Cornell University
ILR School

Cornell University ILR School
DigitalCommons@ILR

Child Labor

1-1-2001

The Effective Abolition of Child Labor

International Labour Organization

Follow this and additional works at: http://digitalcommons.ilr.cornell.edu/child

This Article is brought to you for free and open access by DigitalCommons@ILR. It has been accepted for inclusion in Child Labor by an authorized administrator of DigitalCommons@ILR. For more information, please contact jdd10@cornell.edu.

The Effective Abolition of Child Labor

Abstract
ILO's Global Report 2001 on member countries' efforts to abolish child labor through legislation, monitoring, and enforcement.

Keywords
abolition, association, bonded, business, catherwood, child, children, codes, code, conduct, cornell, corporate, effective, employment, enforcement, forced, freedom, gender, global, globalization, government, ilr, inspection, international, labor, labour, law, legislation, monitoring, ngo, nondiscrimination, organization, organisation, portal, report, sanctions, slave, standards, university, women, work, workers, workplace

This article is available at DigitalCommons@ILR: http://digitalcommons.ilr.cornell.edu/child/4

The effective abolition of child labour

Contents

Page

The effective abolition of child labour

Australia –
Government 203
Bahamas –
Government 209
Bahrain –
Government 211
Bangladesh –
Government 212
Observations by the Bangladesh Sanjukta Sramik Federation (BSSF) 221
Observations by the World Confederation of Labour (WCL) 222
Benin –
Government 223
Observations by the World Confederation of Labour (WCL) and by the Democratic Trade Union Organization of African Workers (ODSTA) 227
Brazil –
Government 227
Observations by the National Confederation of Commerce (CNC) 231
Observations by the National Confederation of Industry (CNI) 232
Government observations on the CNI's comments 233
Observations by the National Confederation of Transport (CNT) 233
Observations by the Social Democracy Union (SDS) 233
Cameroon –
Government 233
Observations by the Cameroon Confederation of Free Trade Unions (USLC) 236
Canada –
Government 238
Chad –
Government 240
Colombia –
Government 244
Comoros –
Government 257
Observations by the Confederation of Independent Workers' Trade Unions of Comoros (USATC) 260
Government observations on the USATC's comments 260
Côte d'Ivoire –
Government 260
Observations by the Confederation of Free Trade Unions (DIGNITÉ) 264
Observations by the Democratic Organization of African Trade Unions (Regional African Organization of the WCL) 267
Observations by the World Confederation of Labour (WCL) 268
Democratic Republic of the Congo –
Government 268
Djibouti –
Government 269
Estonia –
Government 271

Page

Gabon –
Observations by the World Confederation of Labour (WCL) and by the Gabonese Trade Union Confederation (COSYGA) 273
Government observations on comments by the WCL and COSYGA 274
Ghana –
Government 276
Guinea –
Government 283
Haiti –
Government 287
India –
Government 293
Observations by the World Confederation of Labour (WCL) 295
Iran, Islamic Republic of –
Government 296
Jamaica –
Government 298
Lebanon –
Government 302
Lesotho –
Government 307
Liberia –
Government 310
Mali –
Government 310
Mauritania –
Government 313
Mexico –
Government 314
Mozambique –
Government 319
Myanmar –
Government 319
Namibia –
Government 320
New Zealand –
Government 323
Additional information submitted to the Office by the Government 325
Observations by the New Zealand Employers' Federation (NZEF) 326
Government observations on the NZEF's comments 326
Observations by the New Zealand Council of Trade Unions (NZCTU) 327
Oman –
Government 327
Pakistan –
Government 328
Observations by the All Pakistan Trade Union Congress (APTUC) 330
Observations by the World Confederation of Labour (WCL) 334
Government observations on comments of the APTUC and WCL 334
Papua New Guinea –
Government 336
Paraguay –
Government 339
Peru –
Government 343

