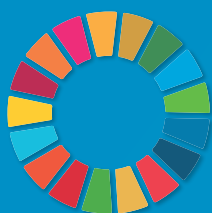




International
Labour
Organization

Preparatory Meeting of the Americas to the IV Global Conference on Sustained Eradication of Child Labour

Buenos Aires, February 22-23, 2017



INPUTS FOR REFLECTION IN THE AMERICAS



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ILO Country Office for Argentina
2017



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Introduction

1.



In the field of international labour standards, ILO Conventions on child labour (Numbers 138 and 182) and forced labour (Numbers 29 and 105)¹ are part of the eight Fundamental Conventions. Within the framework of tripartite dialogue, achievements and progress have been made in the fight against child and forced labour.

Particularly, during the last two decades, countries from all regions have joined efforts and enhanced tripartite social dialogue towards the eradication of child labour on the basis of the global conferences held in Oslo, Norway (1997), The Hague, Netherlands (2010) and Brasilia, Brazil (2013), the main milestones of progress.

The IV Global Conference on the sustained eradication of child labour will be held in the city of Buenos Aires, Argentina in November 2017 (hereinafter, the IV Conference). The conference is part of the 2030 Agenda for Sustainable Development, its purpose being to join and enhance efforts.

BOX 1.

Alliance 8.7

Alliance 8.7 is a comprehensive and participative international coalition led by ILO, comprised of institutions, bodies and organizations from different sectors -public, private and civil society- aiming to assist all UN Member States in their efforts to expedite and enhance actions to eradicate forced labour, modern slavery, human trafficking and all forms of child labour and attain Goal 8.7 of the Sustainable Development Goals (SDG).

This initiative was officially launched in September 2016, and will focus on four main areas: to accelerate timelines, better coordinate research and knowledge sharing, drive innovation and increase and leverage resource.

Source: ILO, Alliance 8.7, Vision document. 2016.

Goal 8 of the 2030 Agenda is key to sustainable development, full and productive employment and inclusive and sustained economic growth; thus the IV Conference aims at contributing to achieve Goal 8.7 that urges to *“take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms”*.

The main goal of the IV Conference is to contribute to the global efforts to enhance sustained eradication of child labour in all its forms by 2025 and eliminate forced labour by 2030. Within

¹. Convention concerning the Prohibition of the Worst Forms of Child Labour, 1999 (No. 182); Convention concerning Minimum Age for Admission to Employment, 1973 (No. 138); Convention concerning Forced or Compulsory Labour, 1930 (No. 29); Convention concerning the Abolition of Forced Labour, 1957 (No. 105).

this context, active social and economic inclusion policies will be analysed and discussed in line with the creation of quality jobs for young persons. (ILO, 2016a).

In order to prepare for the IV Conference, the Argentine Government has invited all the Member States of the Americas to a preparatory Meeting to shortlist and define the common challenges faced by the Americas on the previously mentioned three main topics.

This document has been prepared as an input to the preparatory Meeting, and contains a comprehensive proposal to approach the three topics as seen in the *ILO Decent Work Agenda* perspective.

The document aims to facilitate the identification of common and specific challenges faced by the Americas on these three main axes. It systematises information on the status of each problem and calls for reflecting and exchanging experiences and good practices on public policies and the respect for institutions that lead to the attainment of Target 8.7.



Conceptualizations and proposal for a comprehensive approach

2.



The notion of **decent work** summarizes people's ambitions during their work life. It represents an opportunity to hold a productive job that generates fair income, security in the workplace and social protection for families, better perspectives for personal development and social integration, freedom for individuals to express their opinions, organize and take part in their life decisions, and equal opportunities and equal treatment for all. Decent work requires short, medium and long term goals, both at micro/ family (strategies) and macro/country (policies and programs) levels.

Taking into consideration a person's lifecycle, **decent work path** refers to the road that should start with education and training at a young age so as to acquire useful skills, tools and expertise to be subsequently applied at work. It should then proceed with formal occupational or business integration and protection at retirement age. The concept is dynamic since it aims at guaranteeing vertical social and economic mobility (ILO 2010, see Figure 1).

A positive formal start, under good working conditions, improves by at least 50% future working conditions, and the advantage grows with age.

However, the decent work path may be negatively affected by multiple factors along the life cycle. On one hand, there are **crosscutting or social and economic factors** (incidence of home poverty, economic crises, and inequality patterns), which together with economies' structural deficits to create quality Jobs inhibit the possibility of formal professional integration. On the other hand, **interdependent phenomena** impact on people's decent work path, according to their life stage, i.e. child labour, migration, school dropout, adolescent pregnancy, all forms of discrimination, unemployment and informal work, *inter alia*. Under certain circumstances, the combination of these factors may result in extreme forms of exploitation, e.g. the worst forms of child labour in the case of boys, girls, or adolescents younger than 18, or forced labour when speaking of the population at large. For these reasons, the decent work path concept illustrates the urgent need for action during the first stages of the life cycle.

In recent years progress has been made in identifying the factors related to reducing child labour based on available information.²

Surveys conducted specifically for Latin America and the Caribbean (hereinafter LAC) have found that child labour reduction goes hand in hand with the drop of poverty in households and with a higher level of relative growth,³ together with the creation of new jobs, formalization of employment processes, and better actual income and active labour market policies. All of these helps to reduce inequality. Also, the reduction of child labour correlates with a higher level of educational assistance and increased public expenditure in education. (ILO, 2015a).

². The lack of homogeneous data for the whole continent illustrates the heterogeneity of the Americas. To approach the regional scenario, information related to LAC will be considered which, despite the specific dynamics in the various sub-regions, allows to combine common structural issues.

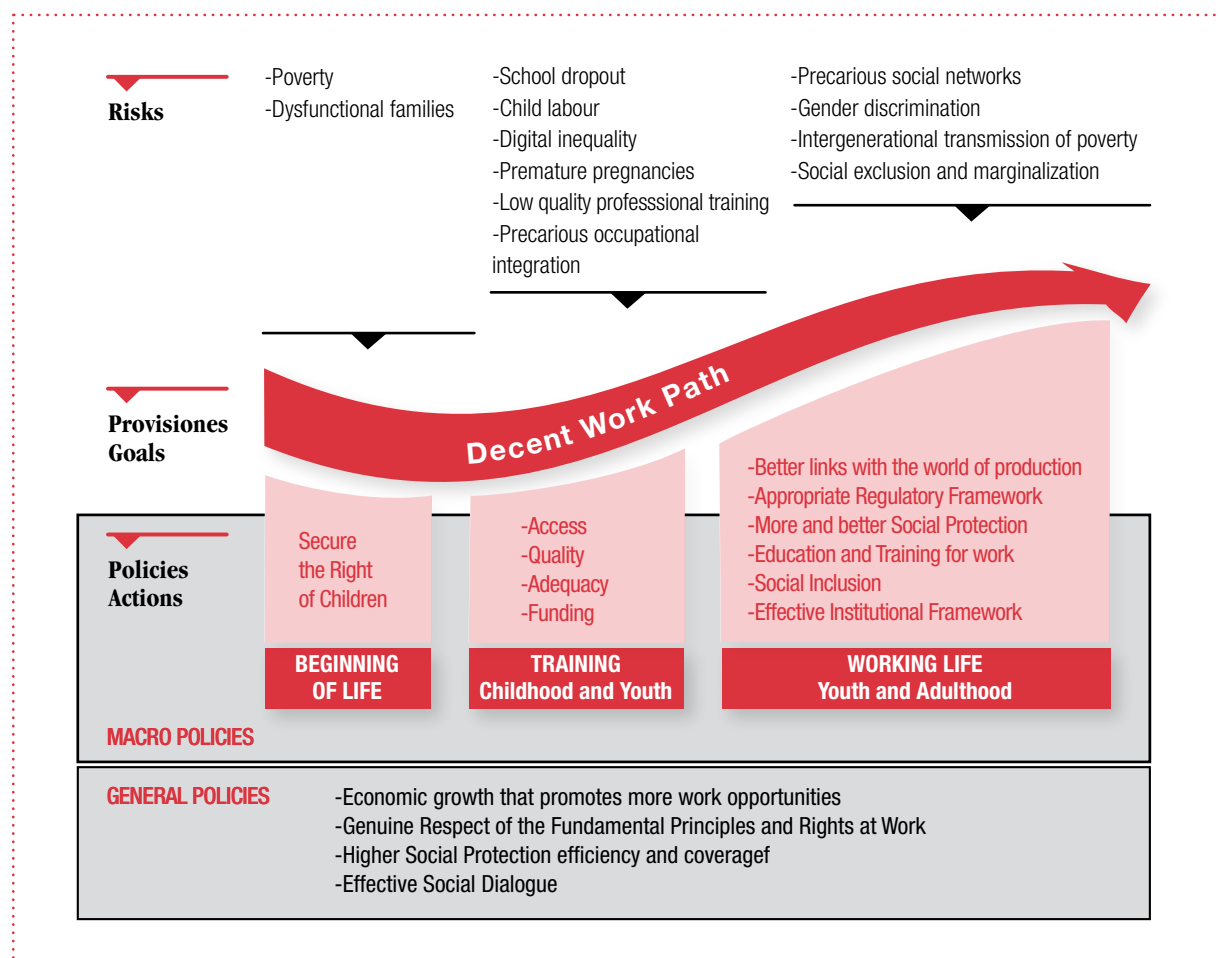
³. Supporting the need for synergistic growth processes, the ILO (2017) has pointed out that with regards to work indicators' global trends, a disconnect is currently noted between growth level and employment.

