



International Labour Office
International Programme on the
Elimination of Child Labour



GUIDELINES

on Child Labour Monitoring
in Moldova



2006

TABLE OF CONTENTS

Preface	3
List of Abbreviations	5
1. Child and Child Labour	7
1.1. Definitions	8
1.2. National and International Legislative Framework on Child Labour	10
1.3. Forms of Child Labour	14
1.4. Consequences of Child Labour	16
2. Child Labour Monitoring	19
2.1. What Is Child Labour Monitoring?	20
2.2. Role of Multi-Disciplinary Teams	22
3. Phases of Child Labour Monitoring	27
3.1. The Preparation Phase	28
3.2. The Designing, Testing and Training Phase	28
3.3. The Monitoring Phase	29
3.4. The Follow-Up Phase	30
Conclusion	32
Bibliography	33
Annex I. Mapping of services for referral of cases of WFCL, including trafficking	34
Annex II. Child Interviewing Instructions	35
Annex III. Identification and Reporting on Cases of Child Labour Form	37

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Preface

The most efficient approach to tackle child labour is to monitor regularly: 1) the places where children could work; 2) the schools (for children attendance); 3) the families and communities. A referral system then establishes the link between children withdrawn from labour and sexual exploitation and the relevant services. A close monitoring, even after the rehabilitation process has ended, ensures that the child does not go back to work. Data collected from this monitoring system can feed into policy making and national reporting on International Labour Organization and United Nations conventions. In a few words, this is what the Child Labour Monitoring System (CLMS) is about.

These Guidelines on CLMS were designed within the Action Programme “Empowering Community Youth Centers and Municipal and District Commissions against Trafficking to Reduce Vulnerability of Minors to Trafficking, Identify Potential Victims, and Facilitate Social Inclusion of Returnees”. These Guidelines are the first practical tool of its kind published in the Republic of Moldova based on the local experience and good practices of the International Labour Office (ILO)¹, that have been adapted by the National Centre for Child Abuse Prevention (NCCAP) with the support of the International Programme on the Elimination of Child Labour (IPEC) of the ILO.

The aim of these Guidelines is to facilitate the piloting of the child labour monitoring system in five regions of the Republic of Moldova: Chisinau, Balti, Ungheni, Orhei, and Singerei and the possible replication at country level at the end of the project.

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¹ a/ Guidelines for Developing Child Labour Monitoring Processes, ILO-IPEC, Geneva 2005; b/ A.F. Ellis, ILO-IPEC „Child Labour – The Role of Labour Inspection: A Resource Booklet for Labour Inspectors, other Enforcement Agencies and Key ILO Partners”, (Draft)

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List of Abbreviations

CLM - Child Labour Monitoring

CLMS - Child Labour Monitoring System

CLU - Child Labour Unit

ILO - International Labour Organization

IPEC - International Programme on the Elimination of Child Labour

MDT - Multi-Disciplinary Team

NCCAP - National Centre for Child Abuse Prevention

NSC - National Steering Committee

OSH - Occupational Safety and Health

PROTECT-CEE - PROject of Technical assistance against the labour and sexual Exploitation of Children, including Trafficking, in countries of Central and Eastern Europe

THB - Trafficking in Human Beings

UN - United Nations

WFCL - Worst Forms of Child Labour

Chapter I.

Child and Child Labour

1.1. Definitions

A **child** is considered to be any person until 18 years of age (Art. 1 of the Law on the Rights of the Child, 1994).

Child labour² is any economic activity carried out by a child that deprives him/her of his/her childhood, of his/her potential and dignity, and damages his/her physical and mental development. Child labour involves one or several of the following elements:

- » labour by children under the minimum age (16 years old or 15 years old, with permission of parents, in the Republic of Moldova)³;
- » hazardous working conditions that may have immediate or long term negative health consequences for the child;
- » number of working hours exceeding the maximum accepted by law (24 hours per week for children between 15 and 16, 35 hours per week for 17 years old children);
- » use of children for illicit activities (begging, drug trafficking, child prostitution/pornography, etc);
- » use of children as child soldiers;
- » limited capacity to follow school (either because the child does not attend school or is too tired, traumatised because of his/her work to benefit from it);
- » employer's abusive treatment and use of coercive methods.

Not all involvement of children in economic activities is negative. There are **light works** that are considered acceptable, increase the responsibility of children of legal age and prepare them for the adult life. Light works are not likely to jeopardize: 1/ child health, physical and psychological safety and development, 2/ school attendance and 3/ participation in training programmes or the “possibility to benefit from the received training”.

The Worst Forms of Child Labour (WFCL), to be eliminated as a matter of priority, according to the ILO Convention 182⁴ include:

- » “All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in

² ILO Convention 138, ratified by the Parliament of the Republic of Moldova on July 15, 1999.

³ Cannot be lower than the age of graduation of compulsory education, and in any case not less than the age of 15.

⁴ ILO Convention No. 182 was ratified by the Parliament of the Republic of Moldova on February 14, 2002.

armed conflicts.

- » The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances.
- » The use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in relevant treaties.
- » Work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.”

„Both the exploitation of minors and their use in activities endangering their health, morals, life or normal development are forbidden”, Art. 50 of the Constitution of the Republic of Moldova, 1994.

Trafficking in human beings refers to the “recruitment, transportation, transfer, harbouring or receipt of a person by means of threat of force or use of force or other forms of coercion, of abduction, fraud, deception, abuse of authority or a situation of vulnerability, or by means of offering or receiving payments or benefits of any kind in order to obtain the consent of a person who has control over another person for the purpose of exploitation of the latter (Art. I, p.1 of the Law on Preventing and Combating Trafficking in Human Beings, No.241-XVI of 20.10.2005, in force since 09.12.2005). **Trafficking in children** refers to recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation, even if these actions were not accomplished through any of the means provided in sub-paragraph 1 (source: idem).