Page

Qatar –
Government 351
Saint Kitts and Nevis –
Government 352
Saudi Arabia –
Government 355
Singapore –
Government 356
Sudan –
Government 356
Suriname –
Government 359
Syrian Arab Republic –
Government 360
Thailand –
Government 362
Trinidad and Tobago –
Government 369
Turkmenistan –
Government 369
Uganda –
Government 370
United States –
Government 373
Viet Nam –
Government 373

Australia

Means of assessing the situation

Assessment of the institutional context

Federal

In Australia's first report included in the Review of annual reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work of March 2000, information was provided on the Australian Services Cadet Scheme, which is a youth training organization administered by the Australian Defence Force.

At that time volunteer cadets had been declared as employees for the purposes of the federal Safety, Rehabilitation and Compensation Act 1988. However, they were not covered under the federal Occupational Health and Safety (Commonwealth Employment) Act 1991 (OH&S Act).

On 25 November 1999 the Minister for Employment, Workplace Relations and Small Business signed a declaration providing that the cadets were employees for the purposes of the OH&S Act. This was published in the *Official Gazette* of 15 December 1999.

New South Wales (NSW)

Since Australia's first report submitted to the ILO in November 1999 there have been no changes to NSW laws imposing a minimum age for employment.

There have been major changes to child protection legislation which aims to ensure as much as is possible that children and young people are safe from the risk of abuse in child-related workplaces. On 1 July 2000, new legislation was introduced in New South Wales that will affect all people working with children and young people. These laws make up the Working With Children Check.

[Reference is made to matters relating to the Worst Forms of Child Labour Convention, 1999 (No. 182), which will be covered only by the annual review starting in 2002.]

Legislative and administrative regulations

Occupational Health and Safety Act 2000

Draft Occupational Health and Safety Regulation 2001

Commission for Children and Young People Act 1998

The Ombudsman Amendment (Child Protection and Community Services) Act 1998

Occupational Health and Safety Act 2000

The new Occupational Health and Safety Act 2000 (OHS Act) was passed by the New South Wales Parliament on 21 June 2000. Upon entering into force, it will replace the Occupational Health and Safety Act 1983, the Construction Safety Act 1912 and the occupational health and safety provisions of the Factories, Shops and Industries Act 1962.

The date of entry into force is dependent on publication in the *Official Gazette* of the supporting Draft Occupational Health and Safety Regulation 2001.

The new OHS Act maintains the duty of care responsibilities placed on employers under the current OHS Act. However, existing prescriptive legislation will be replaced by the application of modern "risk management" principles at all places of work. The central requirements of the new legislation will be as follows:

(1) An employer must identify any foreseeable hazard that may arise from the conduct of the employer's business and which has the potential to harm the health or safety of an employee, or any other person at the place of work.

(2) An employer must assess the risk of any hazard identified that may result in harm to health or safety of any employee, or any other person at the place of work.

(3) An employer must eliminate any risk to the health and safety of any employee, or any other person, at the employer's place of work.

Draft Occupational Health and Safety Regulation 2001

The duty of care responsibilities will be expanded upon under the Draft Occupational Health and Safety Regulation 2001. Under the proposed Regulation there will be general obligations requiring the employer to take into account the age of the worker. For example, the employer will need to:

– consider the capacity, skill and age of people ordinarily undertaking work when assessing risks involved;

– provide adequate instruction and training, having regard to the competence, experience and age of workers; and

– meet the requirement to provide adequate supervision, again having regard to the competence, experience and age of workers.

As previously mentioned, all existing OHS legislation will remain in force until the entry into force of the new OHS Regulation. A summary of the main provisions protecting young people working in factories under the Factories, Shops and Industries Act 1962 was included in Australia's first report provided to the ILO in November 1999, and reproduced in the Review of annual reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work of March 2000.

Commission for Children and Young People Act 1998

The Act establishes the Commission for Children and Young People (CCYP) as an independent organization with an aim to make NSW a better place for children and young people.