In such sense, efforts to eradicate child labour help eliminate one of the primary causes of vulnerability along the life cycle. Early entry –as child labour– to the labour market, especially among lower income families, is one of the self-perpetuating mechanisms of poverty. In most cases, when a young person starts his work path prematurely, it is almost certain that he has been unable to complete an appropriate education and will thus be forced to work informally in low productivity jobs without social protection. This will undoubtedly have a negative impact on his progress and prevent him from offering his offspring better opportunities than those he had.

Progress in the field of prevention and eradication of all forms of child labour (emphasizing the worst forms), eradication of forced labour, having access to and staying in the educational system, guaranteeing an effective transition from school to decent work and breaking through gender stereotypes are fundamental goals to regional development.

The challenge is so complex that it calls for **short-term** (cash transfer programmes and other salary replacement mechanisms), and **medium-term goals** (creation of quality, productive and gainful employment in dynamic sectors for youths and adults; inter-institutional alliances) to further a sustainable **long-term** process to expand the incidence of decent work paths.

Figura 1. Decent Work path



Source: ILO, Decent Work and Youth in Latin America 2010.





DEBATE

2030 AGENDA: GOAL 8, TARGET 8.7

1. What are the **main challenges** faced by your country with regards to public policymaking and implementation to eradicate child labour, forced labour, and within that framework, create quality youth employment? What are the most critical sectors or scenarios to further these objectives?
2. In your country, what are the **main opportunities**, at general or sectoral level, to progress towards the eradication of child labour, forced labour, and the creation of quality youth employment?
3. What **tripartite consultation mechanisms** or **joint or coordinated actions**, at general or sectoral level exist in your country to meet the 2030 Agenda Target 8.7? How do those mechanisms operate? What were the results or achievements of such processes? What are the challenges and how will they be faced?

NOTES



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Main global and regional commitments 1997-2017

3.



In 1997 the **First International Conference against Child Labour** was held in Oslo, Norway, to discuss the topic globally and contribute to the adoption of ILO Convention No. 182 and Recommendation No. 190, which has no doubt contributed to include the topic in both the global and regional agenda and reduce child labour between 2000 and 2012.

In 2006, the countries of the region adopted the document Decent work in the Americas: An agenda for the Hemisphere, 2006-2015, (ILO, 2006a) a policy strategy that combined actions in the economic, legal, institutional and labour market spheres to promote decent work in the Americas. The strategy was presented and adopted under the tripartite model by governments, workers and employers' organizations at the ILO **Sixteenth American Regional Meeting, Brasilia 2006**. Among the policy measures adopted to promote the effective compliance of the fundamental principles and rights at work, the ILO constituents defined as their goal the progressive eradication of child labour. The targets established were: 1. Eliminate the worst forms of child labour by 2015 and 2. Fully eliminate child labour by 2020. As a result of the regional commitment many countries of the region drafted national strategies.

That same year, the ILO launched a Global Action Plan to eliminate the worst forms by 2016. To reinforce this initiative, in 2010, the **Second Global Child Labour Conference** was held in The Hague, Netherlands. This Conference focused on the worst forms of child labour. A Roadmap was produced, presenting a series of guidelines on the actions and measures to be put in place. Also, the need to increase efforts was pointed out, as the only possibility to reach the goal by 2016.

In 2013, the **Third Global Conference on Child Labour** was held in Brasilia, Brazil, and adopted the Brasilia Declaration on Child Labour, (Brazil, 2013) which confirmed the impossibility to eliminate the worst forms by 2016, despite the significant drop in child labour, especially between 2008 and 2012. Currently, the 2030 Agenda has set the goal for 2025, extending it to all forms of child labour.

In 2015, under the framework of the **Nineteenth Inter American Conference of Ministers of Labour (IACML)** of the Organization of American States (OAS) the "Declaration of Cancun 2015: Achieving decent work with social inclusion and sustainable development in the Americas" was adopted as well as a Joint Declaration by the Trade Union Technical Advisory Council (COSATE) and the Business Technical Advisory Committee on Labour Matters (CEATAL). Both Declarations reaffirmed the parties' commitment to play an active role in the IV Global Conference against Child Labour to be held in Argentina in 2017. (OAS, 2015a and 2015b)

Figure 2 summarizes the main milestones and initiatives to definitively eradicate child labour.

Status by topic

4.



Below, the status of each of the specific topics to be approached during the IV Conference is presented, following a scheme that allows to summarize the main aspects related to definitions and regulatory framework, the global and regional scenario, and the progress, achievements and pending challenges.

1. Child Labour

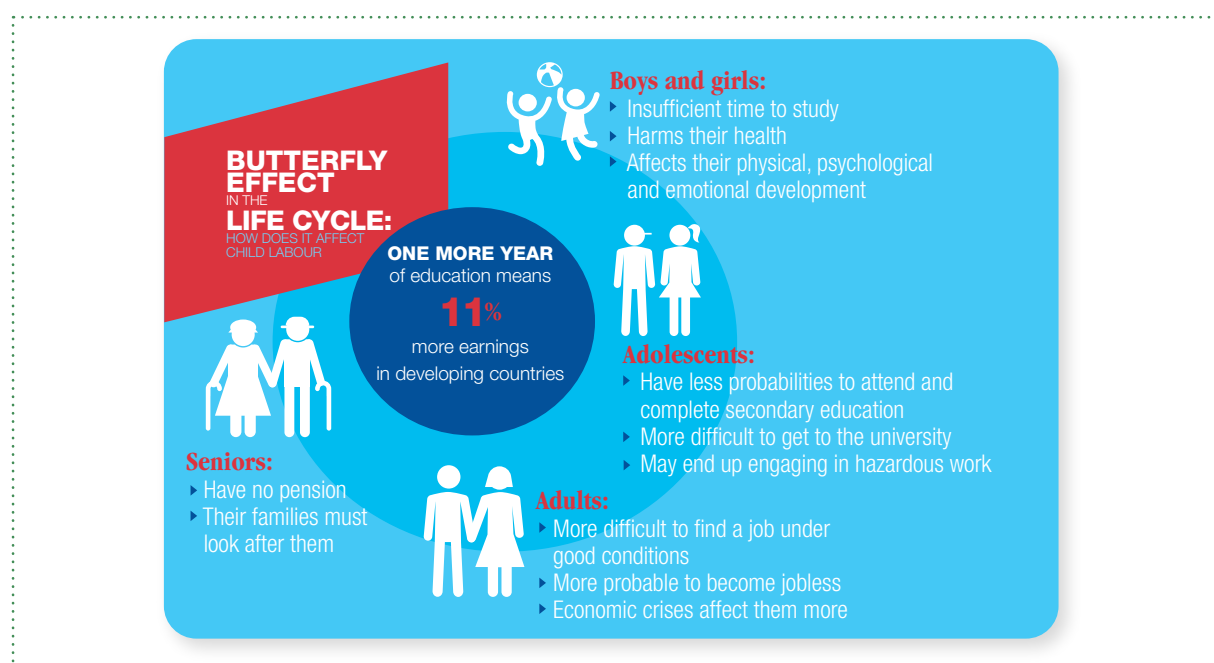
Definitions and regulatory framework

Child labour is the employment or work performed by a boy, girl or adolescent below the minimum legal age for admission to employment, established by a country under ILO's Convention No. 138 (generally 14 or 15 years of age, with a possibility to accept in certain cases light work starting at age 12 or 13); or any work performed by a boy, girl or adolescent below 18 years of age and that constitutes one of the worst forms of child labour, as defined by ILO's Convention No. 182. These include any work or economic activity that is likely to jeopardize boys and girls' health, safety or morals.

