						
Venezuela				×	×	×
Viet Nam	×		×			
Yemen		×			×	×
Yugoslavia				×	×	
Zaire					×	
Zambia			×	×	×	×
Zimbabwe						

Note: The title of the Conventions are as follows: Convention No. 5: Minimum Age (Industry), 1919; Convention No. 59: Minimum Age (Industry) (Revised), 1937; Convention No. 123: Minimum Age (Underground Work), 1965; Convention No. 138: Minimum Age, 1973; Convention No. 29: Forced Labour, 1930; Convention No. 105: Abolition of Forced Labour, 1957.

Other ILO publications

Danger: Children at work, by Valentina Forastieri

Much has been written and debated concerning the rights and well-being of working children and their need for protection. However, little information is available concerning the actual conditions under which these children work and about the impact on their health. The purpose of this book is to propose an approach to the protection of children through the development of a programme on occupational safety and health specifically addressed at working children, within the framework of a national policy aimed at the elimination of child labour. It includes procedures to identify hazardous working conditions and provides guidance for the development of improved methods and instruments to assess and protect working children as well as basic reference on possible child-related occupational diseases for physicians.

ISBN 92-2-109520-7

In preparation

First things first in child labour: Eliminating work detrimental to children,

by Assefa Bequale and William E. Myers

The ever-present threat to some children posed by hazardous work remains a critical but often-forgotten issue of our times. Children can best be protected from serious work hazards by action which forms part of a broader commitment to reducing child labour. The authors present an action-oriented overview which, as well as being of interest to the general public, can also provide policy-makers with useful material drawn from personal experience. This is particularly valuable in an area where documentary data is scarce. Such experiential data necessarily relies on the use of numerous case examples, which have been chosen for their discussion value. The book has been designed so that it can also serve as background material for training courses.

ISBN 92-2-109197-X

20 Swiss francs

Trade unions and child labour, by Alec Fyfe and Michele Jankanish

Workers' organizations are ideally placed to discover and denounce serious child labour abuses. It follows that they can also advocate the right of children to adequate education and that of adult workers to adequate pay, thereby reducing the need for child labour in poor families. This guide explores the numerous possibilities for vigorous trade union action on this issue, and illustrates what can be achieved by presenting a variety of innovative approaches currently being taken by workers' organizations around the world.

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by Maggie Black

Based on studies of child labour in both the regular part of the tourist industry and in its "twilight zone" in four major tourist destinations where child work was common – Kenya, Mexico, the Philippines and Sri Lanka – this report challenges many assumptions about child involvement in the industry, and highlights the distorting effect of sensationalist reporting on "child sex". Youthful good looks and charm are often key qualifications for jobs in bars and hotels, and employees may be exposed to sexual enticement, but many girls described as "child prostitutes" in journalistic accounts actually work in the "twilight zone" rather than in brothels. This book argues for a better understanding of the dynamics of employment and career paths of these young workers.

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VHS NTSC: ISBN 92-2-110374-9

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The world community is calling for an end to the intolerable: the exploitation of children in hazardous and abusive work. Drawing on the experience of the ILO, including its International Programme for the Elimination of Child Labour, this report surveys international and national law and practice and points the way towards effective action through new international standards. Submitted to the 174 ILO member States, this is a timely report, invaluable to all those who are working to bring to a halt such abusive conditions as bonded labour, child prostitution, and the exposure of children to dangerous chemicals, machinery and other hazards.



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