One of the major functions of the CCYP is to facilitate screening to determine the suitability of people for child-related employment. Part 7 of the Act, Employment screening, sets out the requirements to screen people seeking child-related employment to determine their suitability.

The Act requires that all people commencing paid work that primarily involves direct contact with children, where that contact is unsupervised, foster carers and ministers of religion must be screened. This screening process incorporates:

– a relevant national criminal record check;

– a check of relevant apprehended violence orders; and

– a review of relevant completed disciplinary proceedings the applicant may have had in previous employment.

Under the Act employers may also screen current employees engaged in child-related employment and unpaid workers, such as volunteers. Screening these people, however, is not mandatory.

Employers must request employment screening to be undertaken and ensure, where practicable, its completion before offering employment in any paid position that primarily involves direct contact with children, where that contact is unsupervised. Should a situation arise where it is not practicable for screening to be undertaken prior to the commencement of employment, it is a requirement of the Act that the screening process be completed as soon as possible after the person is employed. In these cases employers must advise employees that their ongoing employment is conditional on the satisfactory completion of the screening process.

It is important to note that employment screening under the legislation will be phased in over a period of time. Initially national criminal record checking will be available for those employees for whom employment screening is mandatory from July 2000. Apprehended violence orders and disciplinary proceedings' checks will be available to employers later in 2000.

It is likely that the screening process will be available for those employees for whom employment screening is not mandatory, such as volunteers, in 2001.

Under the legislation employers must notify the CCYP of any:

– decision not to employ a person as a result of the findings of the employment screening process; and

– completed disciplinary proceedings against an employee involving child abuse, sexual misconduct or acts of violence in employment where these acts:

  - involve children;
  - are directed at children; or
  - take place in the presence of children.

It is a requirement of the CCYP to monitor and audit compliance of employers and other related bodies with the employment screening requirements of the legislation.

The Act establishes strict confidentiality arrangements in relation to all information obtained during the screening process. It is an offence to use inappropriately any information obtained during employment screening.

The Act also provides protection from liability or similar claim for any person who provides information in relation to employment screening in good faith and with reasonable care.

Child Protection (Prohibited Employment) Act 1998

The Act aims to prevent a "prohibited person" from gaining or remaining in specific types of child-related employment. An employer cannot employ a prohibited person for work, which primarily involves direct contact with children where that contact is unsupervised.

A prohibited person is a person convicted of committing a serious sex offence. For the purposes of this legislation a serious sex offence is an offence involving sexual activity or acts of indecency which is or was punishable by penal servitude or imprisonment for 12 months or more in New South Wales.

A prohibited person may apply to the Industrial Relations Commission or the Administrative Decisions Tribunal for an exemption from this Act. An exemption will not be given unless it is considered that the person does not pose a risk to the safety of children. Under the Act all employers must ask all existing paid and unpaid employees engaged in positions which primarily involve direct contact with children where that contact is unsupervised if they are a prohibited person. Employees must make the declaration to their employer within one month of being requested to do so or, if they are a prohibited person, remove themselves from child-related employment.

Where an existing employee notifies that he/she is a prohibited person, he/she may remain in child-related employment for up to three months after the commencement of these procedures provided they comply with any requirements of the employer concerning unsupervised contact with children. Employers may consider transfers to other positions, which are not child-related within the organization. If no such alternative exists, the employee will be required to terminate his/her services with the employer.

Prior to employment, employers must ensure that all applicants for child-related employment declare whether they are a prohibited person or not.

It is an offence for an employer to fail to ask whether a person is a prohibited person or employ a prohibited person.

It is also an offence for an employee not to disclose his or her prohibited person status.

Employers should also ensure that once they have identified a position as being child-related, all information regarding the position clearly states that prohibited persons are not eligible to apply.