In these Guidelines, the notion of **withdrawal** has the following meaning: removal of the child from a workplace to a safer situation and provision with alternative services, and most likely education (Annex 3 “Mapping of services for referral of cases of WFCL, including child trafficking”). When it comes to hazardous work, temporary protection measures can be provided while a sustainable solution is being identified. This is not the case for other Worst Forms of Child Labour⁵ (sexual exploitation, forced labour, illicit activities, trafficking) from which the child should be withdrawn immediately.

Education and child labour are inter-dependent. According to the Law on Education, 1995, “*the length of general compulsory education is 9 years. The compulsory attendance of school ends at the end of the academic year, in which the student reaches the age of 16*”, which is the national minimum age for employment.

.....
⁵ For this reason, WFCL other than the hazardous category, are called „unconditional forms of child labour”

Although child involvement in different forms of economic activities improves the economic situation of the family in the short term, it considerably limits the possibilities of the child to find a decent job in the future. As a result, the vicious circle of poverty repeats itself from one generation to the next.

1.2. National and International Legislative Framework on Child Labour

There are several international and national tools dealing with child labour:

INTERNATIONAL PROVISIONS

Table I

- Universal Declaration of Human Rights, adopted on December 10, 1948 by the UN General Assembly (<http://www.un.org/Overview/rights.html>).
- The UN Convention on the Rights of the Child, adopted on November 20, 1989 by the UN General Assembly (<http://www.unhchr.ch/html/menu3/b/k2crc.htm>).
- Minimum Age (Industry) ILO Convention, 1919 (No.5).
- Night Work of Young Persons (Industry) Convention, 1919 (No.6).
- Minimum Age (Sea) ILO Convention, 1920 (No.7).
- Minimum Age (Agriculture) ILO Convention, 1921 (No.10).
- Minimum Age (Trimmers and Stokers) ILO Convention, 1921 (No.15).
- Minimum Age (Non-Industrial Employment) ILO Convention, 1932 (No.33).
- Minimum Age (Fishermen) ILO Convention, 1959 (No.112).
- Minimum Age (Underground Work) ILO Convention, 1965 (No.123).
- Minimum Age ILO Convention, 1973 (No.138).
- Worst Forms of Child Labour ILO Convention, 1999 (No.182).
- Safety and Health in Agriculture ILO Convention, 2001 (No. 184).

For ILO instruments in English, refer to

<http://www.ilo.org/ilolex/english/convdisp1.htm>;

and in Russian, <http://www.ilo.org/ilolex/russian/docs/convdisp1.htm>

NATIONAL PROVISIONS

- Constitution of the Republic of Moldova of 29.07.94 (<http://xiv.parlament.md/en/legalfoundation/constitution/>);
- Labour Code of the Republic of Moldova, No.154-XV of 28.03.03 (http://www.law-moldova.com/laws/rom/kzot_ro.txt);
- Criminal Code, No.985-XV of 18.04.02 (<http://www.parlament.md/download/laws/ro/1160-XV-21.06.2002.doc>);
- Code on Administrative Contraventions, adopted on 29.03.85 (Monitorul Oficial No. 159-162 of 29.07.03, Article 648). “Veștile RSSM” 1985, nr. 3, art. 47;
- Law of the Republic of Moldova on the Rights of the Child, No.338-XIII of December 15, 1994. (<http://www.cis-legal-reform.org/document.asp?id=5747>);
- Law on Education, No.547-XIII of 21.07.95 (<http://www.edu.md/?lng=ro&MenuItem=6&SubMenu0=1&SubMenu1=1>);
- Nomenclature of Industries, Professions, and Works under Hard and Harmful Conditions Prohibited to People Below the Age of 18 (Decision of the Government of the Republic of Moldova No.562 of 07.09.93).

For instruments above, refer to www.justice.md or www.parlament.md

The Minimum Age Convention No.138 and Recommendation No.146, as well as Worst Forms of Child Labour Convention (No.182) and Recommendation No.190 are the main international tools in the field of child labour.

The Minimum Age Convention (C 138) is the fundamental international standard on child labour. It stipulates that the minimum age for admission to employment will not be less than the age of completion of compulsory schooling, and not less than the age of 15. **Recommendation No. 146** describes a number of measures necessary to implement the provisions of C 138.

The minimum age for admission to employment is established in Art. 46 paragraphs (2), (3) and (4) of the Labour Code⁶: *“An individual obtains work capacity at the age of 16; An individual can also sign an individual work agreement at the age of 15 with the written consent of parents or legal representatives, if his/her health, development, education and professional training will not be prejudiced as a result; It is prohibited to admit to employment persons under the age of 15,...”*

⁶ Labour Code as of March 28, 2003.

The Labour Code (Art. 96, 100 and 254) obliges employers to adapt the working hours to the age of the child. The working time per week for children aged 15-16 is reduced to 24 hours, and for 17 years old children to 35 hours/week. The Labour Code (Art.103, p. 5) **prohibits involving children who have not reached the age of 18 in night works.**

According to the provisions of Art. 41/3 of the Code on Administrative Contraventions, the fines applied by the Labour Inspection for violation of labour legislation with regard to minors amount to 2,000-5,000 MDL⁷ (or 100-250 conventional units)⁸. Also, According to the Law on Education, article 21 paragraph (8) *“Apprenticeships of students in secondary professional education are carried out in enterprises on a contract basis ...”* which allows for close monitoring.

The Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (C 182) refers to four important categories already described under paragraph 1.1. The first three WFCL categories (the unconditional forms of child labour) do not need further detailing, while the list of hazardous works is to be developed by the countries that ratified the Convention. **Recommendation No. 190 to C 182** provides guidance on what might be considered hazardous, including:

- a. “work that exposes children to physical, psychological or sexual abuse;
- b. work underground, under water, at dangerous heights or in confined spaces;
- c. work with dangerous machinery, equipment and tools, or which involves manual handling or transport of heavy loads;
- d. work, which may expose children to hazardous substances, agents or processes or to temperatures, noise levels or vibrations damaging to their health;
- e. work under particularly difficult conditions, such as: work for long hours or during the night or work involving unreasonable confinement at the employer’s premises.”

⁷ Equivalent to 155 - 389US\$ in February 2006.

⁸ 1 conventional unit represents 20 lei or 1.5 US\$, as of February, 2006.

1.3. Forms of Child Labour

In most of the cases, child labour happens in the informal economy with employers that are not declared, who have not submitted their economic activities to taxes and labour inspection, and who do not allow workers to organize for collective bargaining. It can be, for instance, a family based agricultural production unit, street gang work under the control of a gang leader. Child labour rarely appears in statistics, is mostly invisible and escapes the perusal of institutions. Consequently, the child is not protected. It is not sufficient to know what the most frequent forms of child labour are. It is more important to be aware of the risks they have on child health and development.

Children might be involved in several forms of work: **concentrated** in one place or **dispersed** in several places. In addition, child's work can be **visible** or **hidden**, the risks depending on the hazardousness of working conditions. This classification will have a great impact on the way the Child Labour Monitoring System will be implemented, as different strategies should be drafted to adapt to each case (depending on the visibility and the concentration of child labourers).

FORMS OF CHILD LABOUR DEPENDING ON PLACE AND CONDITIONS OF WORK

Table II

	VISIBLE LABOUR	HIDDEN LABOUR
LABOUR CONCENTRATED in one place	Child labour is carried out in one place and is not hidden. e.g.: field workers, in private constructions, gutter-men, etc.	Children work together or close to each other but cannot be observed or are inaccessible for strangers e.g.: unqualified workers at construction sites, food processing enterprises, etc.
LABOUR DISPERSED in different places	Children work alone or independently. e.g.: couriers, liaison agents, beggars, shepherds or pet caretakers, etc.	Children work in hardly accessible fields: are isolated, deprived of rights and vulnerable. e.g.: domestic servants, children involved in thefts, sexual exploitation, smuggling, production of narcotic substances or pornography items, etc.

1.4. Consequences of Child Labour

Child labour deprives children of their childhood and it is an obstacle to their physical, emotional and social development. It endangers the child's moral, safety, and health, in sometimes irreparable ways. The surveys carried out by ILO-IPEC, indicate the following consequences of WFCL:

CONSEQUENCES OF WFCL:

Table III⁹

Worst Forms of Child Labour	Physical Consequences	Psycho-Social Consequences	Behavioural Consequences
Unconditional labour a. all forms of slavery and slavery-like practices;	<ul style="list-style-type: none"> - low physical parameters (physical underdevelopment, malnutrition, somatic diseases); - physical and mental fatigue; - physical abuse parameters (wrenches, dislocations, fractures, burns, contusions, bruises, etc.). 	<ul style="list-style-type: none"> - non-adaptation and/or school abandonment; - illiteracy; - increased anxiousness, phobias; - low self-image; - social marginalization; - vulnerability towards abuse (physical, emotional, sexual, neglect). 	<ul style="list-style-type: none"> - runaway from home, vagrancy; - serfdom and humiliation; - self-destructive behaviour; - isolation; - neurotic symptoms (enuresis, insomnia, nightmares).

⁹ Designed by NCCAP in 2006, based on the experience of the organization and information from "Understanding Child's Work, "Psychosocial impacts of child work: a framework for research, monitoring and intervention", Martin Woodhead, 2004.

Worst Forms of Child Labour	Physical Consequences	Psycho-Social Consequences	Behavioural Consequences
<p>b. use, procuring or offering of a child for prostitution, production of pornographic material;</p>	<ul style="list-style-type: none"> - infectious diseases (TB, hepatitis, skin diseases, sexually transmitted infections, HIV/AIDS); - sexual disorders. 	<ul style="list-style-type: none"> - negative attitude towards personal sexuality; - anxiousness; - lack of confidence in oneself and in others; - lack of self-respect. 	<ul style="list-style-type: none"> - alcohol, drug abuse; - fear to stay with strangers; - neurotic symptoms (imitation of sexual intercourse in their sleep, finger sucking, somnambulism, insomnia, nightmares); - suicidal tendencies; - hysteric behaviour; - increased sensibility to physical touches and contacts; - seducing behaviour.
<p>c. use, procuring or offering of a child for illicit activities;</p>	<ul style="list-style-type: none"> - physical and mental fatigue; - physical abuse parameters (wrenches, dislocations, fractures, burns, contusions, bruises, etc.). 	<ul style="list-style-type: none"> - vulnerability to abuse (physical, emotional, sexual, neglect); - aggressiveness; - fear of social contacts (difficulties in establishing relations, distrust in people, suspicion). 	<ul style="list-style-type: none"> - alcohol, drug abuse; - specific vocabulary; - lying; - increased adaptability; - avoiding behaviour; - delinquency.