Child labour involves most of the economic activities performed by boys, girls and adolescents, be they gainful or otherwise, in formal or informal economy, for a few hours or full-time, occasional or regular, legal or illegal. It also includes the work of boys and girls as domestic workers.

Child labour is one of the most visible expressions of the inequality that affects the region and has serious consequences on all stages of life.

Figure 3. Butterfly Effect



Source: *Latin America Free of Child Labour Regional Initiative.*

There is a clear international legal framework that bans child labour and has been ratified by most States.

Three main Conventions exist to protect boys, girls and adolescents against child labour and to guarantee their access to education and other fundamental rights. The Conventions provide the legal definitions of child labour and the legal basis to take court actions against such situations.

The Convention on Minimum Age for Admission to Employment or Work, 1973 (No.138) establishes the standards on minimum age for admission to employment. The document requires countries to stipulate the minimum legal age to be admitted to employment or work which should not be below the age at which compulsory schooling ends, or in any case, 15 years of age. However, a country whose economy and educational institutions are not sufficiently developed may initially specify 14 as the minimum age. National legislation may allow employment or work of boys, girls and adolescents aged 13 to 15 for light work, as long as its nature does not negatively affect their schooling, health or development. Ages 12 to 14 may be applied to light work in countries that established the minimum age at 14.

Figure 4. ILO Criteria on minimum age for admission to employment or work

	Generally	Possibility for developing countries
Minimum age for admission to employment: Minimum age for admission to employment should not be below the age at which compulsory schooling ends	15 years of age or older	14 years of age
Light work: Children aged 13 to 15 may perform light work, as long as its nature does not affect their health or safety, or hinder their attendance to school, and their participation in vocational or training programmes	13 years of age	12 years of age
Hazardous work: Work that will probably harm children's physical, mental or moral health, safety or morality shall not be performed by any person below eighteen years of age	18 years of age (16 Under certain strict conditions)	18 years of age (16 under certain strict conditions)

Source: ILO. Mainstreaming child labour concerns in education sector plans and programmes. ILO-IPEC, 2010.

The **UN Convention on the Rights of the Child, 1989**, almost universally ratified, recognises in its Article 32 the right of the child to be protected against economic exploitation and the performance of any work that may harm his health or his physical, mental, spiritual, moral or social development. The optional protocols to the UN Convention on the Rights of the Child refer to the protection of children in armed conflicts and the sale of children, child prostitution and the use of children for pornographic purposes.



The **Convention on the Worst Forms of Child Labour, 1999 (No. 182)** applies to all persons younger than 18 and urges to ban and eliminate the worst forms of child labour as soon as possible. The boys, girls and adolescents involved in the worst forms of child labour should be removed and rehabilitated, and have access to free basic education or vocational training. The ratification of this Convention has been the fastest in the ILO history. Only two years sufficed to reach 100 ratifications and three more years for 150 States to ratify.

Article 3 of ILO Convention No. 182 establishes that:

The expression “the worst forms of child labour” comprises:

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

Article 4 of the Convention urges governments, after consultation with the organizations of employers and workers concerned, to elaborate and apply a legally binding list of the types of hazardous child work. The list should be periodically examined under a tripartite modality and revised as necessary.

Global and Regional Scenario

The **latest global estimates** published by the ILO (ILO, 2013) in 2013, with data of 2012, show that 168 million boys, girls and adolescents worldwide are engaged in child labour, accounting for around 11% of the world child population.

The boys, girls and adolescents engaged in hazardous work which by its nature is likely to harm the health, safety or morals of children, and under certain circumstances even their own lives represent more than half the boys, girls and adolescents engaged in child labour, which in absolute terms total 85 million.

Between 2000 and 2012, there was a global reduction of almost 78 million boys, girls and adolescents engaged in child labour, i.e. a drop of almost one third. The reduction in the number of girls engaged in labour was even greater, since a reduction of around 40% was recorded, compared to 25% for boys.

These estimates point out that middle-income countries have the largest number of boys, girls and adolescents engaged in child labour: 93.6 million children engaged in child labour in middle-income countries, compared to 74.4 million in low-income countries. It should be noted that child labour is also present in high-income countries.

When analysing the problem by sector, most of the boys, girls and adolescents engaged in child labour work in agriculture (59%, i.e. 98 million children), followed by services (32%, i.e. 54 million, of which 11.5 million perform domestic work) and the industry (7.2%, i.e. 12 million).

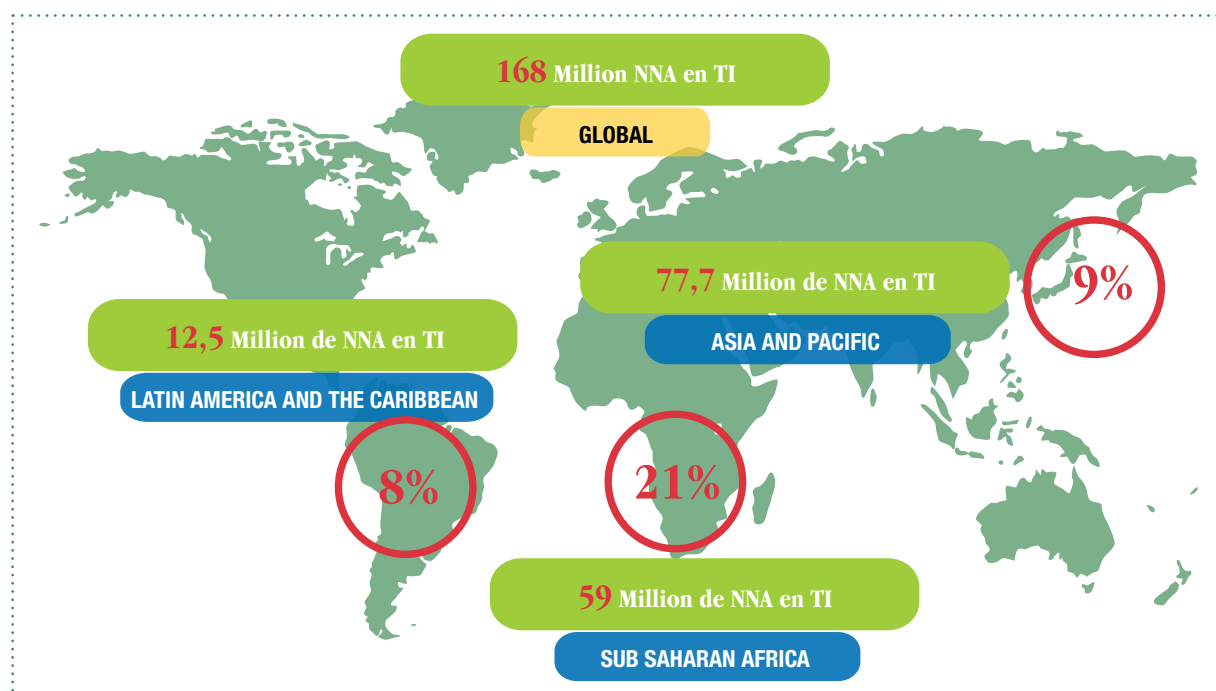
Latin America and the Caribbean is the region of the developing world that has progressed the most in reducing child labour. Undoubtedly, joint work by governments, employers and workers' organisations, civil society and international cooperation have succeeded in removing 7.5 million boys, girls and adolescents from child labour in the course of two decades.

However, the report "Marking progress against child labour - Global estimates and trends 2000-2012" (ILO, 2013) noted that the pace of child labour reduction in LAC had come to a standstill during the last four years.

Actually, the region continues to be the most unequal worldwide; this inequality is expressed in the challenging 12.5 million boys, girls and adolescents aged 5 to 17 that continue to be engaged in child labour, of which 7.9 million are younger than the legal age for work and 4.6 million have reached that age, but are still younger than 18.