The Ombudsman Amendment (Child Protection and Community Services) Act 1998

This legislation entered into force in May 1999 and requires the NSW Ombudsman to oversee and monitor investigations of child abuse against employees of the NSW Departments of Community Services, Corrective Services, Education and Training, Health, Juvenile Justice, and Sport and Recreation as well as area health services, non-government schools, childcare centres and agencies providing substitute residential childcare.

The Working with Children Check is a formal process of checks to help determine a person's suitability to work with children or have unsupervised access to children in their work. A copy of the *Guidelines for Employers* is attached.

With regard to age limits for child labour, an exception to the general obligations under the proposed Occupational Health and Safety Act 2000 and Draft Occupational Health and Safety Regulation 2001 is the application of age restrictions to undertake restrictive work activities. Under the proposed legislation trainees undertaking scheduled work must be 17 years of age or above and a person must be at least 18 years of age to be assessed for a certificate of competency. Scheduled work includes, for example: scaffolding, dogging, rigging, the operation and use of cranes, the operation and use of boilers, and the application of pesticides and the use of fumigants.

Age requirement details from the Draft Occupational Health and Safety Regulation 2001 are attached.

Under the existing OHS legislation (that will remain in force until the entry into force of the new OHS Regulation) there are age restrictions under the Occupational Health and Safety (Certificates of Competency) Regulation 1996. This Regulation requires that the holder of a Certificate of Competency to operate plant must be 18 years of age or older. Trainees must be 17 years of age.

Assessment of the factual situation

Labour Force (February 2000), a publication of the Australian Bureau of Statistics, indicates that in New South Wales 213,500 young people aged 15-19 years of age were employed in full-time and part-time work. This represents 48 per cent of the total population for this age group.

The following are updated employment injury statistics compiled by Work Cover NSW:

– During 1997-98 there were 58,604 employment injury claims in NSW. Of these, 2,817 claims were made by workers in the 15-19 age group (representing 4.81 per cent of the total). Of these 2,062 were males (73 per cent) and 755 were females (27 per cent).

– Of the 2,817 claims, there were:

■ fatalities	7
■ permanent disabilities	314
■ temporary disability (more than six months off work)	242
■ temporary disability (less than six months off work)	2,254

– The claims were most commonly from:

■ retail	26 per cent
■ manufacturing	21 per cent
■ construction	12 per cent
■ hospitality	11 per cent
■ property and other business services	6 per cent

– The most common types of accidents were:

■ manual handling	20 per cent
■ falls on same level	11 per cent
■ hitting moving objects	11 per cent
■ being hit by moving objects	10 per cent
■ hitting stationary objects	7 per cent

– The most common types of injuries were:

■ sprains and strains	35 per cent
■ open wound	24 per cent
■ fractures	12 per cent
■ contusion and crushing	10 per cent
■ burns	6 per cent

Efforts made or envisaged to ensure respect, promotion and realization of these principles and rights

Federal

Commercial sexual exploitation of children

In 1994, the Federal Parliament enacted child sex tourism provisions in the Crimes Act 1914. Australia was one of the first countries to enact legislation to target the activities of its nationals who travel overseas for the purpose of sexual exploitation of children and organizers of overseas tours for the purpose of engaging in sexual activity with minors. A number of Australians have been prosecuted under this legislation.

In addition, the Criminal Code (Slavery and Sexual Servitude) Act 1999 came into force on 21 September 1999. The Act creates offences in relation to slavery, sexual servitude and deceptive recruiting for sexual services. The penalties imposed in respect of these offences are higher where the victim is aged under 18 years and range up to 25 years' imprisonment. The range of offences addresses the disturbing increase in the international trade in people for the purposes of sexual exploitation, to which children are increasingly falling victim.

Consultation with non-governmental organizations (NGOs)

In addition to the information provided in Australia's first report included in the Review of annual reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work of March 2000, the Commonwealth Attorney-General also conducts formal consultations twice a year with representatives of Australian human rights NGOs to discuss human rights concerns, including children's issues.

