



# A New Tool to **Combat** the Worst Forms of **Child Labour** ILO Convention 182





# A Call for Universal Ratification

**O**n 17 June 1999, a global consensus was reached to tackle and eliminate the worst forms of child labour. A new international human rights instrument, *the Worst Forms of Child Labour Convention – No. 182* was adopted by the International Labour Organization (ILO) in Geneva. The Convention targets such practices as child slavery, forced labour, trafficking, debt bondage, serfdom, prostitution, pornography and various forms of hazardous and exploitative work. *It calls for immediate and effective measures to secure their prohibition and elimination as a matter of urgency*

The ILO estimates that, around the world, some 250 million children between the ages of five and 14 work for a living. Almost half, some 120 million, work full time, every day, all year round. As many as 70 per cent toil in dangerous environments. Of the 250 million children concerned, some 50-60 million are between five and 11 years old and work, by definition, in hazardous circumstances, considering their age and vulnerability. Many more are hidden from view, exploited in virtual slavery.

Growing awareness of these facts is prompting a global mobilization unlike any seen in recent memory. Many governments, workers, enterprises, religious bodies, non-governmental organizations and individual activists the world over have recognized the need to find new, more effective ways to combat child labour and to eliminate in the first instance its most odious manifestations. The phenomenon is worldwide; both North and South are affected in varying degrees.

The next, indispensable step is the *ratification* of this Convention by the national parliaments of the ILO's member States in order to begin *implementation* of its commitments.

The aim of this brochure is to provide *answers to the most frequently asked questions about the new Convention*. It is also intended to help interested citizens and their representatives and organizations everywhere translate the Convention into law and practice in their respective countries and to stimulate international cooperation at all levels.



J. Mallard



# Why we need a campaign



## By Juan Somavia Director-General of the International Labour Office

**I**n the last two years, hundreds of thousands of children throughout the world have taken part in the Global March to ban child labour. Many reached the ILO in Geneva holding hands with adults who cared enough to join their quest in this 'impossible dream'. These girls and boys organized and advocated for themselves and on behalf of millions who could not be present. How can we not listen to them?

We have it within our power to bring an end to the worst forms of child labour that are stunting the lives of millions of girls and boys. We have the resources – not just material, but also spiritual, political and organizational. We must use them fully.

How can we not do everything in our power to free each child on this planet from this scourge? How can we fail to free ourselves from our personal and professional blinkers that prevent us from seeing abuse and injustice? Moral indifference is not possible.

A lot has been said about solidarity among generations. This is clearly a key form of solidarity of adults with children.

Child labour is not jobs for kids. It is neither valuable work experience nor apprenticeship combined with schooling that enhances a child's present and future prospects. Child labour – in its worst forms – is abuse of power. It is adults exploiting the young, naive, innocent, weak, vulnerable and insecure for personal profit; although so many valuable efforts are going on, we have not yet mustered enough courage and imagination to really go beyond chipping at the margins and actually stop it.

These children sense our actions and inactions, even if we don't hear them speak. Intuitively, they know that creating and ratifying this Convention is the easy part. The tougher part is finding ladders for them to climb out of the deep pits of violence and discrimination they live in.

Yet, this is the situation of our global 'rule-making'. It is imperfect. There are no magic wands, no emergency action mobilized overnight, no humanitarian or rescue operation to combat the worst forms of child labour. With its limitations, the ILO's tripartite structure is a microcosm of the real world. Here different parties with divergent perspectives and common purposes negotiate agreements. The latest result is this ILO Convention. While it reflects compromise, it also represents a real and unanimous practical contribution to this cause.

*continued on page 4*



**What does the Convention say?**

Very simply, it defines the worst forms of child labour and asks all governments to ban them. Make sure everyone knows about them. Pass new laws if needed. Monitor and enforce them. Be creative in wiping out the root causes. Plug leaky borders by working together with other governments and citizens to make the agreement hold water.

**What will we do at the ILO?**

I pledge our maximum effort to make this happen. We are campaigning. We are working in every country that invites us in (now some 60) on action strategies to take girls and boys out of this exploitation. And we

are continually learning, gathering facts, analyzing patterns of what works and what doesn't, aiming to work smarter and more effectively each day.