Of the total number of boys, girls and adolescents engaged in child labour (NNA en TI), 9.6 million perform hazardous work. This accounts for 8.8% of the region's total population within that age range. Besides, there is an unknown number of boys, girls and adolescents who are the victims of other worst form of child labour and go through enslavement-like situations, including trafficking, being the victims of commercial sexual exploitation or being used to perform other illegal activities.

Figure 5. Global situation with regards to child labour



Source: *Latin America Free of Child Labour Regional Initiative.*



Regional Initiative

Latin America and the Caribbean Free of Child Labour

Promoted by a group of countries, under the framework of the III World Conference on Child Labour (Brasilia, October 2013), and officially constituted by 25 countries starting at the ILO 18th. American Regional Meeting (Lima, October 2014), the Latin America and the Caribbean Free of Child Labour Regional Initiative (RI)⁴ has worked hard all these years to become established and draft proposals to speed up the pace of child labour reduction and meet target 8.7 of the 2030 Agenda.

It is currently made up by 27 LAC countries (Argentina, Bahamas, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, Granada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Dominican Republic, Saint Lucia, Surinam, Trinidad and Tobago, Uruguay and Venezuela), which commissioned their **Technical Secretariat** to the ILO Regional Office.

The RI acts through a High-level Authority, made up by 27 Ministers and Women Ministers of Labour of all the States, which holds ordinary regional meetings and has a **Focal Points Network** to discuss RI issues. The network is made up by 27 officials representing the countries and appointed by the Ministers of Labour, 4 regional representatives of employers' organisations and 4 regional representatives of workers' organisations.

The RI relies on:

- **A Framework Document**, drafted by the countries, which defines the RI goals and action lines and includes the agreement of the operative structure for its implementation and funding.
- **An 8-project bank** that responds to the 8 acceleration factors.
- **82 South-South cooperation agreements.**
- **A Framework for Accelerating Policies**, based on the combination of two approaches. **On one hand, promoting greater emphasis on the preventive approach** to interrupt the child labour trajectory and accompany the **first**

4. <http://www.iniciativa2025alc.org>

generation free of child labour, and on the other, working on the approach leading to protection for retirement and reestablishing rights.

- A **Predictive model** to stop the trajectory to child labour, an instrument which on the basis of country statistics will identify the geographic areas and population groups countries should focus their prevention efforts on, to interrupt the trajectories leading to child labour.
- A **virtual platform** (www.iniciativa2025alc.org) highlights the progress and achievements of the RI; promotes the creation of collective knowledge, since it is an interactive forum to exchange experiences, contents, ideas and thoughts; and coordinates all the public and private sectors and civil society players committed to the prevention and eradication of child labour in the region.

Regional Progress and Achievements

Over the past 20 years, a hidden and socially accepted issue, i.e. child labour and its worst forms, was recognized as a serious rights violation and the prevention and eradication policy was included in the public agendas. Countries also ratified the International Conventions on this topic (ILO Number 138 and Number 182); adapted their domestic laws, established National Committees, and measured on a regular basis so as to know how many boys, girls and adolescents were affected by child labour and their characteristics. Currently, all countries have a public policy to guide the State's action in the field of child labour.

During that period, the ILO promoted over **500 pilot projects** in various sectors (agriculture, mining, brickworks, market, sexual exploitation with commercial purposes, among others). A long-term strategy was thus established, that moved from specific and localized actions, to advocacy activities in both regional and domestic public policies. Among the achievements, the following should be highlighted:

- 23 countries have national child labour prevention and eradication strategies funded by specific public budgets;
- The eradication of child labour is a cross-cutting issue in the national policies against poverty, education, social protection and migration, and in the National Decent Work Programmes;
- 19 National Committees to eradicate Child Labour have been established;



- 300 pilot intervention models have been validated to remove working boys, girls and adolescents;
- Over 20 countries produce statistics on child labour;
- National child labour eradication policies are being growingly decentralized; and
- There is greater commitment by social partners against child labour, represented for instance by an increase in public-private alliances expressed in Entrepreneurial Networks against child labour and other coordination mechanisms.

Capitalizing on these conditions is mandatory to oppose in a sustained manner child labour in the region and overcome the standstill in its reduction. Also to prevent an increase in hazardous work and the possible backward effects that could ensue should this historical opportunity not be taken.

Persistent Challenges

The Regional Initiative member countries and employers and workers' organisations identified eight major challenges, or acceleration factors, that countries should specifically approach to speed up child labour reduction.



Indigenous Communities and African Descendants: indigenous and African descendant boys, girls and adolescents, as well as migrants, are particularly vulnerable to child labour. Their situation is often poorly reflected in statistics, which implies further exclusion and affects the design of public policies that quite often fail to take their needs into consideration. Girls and adolescent women are doubly affected since they are often hidden because of the type of work they perform, particularly domestic in nature.



Public Policies and Decentralization: the progress that has been made in the region with regards to child labour prevention and eradication has been supported by public policies, mainly domestic in scope. It is currently urgent to enhance the decentralization of policy and reinforce local governments' action launching effective policies against child labour. To overcome the problem, significant efforts should be made to identify boys, girls and adolescents engaged in or at risk of child labour, particularly through the States' regular services, as well as focusing attention on them, offering public services designed to eradicate the problem.

To strengthen boys, girls and adolescents, and their families by granting access to and continue to enjoy educational, health care services, use of leisure time and income generation for the family adults are key actions to firmly progress in child labour prevention and eradication.



Youth Employment: the effects of child labour and youth employment under precarious conditions are well documented: they can lead to vulnerability, marginalization and social deprivation, and both of them can permanently impact on employment patterns and future income. The interaction between child labour and youth employment is key against child labour. Under the RI framework, this interaction is considered a potential “acceleration factor” in child labour reduction.



Migration: among the groups that are most vulnerable to child labour are migrant boys, girls and adolescents. In many cases, during the migration process, they are at risk of exploitation and are prone to becoming victims of child labour and trafficking for labour exploitation. Moreover, they are extremely vulnerable to mistreatment, such as isolation and violence, to suffer poor working conditions, no salary payment, and being reported to the authorities. Additionally, it has been proven that of working boys, girls and adolescents, migrants get lower salaries, work longer hours and attend school less regularly, while they are affected by higher mortality rates compared to their local working peers.

To approach the complexity of the simultaneity of both phenomena in relation to child labour, the region needs to redefine its strategies to accelerate the pace of child labour reduction.



Education: at regional level, the access of boys, girls and adolescents to elementary and secondary education is satisfactory. The situation is however worse in certain population groups, e.g. boys, girls and adolescents in child labour and hazardous work. Child labour impacts school dropout: the opportunity cost of attending school is very high for working boys, girls and adolescents. Although many boys and girls try to reconcile schooling and work, it generally becomes an impossible goal, due to their precarious working conditions and long working hours. It is key to focus efforts on boys and girls living in vulnerable situations, since they live in extreme poverty, affected by malnutrition, child labour and abuse, i.e. a set of situations related to exclusion from health-care services, and less access to educational institutions and the advantages thereof.



Value Chains: The presence of child labour and forced labour in some global supply chains is acute in the lower segments of the chain. In some cases, governments may have limited capacity and resources to effectively monitor and enforce compliance with laws and regulations. On the other hand, the expansion of global supply chains across borders has exacerbated these governance gaps. Hence, it is necessary that governments and social partners set appropriate governance systems and measures to achieve coherence between economic outcomes and decent work in global supply chains. Specifically, in order to suppress forced or compulsory labour in global supply chains, it is necessary, among other actions, to provide guidance and support to employers and businesses to take effective measures to identify, prevent, mitigate and account for how they address those risks in their operations or in products, services or operations to which they may be directly linked, complying with the appropriate international labour standards.



In order to eradicate child labour and forced labour, and to promote quality youth employment, governments and social partners should also encourage multipartite initiatives to promote decent work in global supply chains, which could support but not replace the effectiveness and efficiency of public governance systems (ILO, 2016).



Agriculture: in the region, this sector has the highest percentage of boys, girls and adolescents performing child labour (48%). They also start working at very early ages (5 to 7 years). Agriculture is one of the three most dangerous sectors to work in, globally, and the boys, girls and adolescents working there may be the victims of deadly accidents, injuries and diseases as a consequence of the activity.