New South Wales (NSW)

As detailed in Australia's first report included in the Review of annual reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work of March 2000, the NSW Government established an inter-agency Children's Employment Law Taskforce in 1998 to review the issue of whether there should be any regulation of child labour and, if so, for what categories of work depending upon the impact on the child's welfare and development and health and safety considerations. The Taskforce has developed a discussion paper on the employment of children, which is shortly to be released for public comment.

Representative employers' and workers' organizations to which copies of the report have been sent

Copies of this report have been forwarded to the Australian Chamber of Commerce and Industry (ACCI) and the Australian Council of Trade Unions (ACTU).

Observations received from employers' and workers' organizations

Any observations received from these organizations will be forwarded to the Office.

Annexes (not reproduced)

The Working with Children Check – Guidelines for Employers (also at http://www.kids.nsw.gov.au/check/).

Age requirements for the Draft Occupational Health and Safety Regulation 2001.

Bahamas

Means of assessing the situation

Assessment of the institutional context

The principle of the effective abolition of child labour is recognized in the Bahamas.

It is recognized in the Constitution, laws and regulations.

The principle of the effective abolition of child labour is mandatory and all persons must conform.

Child labour is defined and refers to children under the age of 14 years. Fourteen to 18 year-olds are referred to as young persons. The school-leaving age is 16 years.

The age limit for young persons engaging in dangerous work is 18 years. Examples of dangerous work are construction, mining and road building.

There are no categories of job or work, economic sector or types of enterprises which are excluded from the application of the principle.

An exception exists for so-called “packaging boys” at food stores who, however, work more than three hours after school.

The labour inspectorate and the Industrial Tribunal ensure the implementation of the principle.

Assessment of the factual situation

There are no recorded statistics currently available. Some device for assessing the situation is being developed.

Current trends indicate that compliance with the regulations is positive.

With reference to the aforementioned exception applying to so-called “packaging boys”, it should be noted that children are not allowed to pack groceries on school days between 6 a.m. and 4 p.m.

Efforts made or envisaged to ensure respect, promotion and realization of these principles and rights

There is compulsory education up to the age of 16 years.

The Government ensures the effective elimination of child labour through its legislation and the supervisory mechanisms.

As child labour is not a problem in the Bahamas, there are no NGOs deployed in the country.

The Government of the Bahamas has indicated that it will ratify all ILO core Conventions which have not yet been ratified. [Reference is also made to the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), which is not covered by the annual review for 2001.]

The principles of these Conventions are incorporated in the Compendium of Labour Bills which is currently being debated in the Parliament of the Bahamas.

Representative employers’ and workers’ organizations to which copies of the report have been sent

A copy of this report has been sent to the following:

– Bahamas Employers’ Federation (BECON);

– National Congress of Trade Unions (NCTUS);

– Commonwealth of the Bahamas Trade Union Congress (CBTUC).

Observations received from employers' and workers' organizations

Contributions by the aforementioned organizations were made during consultations on the development of the Labour Bills mentioned earlier in the report.

Bahrain

Means of assessing the situation

Assessment of the institutional context

In the private sector the Labour Code issued by Legislative Decree No. 23 of 1976, prohibits, in article 50, the employment of any person, male or female, under the age of 14. This is further reinforced by the accession of the State of Bahrain to the following: the UN Convention on the Rights of the Child, by Legislative Decree No. 16 of 1991; the Arab Convention on the Employment of Youth, by Legislative Decree No. 8 of 1998; and by provisions of the Constitution of Bahrain, which in article 5, defines the family as the cornerstone of society, and that as such, it provides protection for mother and child, and protects youth from exploitation.

The principle is recognized in the following: article 5 of the Constitution; sections 49-58 of the Labour Code; Legislative Decree No. 16 of 1991, providing for the accession to the UN Convention on the Rights of the Child; Decree No. 8 of 1998, providing for the accession to the UN Convention on the Employment of Youth; Legislative Decree No. 3 of 1996 providing for the accession to the Arab Convention No. 17 on the Employment of the Handicapped; and Legislative Decree No. 17 providing for accession to the ILO Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159).