**What can you do?**

I ask you to join us and pledge your personal involvement in this global movement. I ask you to react, act, help ratify this convention in record time and contribute to its aims with your own activities.

In a world bereft of causes that unite us as human beings, *let us make the elimination of the worst forms of child labour a global cause* that galvanizes our will to act and our decision to make a difference.

**WE HAVE IT WITHIN OUR POWER.**

# ILO Conventions

**T**he International Labour Organization brings together governments and workers' and employers' organizations to formulate international policies and programmes that promote basic human rights at work, improve working and living conditions while enhancing employment opportunities and enterprise creation.

It establishes and supervises international labour standards, provides technical cooperation as well as training, education, research and publishing to support these efforts. It promotes decent and productive work for all. The ILO is 80 years old and pre-dates the founding of the United Nations.

The ILO decision-making bodies are made up of governments, employer and worker delegates from each member State. Its Governing Body is composed of 28 governments, 14 worker members and 14 employer members. It is the only tripartite institution in the multilateral system.

By ratifying an ILO Convention, a country becomes bound under international law to give effect to its provisions in national law and practice. The ILO has a procedure to supervise the application of ratified Conventions. It is based on regular reporting, independent input from the employers' and workers' organizations, on objective evaluation by independent experts and on examination of cases by the Organization's tripartite bodies.





M. Dorigny



J. Maillard

# The ILO and Child Labour

**T**he elimination of child labour is a longstanding major objective of the ILO. In 1919, the ILO's first Conference adopted a convention which fixed the minimum age for employment in industry. In 1973, the ILO adopted its comprehensive Minimum Age Convention (No. 138) which requires states to design and apply national policies to ensure the effective abolition of all forms of child labour and to set the minimum ages for employment. This has proven to be a difficult task confronting much resistance, particularly vested commercial interests and market pressures as well as moral indifference and cultural attitudes. The problem is compounded by unmet development needs that would put parents at work and children in schools. In 1992, the ILO launched the *International Programme on the Elimination of Child Labour (IPEC)* to continue the struggle against child labour through practical projects in the field. IPEC currently has activities in more than 60 countries.

It counts a number of successes in phasing out child labour in specific cases and in providing educational alternatives in many fields, such as football stitching, carpet weaving, tackling sweatshop conditions in the garment industry, withdrawing children from work in mines and quarries and saving young girls from trafficking and sexual exploitation. Above all, the ILO has been at the forefront in creating greater awareness of the urgent need for coordinated action in a targeted manner and that much, much more needs to be done.

This led to the idea of concentrating immediately on the worst forms of child labour as morally abhorrent situations under any circumstance or development condition while pursuing the wider aim of reducing child labour in all its forms. This is the objective of the new Convention. It was approved unanimously by governments, workers and employers, reflecting a solid political consensus for action now.



# The New ILO Convention and Recommendation



## The International Programme on the Elimination of Child Labour

The International Programme on the Elimination of Child Labour (IPEC) is specifically designed to help nations build their capacity to combat child labour and take ownership of effective, proven methods.

### IPEC in a nutshell

- Founded in 1992 with seven partner countries
- 155 action programmes in 1992-93
- Over 1,000 action programmes started in the last six years
- More than 20 international donors currently provide the budget
- Develops models for use by others
- Now a partnership involving some 90 countries
- Run by experts from different specialist backgrounds, many from nations experiencing child labour exploitation
- The SIMPOC (Statistical Information and Monitoring Programme on Child Labour) was launched in 1998 to assist countries collect quality data and build capacity





# The New ILO Convention and Recommendation

## A Brief Guide



G. Cabrera



M. Borgny

### Ratifying the new Convention

Ratification means that governments must take immediate and effective action to prohibit and eliminate the worst forms of child labour for all those under 18 years of age, which corresponds to the general definition of 'child' in the United Nations Convention on the Rights of the Child. Even where national legislation defines childhood as ending earlier, everyone up to 18 must be protected.

Immediate and effective action means more than just writing new laws. It includes effective enforcement, providing and applying penal or other sanctions, establishing monitoring mechanisms and engaging in international cooperation.