Worst Forms of Child Labour	Physical Consequences	Psycho-Social Consequences	Behavioural Consequences
<p>Hazardous Works</p> <p>d. work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children</p>	<ul style="list-style-type: none"> - low physical parameters (physical underdevelopment, malnutrition, somatic diseases); - physical and mental fatigue; - physical abuse parameters (wrenches, dislocations, fractures, burns, contusions, bruises, etc.); - physical injuries, invalidity; - infectious diseases (TB, hepatitis, skin diseases, sexually transmitted infections, HIV/AIDS). 	<ul style="list-style-type: none"> - vulnerability to abuse (physical, emotional, sexual, neglect); - aggressiveness; - depressiveness; - increased anxiety; - non-adaptation and/or school abandonment; - illiteracy; - low self-appreciation; - premature mental development. 	<ul style="list-style-type: none"> - runaway from home, vagrancy; - passiveness; - humiliation, obedience (vulnerability); - harshness (deviating, non-adaptive behaviour).

Child labour has numerous negative consequences for the child and some may be extremely traumatic and can disable him/her for life (in cases of violent sexual exploitation for instance). However, when addressing the child, it is important not to see only his/her needs but to acknowledge his/her potential for recovery. Part of this potential can actually be coming from his/her experience as child labourer. For instance, a child trafficked for singing and begging in the streets was found to have a beautiful voice and was directed to a professional music school as part of his rehabilitation process. The caregivers should however be careful that the re-enacting of the child labour's experience does not re-enact the possible related trauma.

Chapter II.

Child Labour Monitoring

2.1. What Is Child Labour Monitoring

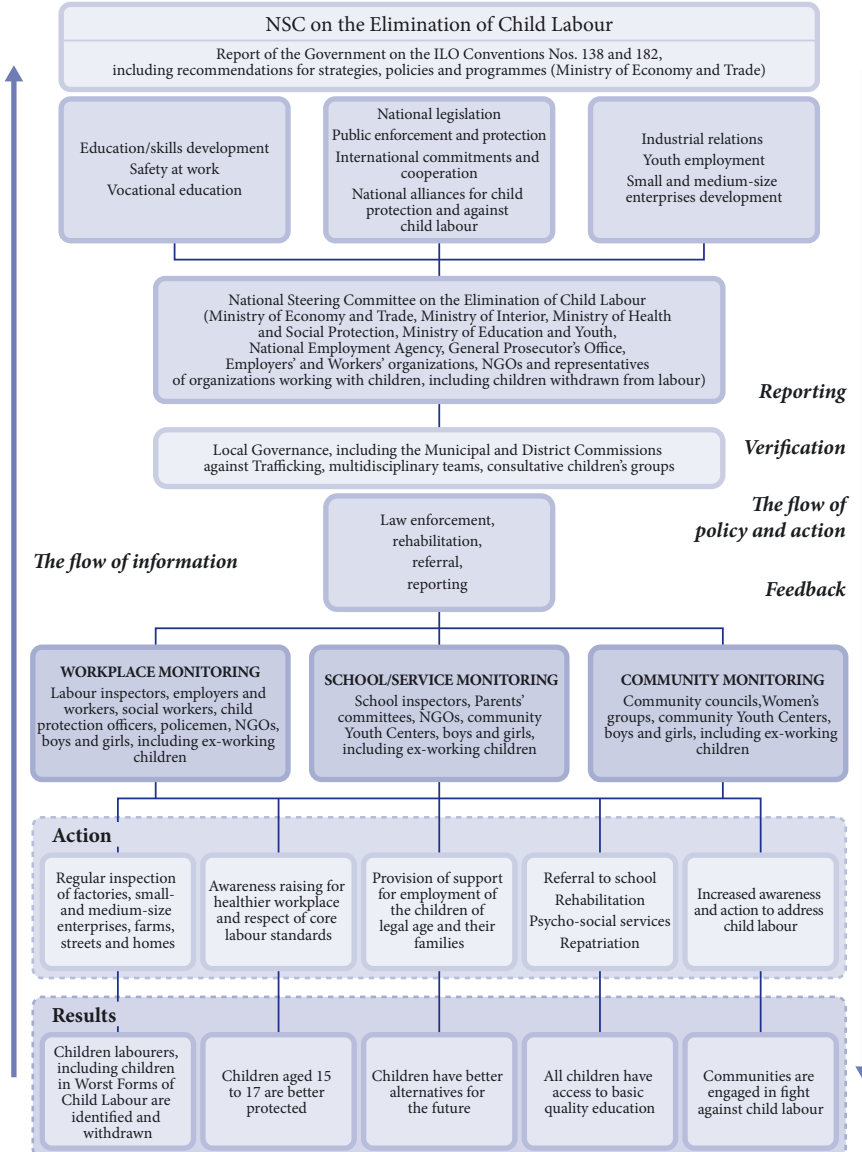
The most efficient approach to tackle child labour is to monitor regularly: 1) the places where children could work; 2) the schools (for children attendance); 3) the families and communities. A referral system then establishes the link between children withdrawn from labour and sexual exploitation and the relevant services, and a close monitoring, even after the rehabilitation process has ended, ensures that the child does not go back to work. Data collected from this monitoring system can feed into policy making and national reporting on ILO and UN conventions. In a few words, this is what the Child Labour Monitoring System (CLMS) is about. “To monitor child labour” means a/to identify children who work, b/offer them better alternatives c/know what happens to them further on and d/use data generated by the system for policy making.

The aim of child labour monitoring is to ensure that all children and young people who work will be protected against labour and sexual exploitation. The CLMS is implemented while keeping in mind the Best Interests of the Child as the ultimate overarching principle: no policy, institutional or personal consideration should be balanced with the best interest of the individual child. The CLMS is set up primarily for the child labourer, not for greater reporting. As a related principle, the participation of the child in decisions, that affect his/her life during the identification/withdrawal/rehabilitation/tracking phases, and of peers for the identification of children at risk, is a crucial component of the CLMS.