The minimum age for admission to employment of children (youth), provided for in section 50, exceeds the compulsory schooling age. That was established to enable the child to receive a minimum of schooling.

The minimum age for engaging in dangerous work is higher, to protect the child, his health, and life.

There are no exceptions to the application of the principle.

There are constitutional and other legal means for implementing the principle.

Assessment of the factual situation

The texts contained in the Constitution and in legislation, as well as the accession to Arab and international Conventions would reinforce the prescribed protection of the child.

Efforts made or envisaged to ensure respect, promotion and realization of these principles and rights

The measures taken, include social protection for children through the transfer of the right to pension allowance for children under sections 75, 80 and 135 of the Social

Insurance Law No. 24 of 1976. They also provide social assistance to children under Ministerial Order No. 22 of 1995.

Many efforts are being undertaken with regard to child protection. They include the Council of Ministers' approval for the setting up of the Child Committee on 11 January 1998. There are also other efforts made by the Government for the training and rehabilitation of youth, and for providing them with the necessary care, such as training programmes for school drop-outs.

As for non-governmental institutions, they make many efforts including the organization of seminars, conferences and awareness-raising campaigns. Efforts are also made to provide care and rehabilitation for handicapped persons as reaffirmed by Bahrain's accession to the Arab Convention on Handicapped Persons No. 17 of 1993, as well as to ILO Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159), cited earlier.

There is no child labour. However, we have undertaken some efforts at both the level of government and the private sector, in order to promote the protection of the child.

Bangladesh

Means of assessing the situation

Assessment of the institutional context

Bangladesh has already ratified 32 ILO Conventions including six of the eight fundamental Conventions (Nos. 29, 105, 87, 98, 100 and 111). The ILO's International Programme for the Elimination of Child Labour (IPEC) is a global alliance of 99 participating countries and contributing organizations aiming at the progressive elimination of child labour, and giving priority to abolishing such labour in its worst forms. Recently, IPEC has evolved into an ILO InFocus Programme.

Taking a more comprehensive view of child labour: the technical assistance provided through country programmes, projects and advisory services is systematically complemented by an expanding knowledge base, compiling quantitative and qualitative information on child labour, and advocacy for promoting the ratification and implementation of the ILO's two fundamental Conventions on child labour. Although Bangladesh has not yet ratified Convention No. 138, its law and practice are in conformity with the Convention. By and large the national labour laws meet the requirements of the core ILO Conventions, and fundamental workers' rights are guaranteed and respected.

In Bangladesh, the Tripartite Consultative Committee (TCC), a high-level body consisting of 54 members drawn from government as well as the employers' and workers' groups has, as its chairman, the Minister in charge of labour and employment. The TCC discusses various issues of national importance such as the formulation of labour policy, amendment of existing labour laws, adoption of ILO Conventions and Recommendations and the improvement of industrial relations. [Reference is made to matters relating to the Worst Forms of Child Labour Convention, 1999 (No. 182), which will be covered only by the annual review starting in 2002.]

Legislation and inspection

There are more than half a dozen labour laws related to different sectors which set different minimum ages for admission to work. The employment of a child in any job is prohibited by law and there are provisions for prosecutions and penalties when these laws are violated.