Working in the family's own land, as part of subsistence agriculture, also relates to culture, traditions and habits, especially in indigenous communities, which makes it even more difficult to recognise that boys, girls and adolescents may be performing activities that are harmful to their health and safety. As in other forms of child labour, work in agriculture may prevent the access of boys, girls and adolescents to education or training, which severely caps their economic and social mobility and opportunities to progress along their life cycle.



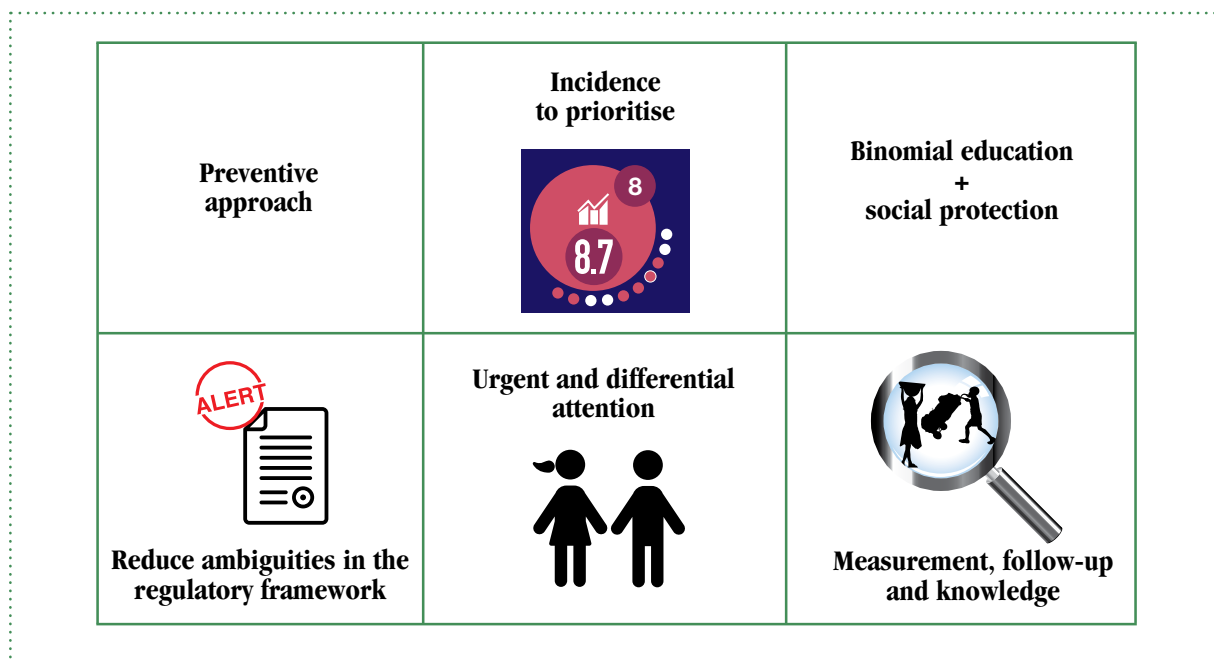
Information Technologies: the new information and communication technologies (ICT) are extremely powerful to contribute to social and institutional mobility and thus prevent and progressively eradicate child labour. ICT disseminate information, reach more people, and may sensitize them on child labour, which in turn has a major impact on cultural patterns and the tolerance of child labour. Likewise, they can contribute to disseminate existing knowledge, present statistics and outcomes, which contribute clear evidence to inform, and cooperate with public decision makers.

Generating knowledge, exchanging experiences and implementing an information system help create a social platform through the initiative of responsive and informed citizens who support the measures adopted by governments in their actions against child labour.

How to materialise efforts to accelerate the reduction of child labour?

To approach these issues and materialise the efforts to accelerate, countries have developed the Framework for Accelerating Policies, which includes a number of strategies and becomes a proposal adapted to the specific characteristics of child labour in the region (mostly hazardous and complex) and the specific situation of each country. The instrument aims at maximizing the welfare and education systems' services to prevent and eradicate child labour, under the supervision of the respective ministries of labour.

Figure 6. Framework for Accelerating Policies



Source: Latin America Free of Child Labour Regional Initiative.



CHILD LABOUR

1. Considering your country's commitment under the 2030 Agenda for Sustainable Development with regards to child labour, **what measures has your country adopted**, at national level, to meet Target 8.7?
2. What are the **next steps to put such measures in place**?
3. Thinking in regional terms regarding child labour, what are **the achievements that LAC** could share with other regions at the IV Global Conference against Child Labour
4. What are the region's expectations of the IV Global Conference with regards to **new proposals and innovations** to speed up the pace of child labour reduction?



NOTES



2. Forced Labour

Definitions and Regulatory Framework

The ILO has adopted four instruments on forced labour: two Conventions and a Protocol, which are legally binding, and a Recommendation that provides practical guidance.

The **Forced Labour Convention, 1930 (No. 29)** defines as **forced or compulsory labour** 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. The Convention, besides defining forced labour, provides for certain exceptions (compulsory military service, civic duties, work required to cope with an emergency situation such as minor communal services, and prison labour under certain stipulated conditions). It also points out that all ratifying States undertake to eliminate forced or compulsory labour in all its forms as soon as possible. The Convention has been ratified by 178 countries globally and includes 34 countries of the region (February 2017).

The **Abolition of Forced Labour Convention, 1957 (No. 105)**, besides reiterating the need to suppress forced or compulsory labour in any form, lists a series of improper practices existing at the time of its adoption and expressly prohibits them. Although human trafficking for exploitation is considered forced labour, this convention considers other forms as well. Convention No. 105 has been ratified by 175 member States, including all the countries of the region (February 2017).

In 2014, the **Protocol of 2014 to the Forced Labour Convention, and the Recommendation on supplementary measures for the effective suppression of forced labour**, 2014 (No. 203) were passed complementing Convention Number 29 and other existing instruments, to promote the adoption of a consistent and comprehensive approach to the problem and international actions to combat it. Adherence to the Protocol requires having previously ratified Convention Number 29 and involves, on the part of the States, to adopt measures to prevent its use, provide victims of forced labour protection and access to remedies and justice, and promote national policies and action plans, in permanent consultation with relevant social partners.

In 2015, the ILO, the International Trade Union Confederation and the International Organisation of Employers launched the **50forfreedom**⁵ campaign to mobilize public support and influence in at least 50 countries to ratify the ILO's Forced Labour Protocol by 2018. However, by February 2017 only 11 countries have done so and only two of them are from the region: Argentina and Panama.

Forced labour is different from sub-standard or exploitative working conditions. Various indicators can be used to ascertain when a situation amounts to forced labour, such as

5. <http://50forfreedom.org>

restrictions on workers' freedom of movement, withholding of wages or identity documents, physical or sexual violence, threats and intimidation or fraudulent debt from which workers cannot escape.

Forced labour can result from internal or cross-border movement that renders some workers particularly vulnerable to deceptive recruitment and coercive labour practices. It also affects people in their home areas, born or manipulated into a status of bondage or servitude.

Forced labour and human trafficking are closely related situations. In recent years there has been a significant increase in the number of human trafficking cases of labour or sexual exploitation. It has been confirmed that a large number of persons who are the victims of human trafficking end up in forced labour. In such sense, another fundamental instrument in the regulatory body to eradicate forced labour is the **Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children**, (called the Palermo Protocol) that supplements the **United Nations Convention against Transnational Organized Crime**. This document, which became effective in 2003, demands participating countries to criminally punish human trafficking for labour or sexual exploitation (United Nations, 2004).

Overview

According to the latest ILO estimates (ILO 2012), over 21 million people are victims of forced labour globally, i.e. it affects three out of every 1,000 persons of the current global population. Women and girls account for 11.5 million of the total number of victims and 9.5 million are men and boys. Individuals or private companies exploit 90% of the victims (i.e. 18.7 million), while 10% are forced to work by the State, military groups or in prisons, under conditions that violate the fundamental ILO standards.