CLMS represents an integrated effort of several parties, taking place at different levels and different stages. The system incorporates and assigns a place in the monitoring system to these parties, based on their mandate and capacities to identify/ withdraw/ follow-up child labourers and contribute to policy formulation. The Model of the Child Labour Monitoring System piloted in the Republic of Moldova is presented in Table IV.

MODEL OF CHILD LABOUR MONITORING SYSTEM IN MOLDOVA

Table IV



2.2. Role of Multi-Disciplinary Teams

Child labour monitoring is based on the involvement of several social actors in monitoring activities that would provide access to the working child a/in his/her working environment, b/at school, and c/in his/her family/community. These actors are gathered within a **Multidisciplinary Team (MDT)**¹⁰ that includes specialists working in the social field and with a special training in child's rights protection, as follows:

- » social assistants,
- » psychologists,
- » policemen,
- » lawyers,
- » labour inspectors,
- » health workers,
- » teachers;
- » child protection specialists (under the Ministry of Education and Youth),
- » NGOs representatives (legal advisers, for instance, for the NCCAP project),
- » peer educators.

Please, consider the below table for description of Multidisciplinary Teams Membership and Responsibilities.

Multidisciplinary Teams Membership and Responsibilities

Tabelul V

Specialist	Duties
Lawyer	<ul style="list-style-type: none"> • Legal advice; • Legal evaluation of the case; • Primary intervention/ issue of legal documents; • Notification of the competent authorities; • Support for the law bodies in the process of identification and establishment of circumstances of the case; • Victim assistance in court; • Monitoring of the case.

¹⁰ Monitoring visits will be undertaken by MDTs jointly with employers, trade unionists, priests, parents' groups, young persons, women, media, children, etc.

Specialist	Duties
Social Assistant	<ul style="list-style-type: none"> • Identification of the victim or the child at risk; • Primary assessment; • Assessment of the social network of the victim or the child at risk; • Establishment of the needs and competences of the victim or the child at risk; • Intervention plan development; • Psychosocial investigation; • Notification of the competent authorities; • Placement of the victim in a safe environment; • Case monitoring.
Health worker (pediatrician, family doctor, nurse, etc)	<ul style="list-style-type: none"> • Promotion of the rights of the child to health and health assistance; • Infectious disease preventive measures; • First aid and necessary health assistance; • Rehabilitation of the health condition of children in difficulty; • Records of socially vulnerable families and evaluation of their situation; • Involvement of the school health worker and /or family doctor in monitoring the health condition of working children (possibly cases of child labour); • Referral to competent authorities (according to Annex I).
Psychologist or teacher (in schools where there is no psychologist)	<ul style="list-style-type: none"> • Initial assessment; • Psychological diagnosis; • Preventive measures (seminars, counselling, training courses, discussions); • Assessment of family situation and parent attitude; • Participation in intervention plan development; • Psychological counselling of the child and the family; • Victim rehabilitation activities and re-socialization process management; • Psychological preparation of the victim for the law suit, and assistance in court if necessary.
Police Officer	<ul style="list-style-type: none"> • Preventive measures; • Identification of cases; • Information of the MDTs members; • Case investigation; • Physical protection of the victim during the criminal procedure; • Administrative file preparation/ carrying out criminal investigation; • Transmission of materials to the competent bodies (according to Annex I); • Case monitoring.

Specialist	Duties
Teacher	<ul style="list-style-type: none"> • Identification of school abandonment/ non-attendance cases; • Individual discussions; • Work with legal representatives (parents, guardians, custodians); • Individual school based activities plan; • Moral support; • Assistance at classes; • Home visits; • Involvement in extracurricular activities (creation centres); • Motivation of children by granting them diplomas, etc.
Labour Inspection	<ul style="list-style-type: none"> • State supervision of the observance of labour legislation by enterprises from the formal economy and employers-individuals: <ul style="list-style-type: none"> - identification of child labour cases; - awareness raising of the employers on the hazards children might face at the workplace and the related offences; - notification of the competent authorities (according to Annex I); - documenting the law infringement and establishing the administrative contraventions; • Awareness raising of employers and employees with the view to observing labour legislation, occupational safety and health rules; • Registration of monitoring and administrative files; • Case examination and administrative sanction application (fine); • Withdrawal of child from hazardous situation; • Monitoring of the workplace to ensure the observance of the recommendations proposed (tracking of cases).

Specialist	Duties
Representative of the Local Public Administration (child protection specialist)	<ul style="list-style-type: none"> • Identification of WFCL, including child trafficking; • Guardianship and custody authority: supervision of the activity of guardians and custodians; • Organization and supervision of social protection and social assistance measures; • Coordination of child social assistance activities; • Support and supervision of the activities of non-governmental organisations in the area; • Assistance in the implementation of programs on using labour force and creating new work places; • Identification of violations of legislation by individuals and legal entities within the area and taking measures for their elimination; • Building partnerships between public and civil society organizations providing services to children; • Support to law enforcement bodies; • Correlation of the police activity with that of state and non-governmental organizations to prevent offences, maintain public order, and ensure security, protection of human rights; • Report on WFCL including trafficking issues to the NSC on the Elimination of Child Labour and National Committee for Combating Trafficking of Human Beings; • Provision of inputs for policy and legislation improvement; • Follow-up on policy and legislative changes.
Peer Educator	<ul style="list-style-type: none"> • Organization of prevention activities: <ul style="list-style-type: none"> - information sessions on WFCL, including trafficking in children, youth, parents and school staff; - extra-curricular activities for children and youth at community Youth Centres; • Identification and reporting on child labour cases to the MDTs; • Participation in outreach activities, including family visits and child workplaces; • Participation in local MDTs meetings; • Provision of emotional support to children and their family members.