The following labour laws provide the legal framework for the inspection and monitoring of workplaces to identify situations of child labour, including the worst forms of child labour:

No.	Title of the laws	Minimum age fixed	Punishment for violation
1	The Children's Act, 1938	15 years	up to TK500 or US$9.50
2	The Employment of Children Rules, 1955	15 years	up to TK500 or US$9.50
3	The Children (Pledging Labour) Act, 1933	15 years	TK50-200 or US$1-4
4	The Mines Act, 1923	15 years	up to TK500 or US$9.50
5	The Tea Plantation Labour Ordinance, 1962	15 years	imprisonment extending up to 3 months or fine up to TK500 or US$9.50 or both
6	The Factories Act, 1965	16 years	Up to TK500 or US$9.50
7	The Shops and Establishments Act, 1965	12 years	imprisonment extending up to 3 months or fines up to TK500 or US$9.50 or both
8	The Factories Rule, 1970	14 years	imprisonment extending up to 3 months or fine up to TK500 or US$9.50 or both
9	The Road Transport Workers' Ordinance, 1961	18 years	imprisonment extending up to one year or fine up to TK1 000 or US$19 or both

The laws are enacted by Parliament, promulgated by government and enforceable in workplaces. The factory inspectors (general, medical and engineering) for the Department of Inspection of Factories and Establishments under the Ministry of Labour and Employment (MOLE), are responsible for enforcing the provisions of the law in the formal sector. They are responsible for directing the employers to correct any irregularities, negative practices or violations of any provision of the law. They can initiate legal action against violators.

The process of prosecution, including getting a verdict, is very time-consuming and discouraging.

The informal sector is not covered by the law which prohibits children's employment. Therefore, children working in the informal sector are outside the traditional labour inspection system and thus remain without legal protection. Unless new laws are enacted, the labour inspectors cannot make any intervention in this sector.

Assessment of the factual situation

Child labour is considered a highly sensitive issue with socio-cultural, economic and psychological dimensions. According to official statistics (1996), the labour force is about 56 million. According to the Bangladesh Bureau of Statistics (1996), of the 15.73 million children aged ten to 14 in Bangladesh, an estimated 6.3 million are working children, about 3.8 million are boys and 2.5 million are girls. Of all working children, 83 per cent are in rural areas and 17 per cent in urban areas. Only 4 per cent of working children are employed in the formal sector, while 96 per cent are in the informal sector. Approximately 66 per cent are engaged in agriculture, 8 per cent are in the manufacturing sector, 2 per cent are in the transport and communication sectors, 10 per cent are in other services and 14 per cent are in household services and other activities. Child labour exists in almost all sectors of the economy. Children work in agriculture, manufacturing, domestic services, market-places, bus stations, shrimp processing factories, the breaking of bricks and stones, and on the street. According to one survey, there are as many as 300 types of economic activities in the urban areas of Bangladesh where children are involved. Of these 300 types of economic activities, 47 have been rated as hazardous for children.

The factors to which child labour may be attributed include the following:

- poverty;
- negligible wage differences between adults and children;
- the level of rural underdevelopment;
- failure of the education system to guarantee future employment;
- abandoned or runaway children;
- the large size of families;
- high level of household income insecurity (the potential impact of job loss by a family member or of a failed harvest, etc.);
- illiteracy;
- the death or permanent absence of the father;
- urban slum conditions;
- specific physical requirements of tasks in certain industries such as mining and carpet weaving;
- school non-attendance; and
- occupations of the parents.

It is true that children are not driven to accept employment and join work by outside pressure but by his or her parents' need. The decision to work or not to work is a choice between survival or annihilation. So, the children who get work think of themselves as being fortunate.

This information, reproduced as received, does not represent the views of the ILO

Frequently, adults have vested interests in child labour. The income from child labour may be very important, sometimes amounting to more than one-third of the total household income. In a few cases, children's earnings represent practically the only income.

Efforts made or envisaged to ensure respect, promotion and realization of these principles and rights

MOLE-ILO-MOU: Efforts to combat child labour

The Government is fully aware of the problem of child labour and has taken measures to combat it as a matter of priority. So, the MOLE signed a Memorandum of Understanding (MOU) with the ILO in 1994 to implement the International Programme for the Elimination of Child Labour (IPEC). It has a National Steering Committee of 26 members comprising government agencies, employers' and workers' organizations and non-governmental organizations (NGOs). The secretary of MOLE acts as its convenor.