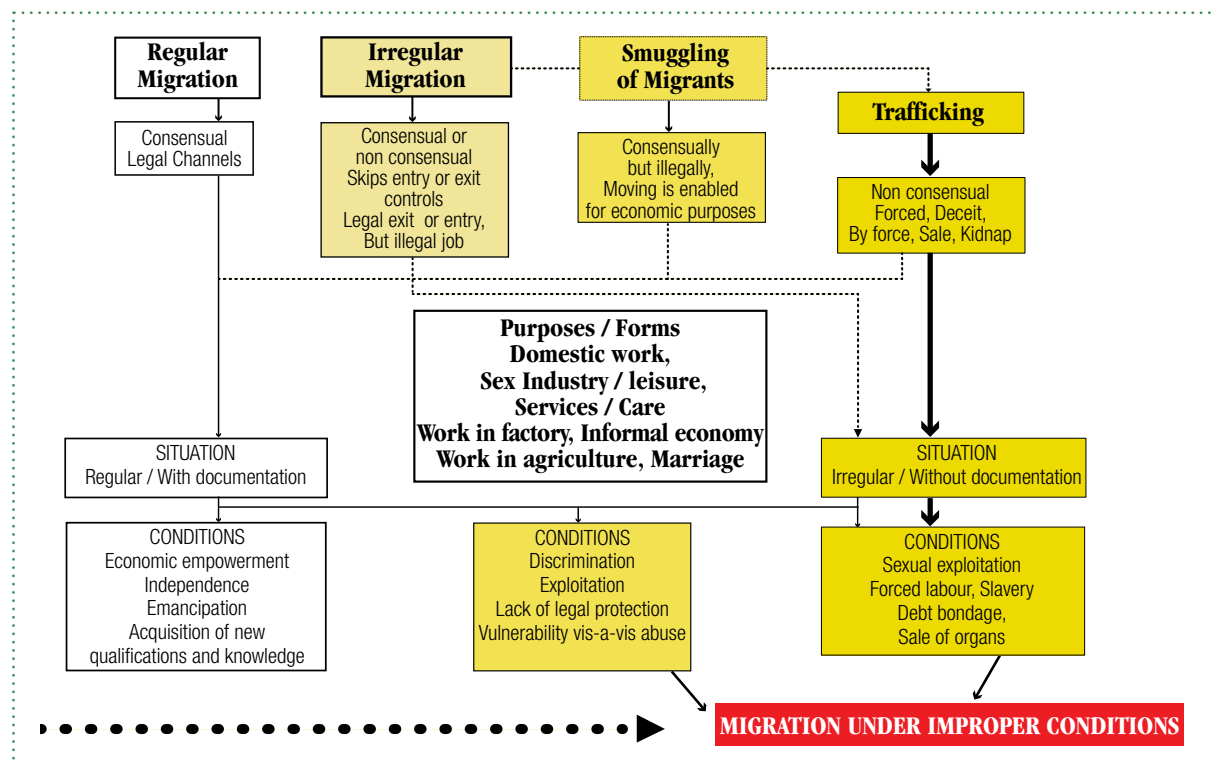
Close to 26% of the victims of forced labour globally are younger than 18, a situation resembling that of the worst forms of child labour. That is, all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage, and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict.

Most of the victims of forced labour work in sectors such as agriculture, fishing, construction, manufacturing, mining, services and domestic work, and around one out of every five is a victim of sexual exploitation.

Migrant and indigenous workers are particularly vulnerable to forced labour; 44% of the cases are found in the context of regular and irregular migration. 29% of the victims are held in forced labour after having crossed international borders, most of them being sexually exploited. Another 15% become victims of forced labour after moving within their own country, while the remaining 56% did not move away from their home areas.



Figure 7. Interrelations between regular and irregular migration, trafficking in persons and smuggling of migrants

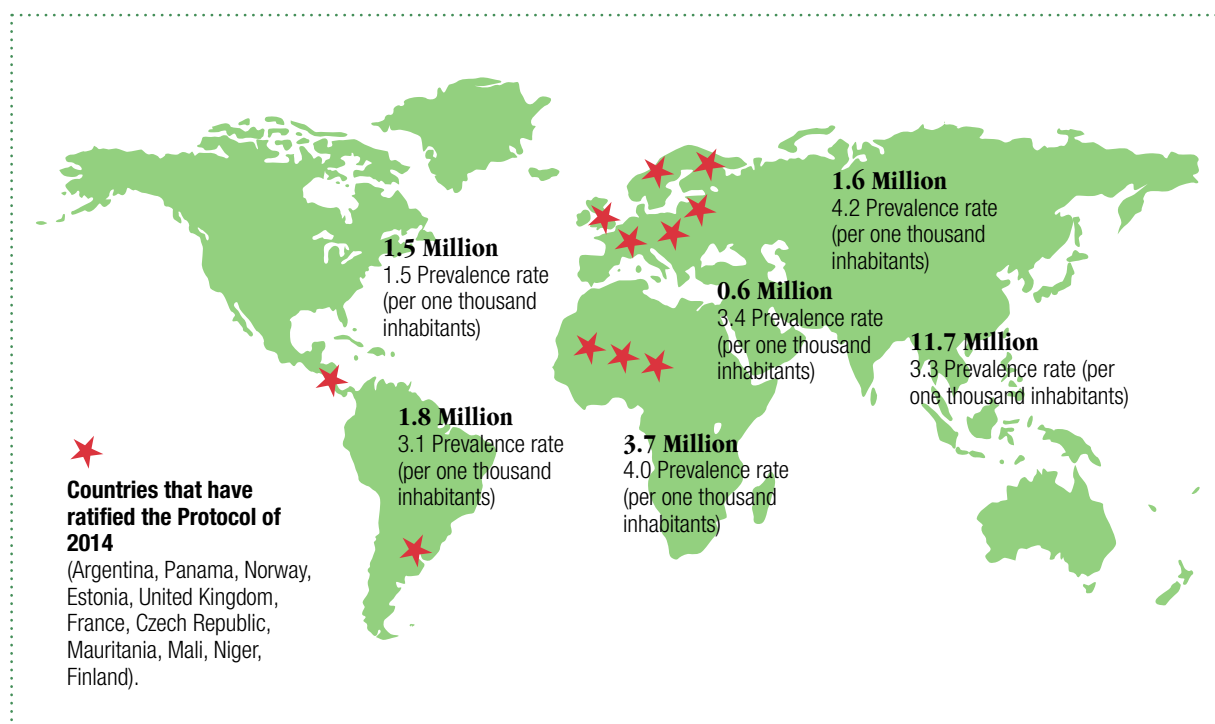


Source: OIT, Trabajo forzoso, presentación de José M. Ramírez, 2016.

The average time in forced labour varies by modality and region. The ILO estimates that victims are held an average of 18 months before they are rescued or escape from their exploiters.

Forced labour affects in one way or another all regions and countries, regardless of how developed they are, i.e. it is a global problem. Statistics on its prevalence are quite significant, since they illustrate the level of risk that populations face in different regions. Thus, the prevalence of forced labour by region is the lowest in developed countries (with 1.5 victims every one thousand inhabitants and a total of 1.5 million) followed by LAC (with 3.1 victims every one thousand inhabitants and a total of 1.8 million persons affected).

According to the prevalence of forced labour per one thousand inhabitants, it has been estimated that Canada and U.S.A. harbour close to 525,000 victims of the developed world total. Adding that sum to the total number of forced labour victims living in LAC confirms that there would have been approximately 2.32 million persons in forced labour in the Americas by 2012.

Figure 8. Forced Labour Distribution, 2012

Note: the prevalence rate illustrates the number of victims per one thousand inhabitants.

Source: in-house on ILO database (2012 and 2014).

Forced labour is an extremely profitable activity for exploiters, generating around u\$s 150 billion a year, of which approximately 12 million are accounted for by LAC. The profit from each victim of forced labour in the U.S.A. and Canada (u\$s 34,800) is much higher than in LAC (u\$s 7,500). It has been estimated that about 90% of the profits in LAC result from commercial sexual exploitation, followed by domestic work under forced conditions and labour exploitation in activities mostly related to the agricultural sector or others like construction, manufacturing, mining and services (ILO 2014b).

Progress and achievements

In LAC, awareness has grown on the risk involved in forced labour practices, particularly for migrant workers in “sweatshops” or for vulnerable workers, including indigenous populations migrating from their own communities. The main form of forced labour is debt bondage, within or outside national borders; in this case, temporary workers are attracted through advance payments by unauthorised intermediaries.

In several countries, strong efforts have been made to establish a comprehensive strategy to oppose these modern forms of slavery, by devising National Plans to Eradicate Forced Labour (Brazil is considered one of the pioneering countries), where governments play a leading role, although such initiatives cannot be achieved and maintained without the active participation



of employers', workers' organisations and other civil society organisations. Other cooperation projects exist –e.g. the South-South model–, to share good practices (especially with respect to labour inspection) and adapt them to each specific context.