# The New ILO Convention and Recommendation



## Which types of work are harmful?

Each country, after consulting with employers' and workers' organizations and other interested parties, must decide which types of work are harmful and need to be targeted as a matter of urgency.

This means paying special attention to:

- *work which exposes children to physical, psychological or sexual abuse*

## What are the worst forms of child labour?

The worst forms of child labour comprise:

- *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*
- *The use, procurement or offering of a child for prostitution, production of pornography or pornographic performances*
- *The use, procurement or offering of a child for illicit activities, in particular for the production and trafficking of drugs*
- *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*





## The New ILO Convention and Recommendation

- *work underground, under water, at dangerous heights or in confined spaces*
- *work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads*
- *work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health*
- *work under particularly difficult conditions, such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer*

The Convention requires governments also to take into consideration other relevant international standards. These include, for example, ILO standards concerning toxic substances, heavy weights, and night work.





# The New ILO Convention and Recommendation



## The new Recommendation

In ILO practice, Recommendations provide guidelines for the implementation of Conventions. Recommendation No.190, adopted along with Convention No.182, proposes:

- *Specific ways in which the general provisions of the Convention can be translated into national law and practice*
- *Action programmes which should take into consideration the views of the children directly concerned, of their families and of NGOs committed to the elimination of child labour. Society as a whole should be mobilized through public information campaigns*
- *That certain of the worst forms of child labour be made criminal offences punishable under national laws*
- *A comprehensive list of measures which can help all concerned to abolish the worst forms of child labour, for instance, training, policy development and monitoring*

G. Cabrera



## The New ILO Convention and Recommendation



E. Glanotti

### What must governments do?

The ILO Constitution requires governments to:

- *submit all Conventions and Recommendations adopted by the International Labour Conference to the legislature for the enactment of legislation or other action*

Once they have ratified the Convention they must apply it in law and practice by introducing action programmes to remove and prevent the worst forms of child labour, to provide direct assistance for rehabilitation of children and their social integration, to ensure access to free education, to identify children at special risk and to take account of girls and their special situation.

Governments must also report regularly to the ILO regarding the application of the Convention and be accountable for all allegations of violations.

The Convention stresses the urgency of achieving the prohibition and elimination of the worst forms of child labour, but allows that some of the results will be achieved over time.

## The Guardian

Cook  
cracks  
down on  
child sex  
tourism

The British Secretary of State for International Trade

### The net closes

Robin Cook

**N**ew Zealand's Prime Minister, John Key, has announced that his government will support the United Kingdom's new legislation to combat child sex tourism. The UK's new law, which came into effect last month, will allow British courts to prosecute foreign citizens for child sex offences committed abroad. The UK's new law is a landmark step in the fight against child sex tourism, which is a global problem. The UK's new law will allow British courts to prosecute foreign citizens for child sex offences committed abroad. The UK's new law is a landmark step in the fight against child sex tourism, which is a global problem.



# The New ILO Convention and Recommendation

## Why developed countries should ratify

Some of the most extreme forms of exploitation, such as the use of children in prostitution, pornography, domestic slavery and drug trafficking take place all over the world, in all countries. Sex tourism takes place from the developed North to the vulnerable South, while trafficking takes place in the opposite direction; in both cases the industrialized nations are involved.

The Convention calls for cooperation between all countries to prevent such activities and help in removing their causes. Its ratification by industrialized countries strengthens their commitment to global action against the worst forms of child labour and to social and economic development. Failure to ratify could be seen as indifference, based on a misleading belief that the Convention only talks about problems of the developing world.



## Which groups need special attention?

Certain groups of children are particularly vulnerable to hazards and abuse. The younger the child the more prone he or she is to injury.

Girls are more vulnerable to exploitation and abuse, particularly because they are likely to start working at a younger age and to work in hidden and unregulated situations. Special attention must be given to them to ensure their effective protection.

Abuses such as the prostitution of children, their use in pornography, and the sale and trafficking of children are gross violations of a child's rights.





# The New ILO Convention and Recommendation

Countries are urged to criminalize such offences committed against children. Other forms of criminal abuse, such as the use of forced labour, are also addressed in ILO standards.

## What about children in armed conflict?

The Convention prohibits the *forced or compulsory recruitment* of children under 18 in armed conflicts and mandates immediate action to eliminate it. The adoption of this provision is a major breakthrough in international law.