The aim of multi-disciplinary teams is to eliminate child labour from their areas of responsibility through multi-disciplinary and inter-institutional approach aimed at consulting each other and referring cases of child labour. For this purpose, the MDTs carry out several activities:

1. During the Designing, Testing and Training Phase the members of multi-disciplinary teams will conclude agreements stipulating the roles and re-

sponsibilities of each party (see Table V “Multidisciplinary Teams Membership and Responsibilities” and Table VI “Child Labour Monitoring Phases”).

2. Each MDT will appoint a Team Leader responsible for the coordination of the child labour monitoring process in the team, locality/community, and systematization, preliminary analysis and transmission of data to the following level of the child labour monitoring system (Table IV “Model of Child Labour Monitoring System in Moldova”).
3. The cases of WFCL, including child trafficking will be referred by the MDTs to relevant institutions available at community, district, municipality or national level (see Annex I “Mapping of services for referral of cases of WFCL, including trafficking”).
4. The MDT members will hold periodical meetings with the Local (municipal or rayon) Commission for Combating Trafficking in Human Beings to 1/ report and exchange information, 2/ solve difficult cases and 3/ update the information on child labour cases, based on the follow-up visits undertaken. The schedule of these meetings will be set at the Designing, Testing and Training Stage.
5. The MDT members will interview child labourers and children at risk of child labour according to the Child Interviewing Instructions presented in Annex II. These interviews will be based on information gathered at the school (attendance record), within the family, community (family background/situation), and observation at the workplace.

For the documentation of information on the interviewed children, the MDT members will use the proposed “Identification and Reporting on Cases of Child Labour Form” (Annex III).

These activities are further detailed in Chapter III “Phases of Child Labour Monitoring”.



Chapter III.
Phases of Child Labour
Monitoring

The Child Labour Monitoring Process has four distinct and important phases:

- a. The Preparation Phase;
- b. The Designing, Testing and Training Phase;
- c. The Monitoring Phase;
- d. The Follow-Up Phase.

Child Labour Monitoring Phases

Table VI

Steps	Actions
THE PREPARATION PHASE	
1. Determining the problem and level of response	<ul style="list-style-type: none"> » Determining the specific characteristics of child labour in the area and the actions that have been undertaken against it; » Mapping out key partners for policy formulation and service delivery; » Adapting the CLM aim and concept to the national reality.
2. Reviewing the legal and child-labour-policy frameworks, information collection and management capacities and building alliances	<ul style="list-style-type: none"> » Carrying out systematic assessment of the existing laws and policies directly or indirectly relevant to child labour and the entitlements for children / vulnerable families that are linked to it.
3. Raising awareness	<ul style="list-style-type: none"> » Organizing awareness raising campaigns among the partners so that each of them knows and appreciates their personal role and the role of colleagues.
THE DESIGNING, TESTING AND TRAINING PHASE	
1. Setting up the management of the CLM	<ul style="list-style-type: none"> » Establishing the CLM structure and determining partners' roles and responsibilities; » Mapping services available at local level in the pilot area; » Establishing administrative and coordination mechanisms through bilateral agreements at central level, nomination of MDT members and referral agreements at local level; » Deciding on the structure of monitoring teams and determining the monitors' roles and responsibilities; » Establishing criteria for future impact evaluation.

Steps	Actions
2. Developing and testing the monitoring tools	<ul style="list-style-type: none"> » Establishing key child labour indicators within the CLM process; » Developing gender sensitive monitoring tools for the MDTs and formats for national report; » Testing and updating monitoring tools; » Setting up work plans for the MDTs.
3. Training monitors and building capacity	<ul style="list-style-type: none"> » Assessing the needs for capacity building on CLM and for various skills required for monitors to be able to perform their work; » Training of Trainers (ToT) for MDTs.
4. Testing the CLM design and preparing replication	<ul style="list-style-type: none"> » Testing the CLM in practice; » Verifying the referral and follow-up activities; » Testing the transfer of information to the regional and national levels; » Ensuring the use of information collected following CLM; » Preparing for the scaling up of the CLM to several geographical regions and all forms of child labour.

THE MONITORING PHASE

1. Preparing for the visit	<ul style="list-style-type: none"> » Gathering information on the suspicion of child labour from all available sources (school, peers, community...) and discuss it in the MDT meeting; » For each case, establishing responsibilities for gathering first hand information through monitoring visits; and establish teams that will visit schools / families – communities / workplaces within a monitoring plan; » Announcing the visit to the employer / the school / the families – communities.
2. Conducting the visit	<ul style="list-style-type: none"> » First contact and visual assessment / preliminary analysis of school attendance and progress documents; » Interviewing potential working children and other sources (ex. parents). See Annex II “Child Interviewing Instructions”; » Assessing and discussions of OSH; » Reviewing records and documents (in case of labour / school inspectors); » Filling in monitoring forms (see Annex III “Identification and Reporting on Cases of Child Labour Form”).