Persisting Challenges

The Protocol of 2014 to the Forced Labour Convention and Recommendation Number 203 respond to the challenges currently posed by forced labour. The high incidence of forced labour in the private sector has significantly changed the approaches to the phenomenon as regards to prevention, inspection, protection, access to taking court actions and remedies, including compensation. Thus, the ratification of the Protocol of 2014 offers a major opportunity for the countries of the region to renew their commitment against forced labour, as well as the subsequent inclusion of its provisions in national legislations.

It is essential to improve the effective enforcement of the regulations in place in various countries. At regional level, harmonizing national legislations with those of neighbouring countries is needed, as well as strengthening cooperation between States to face the challenges of forced labour.

At national and local level, the role of the labour administration and labour inspectorates are a key part of the actions against forced labour. In most of the countries, this has not been so far a relevant aspect, since most of forced labour is hidden in the informal economy, where labour inspectors face major challenges to monitor and enforce labour laws.

Issues related to gender, indigenous peoples, and African descendants are still omitted or hidden when discussing public policymaking. This certainly complicates the discussion and aggravates inequalities.



DEBATE

FORCED LABOUR

1. In your country, what are the **main obstacles or deterrents** to the ratification of the Protocol of 2014?

2. In your country, what are the **main allies at government /institutional level** to promote the ratification of the Protocol of 2014? What **joint or coordinated actions** are being implemented to move towards the eradication of forced labour?

3. A generalised ratification of the Protocol of 2014 by the countries of the region could facilitate harmonization at regional or subregional level and enhance cooperation between countries. In your country, how could a **regional strategy to promote the ratification of the Protocol of 2014** be implemented?

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3. Generation of quality youth employment

Definitions and Regulatory Framework

For statistical purposes, the United Nations define as young persons those individuals aged 15 to 24. However, in many cases, and especially with regards to youth employment policies, this age limit may extend to 29 (ILO, 2009).

The **Resolution concerning youth employment** (ILO, International Labour Conference, 2005) established a series of challenges, policies, and actions considering the situation of youth vis-a-vis decent work as “a critical element in poverty eradication and sustainable development, growth and welfare for all.”

Along this line, the **Resolution concerning the youth employment crisis** (ILO, International Labour Conference, 2012) implied a call to tripartite action to address the barriers that young people find to transition to decent work, highlighting their vulnerability in an unfavourable economic context that contributes to further deteriorate the quality of employment and increase unemployment.

Under the OAS framework, initiatives exist around the **Inter-American Network for Labor Administration** (RIAL), a horizontal cooperation and technical assistance mechanism between the ministries of Labour of the Americas. Since 2005, this policy instrument seeks to reinforce human and institutional capacities in a context of economic and social changes, specifically in the following areas: 1) streamline and strengthen management capacity; 2) improve labour markets' performance; 3) guarantee adequate vocational training that responds to the manufacturing sector's needs; 4) watch over the enforcement of regulations and the defense of workers' rights; and 5) enhance tripartite social dialogue.

Overview

The downturn of the global economic growth in recent years, and the recessions that hit several countries -and whose impact on some of the main exporters of commodities was deeper than expected-, has restricted decisions regarding investment and recruitment.

Therefore, after a downward trend along several years, the youth unemployment rate is increasing globally. The latest ILO estimates point at 13.1%, a figure quite close to the historical high recorded in 2013 (13.2%). This means that after witnessing a reduction of 3 million youth between 2012 and 2015, in 2016 and 2017 a total of 71 million youths will be unemployed globally, and for young women the global unemployment rate will be higher than for their male peers (ILO 2016c).



However, these figures do not fully illustrate the challenges faced by youths when entering the labour market; although many of them work their income is insufficient to escape poverty.

When faced with the prospects of unemployment, or being poor workers or holding vulnerable jobs, youths tend to seek better education and employment opportunities abroad. Thus, in 2015, almost 51 million of the international migrants were 15 to 29 years old. LAC is one of the regions where youths are more prone to migrate (38% in 2015).

The global labour force participation rate of youths has been on a downward trend for some years. Among youths aged 15 to 19, the main cause behind the drop are the increased opportunities to attend upper secondary education; among youths aged 20 to 29, the major cause of deterrence to participate in the labour market is the lack of viable employment opportunities.

Around 108 million youths (15 to 24 years of age) live in LAC, and a little over one half of them is in the labour force.

In the region, the rate of youth unemployment has remained relatively stable along the last decade, peaking slightly in 2009. The unemployment rate estimated for 2017 is 12% on North America (NA) and 17% in LAC (respectively, with 2.9 and 9.3 million unemployed youths). Youth unemployment rates triple those of adults. Also, a high percentage of youths (close to 20%) do not study or work (“not in education, employment or training”, NEET) and have given up looking for a job (*ninini*, its acronym in Spanish) and in some cases do not even wish to study (*nininini*, its acronym in Spanish).

On the other hand, it should be mentioned that, among young women, the employment rate is lower and the unemployment rate is higher, and their prevalence in precarious jobs is disproportionate. At the same time, the NEET condition affects them significantly and they have given up looking for jobs. In this case, issues at stake are their dual role as mothers and workers, and a lack of appropriate mechanisms to strike a balance between work and family life. It should be pointed out however that the problems affecting youths are not exclusive to the region or time. (ILO, 2015c)

Informality is a major and persistent issue in the region: at least 27 million youths who are already in the labour market have to settle for poor quality jobs. In late years, numerous ILO surveys have reported that a good initial entry to the labour market results in better quality jobs in the future. (ILO, 2015d).

Another example of the size of decent work shortage for youths are the alarming levels of adolescents aged 15 to 17 engaging in hazardous work: 47.5 million is the world total (over 80% of which are males), accounting for 40% of the age group and for over one fourth of the total number of boys, girls and adolescents engaging in some sort of child labour (28%).

Along this line, the World Report on Child Labour 2015 (ILO, 2015g) focuses on the dual challenge of eliminating child labour and securing decent work for youths, and points out that a person who engages in child labour receives a lower-level education which then results in jobs where basic decent work criteria are not met. Such work history determines that **youths who had to work as children are systematically more prone to having to settle for unpaid family work, or otherwise hold poorly paid jobs.**

Other decisive factors to obtain a quality first job include education level (both of the youths and their parents), place of residence (urban versus rural areas), and marital status. According to ILO surveys, completing the transition from school to the first job demands of youths who have not finished their studies (secondary school incomplete) an average of 19.3 months, while those who have completed high-school need one third of that time.

Progress and achievements

For several years now, the LAC countries have been using the term “first job” to describe initiatives that promote salaried youth employment. Initiatives are varied with regards to understanding, design, implementation and coverage, and have specific characteristics that depend on the country of implementation.

Throughout the region, the term **first job initiative** has been used to refer to at least four major types of initiatives to promote youth employment: (i) **Programmes for Training and Labour Intermediation**, geared to technical education or vocational training with more emphasis on the development of soft skills or skills for life (leadership, creativity, perseverance, ability to cope, solve new problems, and make decisions), which are valued by employers in the labour market, although according to employers themselves, it is difficult to find young workers with acceptable levels; (ii) **Training or learning contracts**, which include apprenticeship contracts; (iii) **Hiring subsidies**, which include initiatives to complement salaries or establish the waiver of taxes or social security contributions for employers; (iv) **Special schemes for youths**, called “first job legislation to promote youth employment.” To that end, hiring modalities for youths are introduced or special schemes for young workers that involve less labour costs, particularly non-wage costs, to encourage firms’ demand for this group of workers.