## What are the roles of employers' and workers' organizations?

One of the advantages of the ILO's tripartite structure is that it reaches beyond governments to key actors in the economic process. Governments should consult them in order to:

- *determine and identify the types of work considered to be harmful to a child's health, safety and morals*
- *update these lists of harmful work*
- *establish monitoring mechanisms*
- *design and carry out action programmes*



The Convention and Recommendation state clearly that the views of other concerned groups should also be taken into account. Many civil society and citizens' organizations play a vital role in targeting intolerable forms of child labour. Their knowledge and experience is a valuable resource which governments are encouraged to draw upon when designing and implementing their programmes.



# The New ILO Convention and Recommendation

## How do governments monitor implementation?

Governments are required to set up national committees or advisory bodies on child labour, or adopt other means of assessing and evaluating national action programmes. Monitoring should take place at community level and with local actors. In addition, mechanisms may be specially designed to look at the informal sector, where many children work, but where official institutions such as labour inspectorates cannot easily reach them. The participation of workers' and employers' organizations and of relevant non-governmental organizations will help to ensure that these mechanisms function properly.

## What role will international cooperation between governments play?

A new and significant element in the Convention is the reference to international cooperation or assistance in prohibiting and eliminating the worst forms of child labour. It reaffirms the consensus that these abuses concern all, and that countries should help each other to eliminate them, wherever they may exist. Individual governments might provide different forms of help and support to

prevent children from falling into these situations and to extricate and rehabilitate them and their families when it happens.

Assistance between governments may include targeted financial support for social and economic development, poverty eradication programmes and universal education that have a particular impact on child labour. Poverty is often the root cause of child labour, and universal education is essential to combat it.

Further examples of cooperation are:

- *exchanging information on criminal offences, especially concerning international networks*
- *detecting, prosecuting and registering the perpetrators of criminal offences*
- *prosecuting citizens for offences under the convention even when they are committed in another country*
- *mobilizing resources for national or international programmes*
- *providing mutual legal assistance*



# The New ILO Convention and Recommendation

## International partnership and cooperation

The Convention is closely linked to the 1989 United Nations Convention on the Rights of the Child. It provides that children should be protected from work that threatens their health, education or development, and that States should set minimum ages for employment and regulate working conditions.

Key ILO partners in the struggle against child labour include UNICEF and many NGOs, in addition to its traditional constituency of governments, workers' and employers' organizations. Further partnerships with other multilateral institutions are being developed. IPEC, for instance, works within a broad social alliance that includes governments, workers' and employers' organizations, religious organizations and NGOs.

The ILO believes all international organizations should develop programmes within their own mandates to combat the worst forms of child labour.

## How you can help

Individuals, communities, NGOs, human rights groups, workers' and employers' organizations and religious bodies can create awareness and be advocates. They can:

- *Distribute and discuss this brochure*
- *Form coalitions to promote the Convention*
- *Make their voice heard through the media*
- *Lobby parliamentarians*
- *Help a family*





# Combat Child Labour



**The ILO is ready to work with all  
those who seek to free children  
from all forms of  
economic exploitation.**

**Eliminate the Worst Forms  
of Child Labour!**

**Join the Campaign now!**



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**Notice**

This brochure provides information on the main content and significance of the Worst Forms of Child Labour Convention and Recommendation, 1999. For the precise provisions of the Convention and the Recommendation, reference should be made to the actual texts, which accompany this brochure. This brochure should not be used for the purpose of interpreting those provisions.

**Late news**

Many initiatives are already being taken by countries such as Argentina, Brazil, Chile, Indonesia, the Netherlands, the Seychelles, Tunisia and the United States of America, to put the ratification process into motion. A decision was also taken by the Summit of African Heads of State, meeting in July in Algiers to urge OAU member States to ratify before the next assembly in 2000. A similar decision was taken at the ILO Tripartite American Regional Meeting in August, attended by Ministers of Labour, employers' and workers' representatives. The Inter-Parliamentary Union has decided to launch, together with the ILO, an information campaign among Members of Parliament worldwide to promote the ratification of Convention No. 182. The ILO itself is stepping up its partnership with different organizations.