Steps	Actions
3. Taking decision on the child's future	<ul style="list-style-type: none"> » Discussion on the case comparing data from school / family / workplace in the MDT meetings and identification of available alternatives; » Decision to withdraw (or not) the child from his/her occupation depending on the child labour case (protection can be provided as a temporary measure for hazardous work) and the availability of services; » Informing service providers to stand ready to welcome the child.
4. Withdrawal and referral	<ul style="list-style-type: none"> » When decided, initiating the withdrawal process at the workplace; » Ensuring the participation of the child to his/her rehabilitation; » Accompanying the child home (if in his/her best interest), to school and to other service site; » Recording and following up activities in which the child is involved through a tracking system; » Linking with law enforcement agencies for the fining / prosecution of employers.
5. Protection and prevention	<ul style="list-style-type: none"> » Noting different risks, to which the child or the young person was exposed at the workplace visited, for follow-up monitoring; » Raising awareness among employers, community members, parents and children on the issue of child labour and OSH.
6. Data management and analysis	<ul style="list-style-type: none"> » Registering observations, conclusions and recommendations, and other information based on the previously established indicators; » Transmitting the information to the MDT unit responsible for data systematization; » Processing and preliminary analysis of the information.
THE FOLLOW-UP PHASE	
1. Tracking of child labourers	<ul style="list-style-type: none"> » Organizing periodical monitoring visits and systematically communicating with the service provider directly; » Comparing data collected within CLM with school, medical records, etc. » Discussing and analyzing the situation of withdrawn children within monitoring teams.

Steps	Actions
2. Quality control and verification	<ul style="list-style-type: none"> » Permanent checking of information in order to ensure its accuracy; » Organizing verification visits to the sites, previously monitored; » Regularly checking the information and organizing discussions within the MDTs and at national level on how to improve the impact and effectiveness of the CLM; » Checking information collection methods and quality of information transmitted to a higher level.
3. Providing data for enforcement / improvement of laws and policies and social planning	<ul style="list-style-type: none"> » MDTs identifying lack of services and/or barriers to access to services for children at risk of child labour and their families, based on specific cases and tracking system; » MDTs making recommendations to the National Steering Committee on the Elimination of Child Labour on policy improvements for the elimination of child labour.
4. Information dissemination and analysis	<ul style="list-style-type: none"> » Compilation of a national report on child labour by the MDTs and the Child Labour Unit (CLU) based on the ILO format for reporting on Conventions 138 and 182.

Conclusion

The Child Labour Monitoring process contains a series of procedures and tools developed according to the local institutional capacities and policies and approved as a result of a participatory process. The success of the CLM process depends on the accuracy of the implementation of each phase (Table IV “Model of Child Labour Monitoring System in Moldova”).

The experience of the ILO’s International Programme on the Elimination of Child Labour in piloting CLM Systems has shown that there are several characteristics common to successful application of the model of CLM, as follows:

1. Wide application, both geographical and in terms of the types of child labour;
2. Local community involvement, including children and youth;
3. Existence of a legal mandate for the functioning of the CLM;
4. Presence of a political commitment, through which the Government has the leading role in the CLM;
5. CLM relevance to existing policies;
6. Clear roles and responsibilities of the partners involved in the CLM;
7. Potential for replication and scaling-up;
8. Viable information collection systems;
9. Transparency of the CLM process.

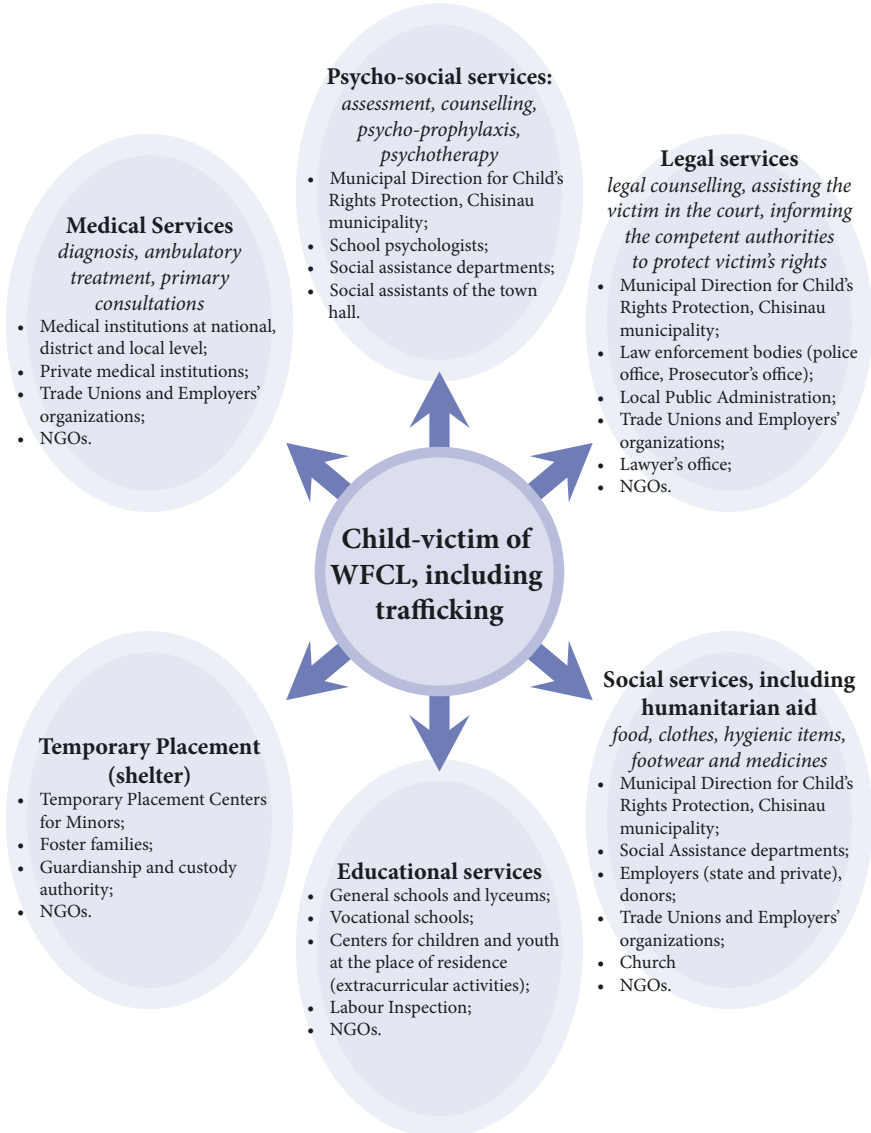
Child Labour Monitoring should never become an end in itself. It should remain a simple mechanism, by which the involved parties identify children and help them access the services that would improve their lives and provide with better alternatives to work. That is why the emphasis of child labour monitoring must be at the local level, where the children and services are.