Figure 9. Types of first job modalities

Types	Some examples	General description
Training contracts	↳ Ley del aprendiz (Ley 10.997), Brasil (2000) ↳ Programa Aprendices, Chile (2000) ↳ Contrato de aprendizaje en la Ley 4.951/13, Paraguay (2013) ↳ Modalities of employment practice for graduates and training practice in companies under Law 19133, Uruguay (2013)	↳ Special contracts to promote employment training. Do not create a work relationship with the company when they are part of a training process at an IFP or other training centre. ↳ Emphasise the training nature of the work performed by youths. ↳ In some countries companies are forced to hire a minimum number of apprentices (Brazil, Colombia, Paraguay) while in others hiring apprentices is voluntary (Mexico, Peru). ↳ Some recent initiatives consider wage subsidies for companies hiring apprentices (Paraguay, Uruguay).
Employment Training Programmes	Since mid-90s: ↳ PTraining programmes of the Joven model: training in class and internship in a company (Argentina, Colombia, Chile, Peru, Dominican Republic, Uruguay) ↳ PROBECAT model training programmes: training in company (Mexico, Honduras) New initiatives: ↳ Jóvenes con Más y Mejor Trabajo, Argentina (2008) ↳ Chile Califica, Chile (2002) ↳ Más Capaz (+Capaz), Chile (2014)	↳ Generally under the Ministries of Labour. ↳ Programmes focusing on young, vulnerable populations with minor or no job experience and limited workplace competences. ↳ Offer 3 to 6 months technical training. The Joven model includes an in-class training phase in charge of training entities –public and private- and an internship phase in companies, each of 3 months in average. In the PROBECAT model training is in charge of companies. ↳ Emphasise the role of the demand of competences by the production sector. In the Joven model the training entities must usually enter into alliances with companies to secure internships. In the PROBECAT model the Programme is responsible for connecting youths with companies. ↳ New initiatives emphasise the development of soft skills and life competences. Components associated to entrepreneurship are also introduced.
Employment subsidy Programmes	↳ Programa Nacional de Estímulo al Primer Empleo PNPE, Brasil (2003) ↳ Primer Empleo, México (2007) ↳ La Ley de Formalización y Generación de Empleo, Colombia (Ley 1429, 2010) ↳ Programa 40,000 primeros empleos, Colombia (2015) ↳ Subsidio al Empleo Joven, Chile (2009) ↳ Subsidio Previsional a Trabajadores Jóvenes, Chile (2008) ↳ POJOVEN, Panamá (2015)	↳ Promote youth employment through hiring subsidies. ↳ Usually subsidies are given to companies (Brazil, Mexico, Panama), but in some cases youths also get them (Chile). ↳ Subsidies may cover part of the salary (Brazil, Chile, Panama) or social security contributions, or others paid by the company (Colombia, Chile, Mexico). ↳ In some programmes (Primer Empleo de México and 40,000 first jobs in Colombia) the subsidy is deferred to promote the duration of jobs.
Special schemes for youths	Minimum wage schemes: ↳ Chile, Costa Rica and Paraguay Labour schemes: ↳ Ley 4.951/13 de inserción al empleo juvenil, Paraguay (2013); ↳ Ley 19.133 de promoción del trabajo decente de las personas jóvenes, Uruguay (2013).	↳ In Paraguay and Uruguay new legislation was passed in 2013 introducing special hiring modalities for young workers. It particularly introduces contracts for the first formal employment experience, includes youths with minor or no formal employment experience and consider wage subsidies to promote hiring young workers. ↳ Similar initiatives did not succeed due to a lack of previous consensus with social partners, in Peru, Nicaragua and Dominican Republic.

Source: ILO, ¿Qué sabemos sobre los programas y políticas de primer empleo en América Latina?, 2015.

Persisting Challenges

Employability policies should not start when youth finish school or obtain their first job, but much earlier, through interventions aimed to improving basic education's quality, to securing that formal schooling is completed, and to attaining readiness for the labour world. Policies are needed to expand the production sector and improve conditions in the social and family environments.

From this perspective, it is key to have policies available to deal with early school dropout –before the minimum age for admission to employment- and child labour, in order to further efforts to guarantee decent work for all youths.

Also, a combination of policies should be available to approach both structural and cyclical issues from a multidimensional and balanced perspective that takes into consideration the different situations existing in the region, the subregions and each country specifically, on the basis of agreements and alliances resulting from social dialogue and tripartism.



DEBATE

GENERATING QUALITY YOUTH EMPLOYMENT

1. *To what extent does the lack of quality employment choices for legal working age youths render them vulnerable, particularly with regards to child labour (up to 18 years of age) and forced labour (after 18 years of age)?*
2. *What are the **policies in place** in your country to ensure that youth complete schooling, facilitate their transition from school to work, or generate quality youth employment? What are constituents' **roles** in developing, executing, monitoring and assessing policies?*
3. *What have the **results of these policies** been? What are the challenges that persist and prevent or complicate the effective, efficient and large-scale generation of quality youth employment?*



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4. Considerations on the complexity of the challenges identified and the relevance of the IV Global Conference

The purpose of this document is to offer governments, employers and workers inputs to identify and characterise the main challenges of the LAC region to meet its commitments and achieve Target 8.7. The document also describes the complexity and scope of the target, and the pressing need for strategic alliances to agree on specific measures, highlighting the relevance of social dialogue.

The IV Global Conference on Sustained Eradication of Child Labour will be a key milestone towards achieving this goal.

This document does not end here. The discussions to be held during the Preparatory Meeting and the resulting conclusions will be documented and systematised to impact on the design of the IV Conference's agenda. Also included will be the commitments arising during the course of the meeting from participants' contributions.

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ANNEX

Challenges to speed up the pace of child labour eradication

In line with the major challenges identified by the Regional Initiative member countries and employers' and workers' organisations, below are listed the main challenges the region confronts.

Developing National Policies on Child Labour

- Develop effective mechanisms to relate policies on child labour prevention and eradication to welfare programmes.
- Promote educational coverage and quality, especially in rural areas with a high incidence of child labour.
- Develop vocational training programmes for adolescents above the age for admission to employment or work
- Include the prohibition of child labour in public agencies' contracts with goods and services providers.
- Encourage conventions, pacts and commitments to promote and eradicate child labour between public, private, trade union and social actors.
- Encourage the participation of employers' and workers' organisations in efforts to formalise employment and child labour prevention and eradication.

Reinforcing direct action abilities

- Promote intersectoral and tripartite agreements, and those with other key civil society players to devise and implement local plans to prevent and eradicate child labour and protect youth employment as allowed.
- Implement comprehensive databases, contributed by the institutions involved in child labour issues (education, health care, welfare, development, agriculture, work, and justice) to facilitate joint action and follow-up.
- Develop capacity to identify boys, girls, adolescents and families at risk and/or engaging in child labour, at schools, health-care centres and other service providing institutions, and implement a reference system including the institutions involved in a solution to the problem.
- Design and implement mechanisms to encourage dropout rates reduction and further the return to school of boys, girls and adolescents at risk of, or engaging, in child labour.

- Perform regular surveys on employment supply and demand to accompany the transition from school to decent work.
- Articulate with social protection programmes and conditional cash transfer mechanisms.

Knowledge building

- Promote the effective exchange of good practices, lessons learned and significant experiences in child labour prevention and eradication between the countries of the region.
- Make local and sectoral diagnoses on the size and characteristics of child labour as an input to formulate and guide actions.
- Carry out, share and disseminate surveys on the negative impact of child labour on boys, girls and adolescents' health, development and education.
- Exchange information on devising active policies to identify child labour, particularly in relation to migration.
- Exchange experiences on the approach to child labour by activity sectors, age groups and type of work.

Political lobbying

- Promote public-private alliances to operate on production chains and secure that they are free of child labour.
- Expand the experiences of entrepreneurial networks against child labour.
- Establish and reinforce national multipartite committees to prevent and eradicate child labour and its worst forms, convening government agencies, employers, workers and civil society.
- Promote exchange and coordination between the countries of the region's cooperation agencies on child labour prevention and eradication.
- Reinforce trade-unions' continental initiative against child labour.

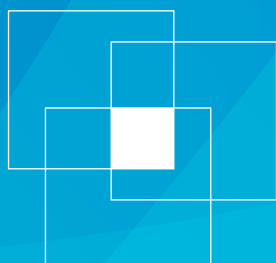
Legislation and compliance

- Establish transborder agreements between national and local governments, including labour inspection and administration of justice, to coordinate actions against child labour.
- Establish a regional agreement on a short-list of hazardous child labour and the criteria to prioritise actions leading to compliance.
- Harmonising standards, procedures and protocols for child labour inspection.
- Exchange experiences and implement/reinforce tools for labour inspection, based on information technology.
- Implement/reinforce labour inspectors' training on vulnerable groups, sectors and activities related to child labour.



Advocacy

- Implement joint advocacy strategies, topical and focusing on child labour prevention and eradication.
- Implement advocacy strategies for families on child labour prevention and eradication.
- Promote opinion leaders' support and statements in favour of a LAC free of child labour.
- Encourage the support of journalists and the media for a LAC free of child labour.



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