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Annex I

Mapping of services for referral of cases of WFCL, including trafficking



Annex II

Child Interviewing Instructions¹¹

Create a positive physical climate

- To the extent possible, conduct the interview in a neutral setting, and preferably in a place where girls and boys feel safe and comfortable. The monitor should ask children whether they would prefer the talk to take place in the presence of a sibling or a friend.
- Try to conduct the interview out of the sight and earshot of the employer, peers and others who may influence the way in which the child acts and responses to the questions.
- Choose whether to tell the child to continue or stop working during the interview, since she/he might be hurt because of the hazardous process she/he is involved in. On the other hand, consider that the child may be paid for the amount of goods/services she/he produces and by stopping the work, she/he may lose money and be at increased risk of violence from the employer.
- Be on the same level as the interviewed child. If the minor is sitting on the floor, you seat on the floor too.
- If the child moves around whilst working, accompany her/him.

Create a positive psychological climate

- Treat each child as an individual person, whose rights are respected.
- Start the interview with a talk on a subject close to the child's interests (music, films, sports, etc) to make the child feel at ease and be more willing to share other information with you.
- Build trust by maintaining a warm, friendly and caring approach, bearing in mind the child's developmental stage and needs.
- Listen attentively to the expressed and unexpressed. Try to understand what is expressed through facial expressions, gestures and attitudes. Remember, however, that it is difficult to tell if a child or anyone else is telling the truth. Body language and behaviour cannot be an accurate indicator of deceptive and truthful statements.
- Give the opportunity to children to tell their story in their own way, before they are asked explicit questions.

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¹¹ Guidelines for developing child labour monitoring processes, ILO-IPEC Geneva, 2005 and "Let's Talk. Developing effective communication with child victims of abuse and human trafficking. Practical handbook for social workers, police and other professionals", Barbara Mitchels, UNICEF, 2004

- Phrase your questions in a way that the child will easily be able to understand. Use the first part of the interview to establish the child's linguistic competence.
- Encourage the child to talk by asking open-ended questions, the direct or leading questions being reserved for the later part of the interview. Do not repeatedly ask questions that the child does not understand.
- Try not to interrupt the flow of a child's talking and invite her/him to add, or to correct anything that was said.
- Go at the child's pace.
- Change the topic if you see the topic under discussion annoys the child.
- Resist expressions of shock, sadness or any other emotions when listening to the child.
- Always maintain a positive attitude and a neutral expression when interacting with the child.
- If possible, avoid tiring the child by making the interviews long.
- Leave advice on seeking help, and a contact name and telephone number.
- Ensure at the ending of the interview that the child leaves feeling confident, safe and supported.

Annex III

_____ (institution)

“ _____ ” 200 _____

No. _____

IDENTIFICATION AND REPORTING ON CASES OF CHILD LABOUR FORM¹²

Section 1

Description of elements involved in the working process

§ 1. General info about the child (worker)	
1. Name and surname	
2. Date of birth	
3. Male/female	
4. Parents' name and surname	
a) father	
b) mother	
5. Nationality	
6. Legal home address	
7. Actual place of living	
8. Work experience	
9. Medical test (date)	
10. The child lives in:	
a) biological family	
b) placement centre	
c) extended family	
d) at a person's/ family's place	
e) other places	
§ 2. Working task	
1. Date at which the working child was identified	
2. Type of work organization:	
a) teamwork (yes or no)	
b) number of hours/day	
c) number of working shifts	
d) night shifts (yes or no)	
e) number of breaks organized	

¹² Developed by Mr. Tudor Dascal, ILO External consultant

3. Description of the child's activities:	
>	
>	
>	
>	
§ 3. Production means	
1. The place where the working child was identified	
2. Buildings or other constructions	
> dimensions of the building: L.....m, B.....m, H.....m	
3. Technical equipment	
4. Raw material	

Section 2

Details on the worst form of child labour

§ 1. Details on the work		
1. According to the risk factors related to the work task		
2. According to the risk factors related to the production means		
3. According to the risk factors related to the working environment		
§ 2. Details on the occupation		
§ 3. Illicit activities		
	Yes	No
1. Begging		
2. Armed conflicts		
3. Gambling		
4. Production of drugs		
5. Trafficking of drugs		
6. Production of pornographic materials		
7. Production of pornography performances		
8. Prostitution		
9. Debt bondage		
10. Serfdom, etc.		

Section 3

Specific data on the work performed by the child and on its consequences

	Yes	No
1. Work with the child's consent		
2. Work where the child is unreasonably confined to the premises of the employer		
3. Forced labour		
4. Work while in trafficking		
5. Work with exposure to violence, abuse		
6. The child is from one of the following vulnerable groups:		
a) children with disabilities		
b) children from residential institutions		
c) street children		
7. The work has as consequence:		
a) school drop-out		
b) disease		

Section 4

Measures to be taken

	Yes	No
1. Child withdrawn from work		
2. Other measures		

(position, name, surname)

(signature)