The aim of the cooperation between the Government of Bangladesh (GOB) and IPEC is to support efforts by the Government, NGOs, trade unions, employers' organizations and other relevant partners, to strengthen their capacity for developing appropriate conditions to prohibit progressively child labour, and also to restrict and regulate child labour, with a view to eliminating it in the shortest time possible.

IPEC's activities in Bangladesh started in 1995. Since 1995, three phases of the action programme (AP) to combat child labour have been completed. In 1995, 23 APs were implemented, with a budget of US$641,800. In the 1996-97 biennium, 24 APs were implemented, with a budget of US$648,581, and in the 1998-99 biennium, 27 APs were implemented with a budget of US$530,862. For the 2000-2001 biennium, 15 APs (ten APs from old partners and five APs from new partners) are being undertaken within the framework of the ILO/IPEC country programme. The budget allocated is US$600,000. Among these 15 APs, one will be implemented by the Government, three by the trade unions and 11 by NGOs. These programmes were envisaged to create awareness among members of the public, political leaders, social workers and civil servants, of the need to eliminate child labour. Some 50,000 children have benefited directly and indirectly from the implementation of these APs.

Priorities of the IPEC programme in Bangladesh

In order to rehabilitate child labourers, the MOLE has adopted the following strategic objectives: (a) identification of children as part of a strategy to withdraw them from employment; (b) planned removal of children from hazardous work; (c) providing non-formal education as a transitional measure; (d) mainstreaming children into formal education and providing training for them to develop marketable skills; (e) economic empowerment of targeted families through microcredit; and (f) workplace and community monitoring.

The success of the child labour programme under the ILO-IPEC-MOU project further encouraged MOLE to invite active collaboration from international development partners like the United States Agency for International Development (USAID), United States Department of Labor (USDOL) and the Government of the Netherlands. The collective and mutual commitment of local and international NGOs, United Nations bodies, as well as bilateral and multilateral agencies, is extremely important for the successful implementation of the programme.

The MOLE commenced an action programme in September 1999 in collaboration with ILO-IPEC to strengthen its planning cell (labour) to combat child labour in Bangladesh. MOLE is now in the process of establishing a database relating to child labour and identifying bottlenecks in the enforcement of existing laws. In addition, several television and radio advertisements are being produced to sensitize the public about child labour. The programme will continue until June 2001.

USAID project

The success of the child labour programme under the MOU further encouraged active collaboration from development partners such as USAID, USDOL and the Government of the Netherlands. The MOLE has drawn up a project entitled "Eradication of hazardous child labour in Bangladesh" which aims to raise awareness about the negative consequences of hazardous work. It is aimed particularly at parents and employers. It is also intended to develop a programme to withdraw children from hazardous work, to strengthen the institutional capacity of the MOLE, to stimulate the creation of, coordinate and monitor, programmes to combat child labour. This will enable the Government to play a leading role in efforts to eliminate child labour and build partnerships with key private sector organizations, international agencies and NGOs for this purpose. The project is funded by USAID and will be implemented over four years, starting in 2000. The total allocation for the project is 1,327.46 lakh of Taka. This project will cover about 10,000 working children from the printing and bookbinding industries, leather tanneries, match factories, domestic work, welding, weaving shops, auto repair workshops and the fisheries' sector.

ILO-USDOL project

As part of the ILO-IPEC country programme in Bangladesh, the project on "Preventing and eliminating the worst forms of child labour in selected formal and informal sectors" has been initiated. Its aim is to prevent and eliminate the worst forms of child labour in selected formal and informal sectors. They are:

(1) the bidi industry;

(2) construction;

(3) leather tanneries;

(4) match factories; and

(5) domestic work.

This project covers Tangail, Rangpur, Kushtia, Nrayangang, Manikganj, Munshiganj, Chittagong and Dhaka. The allocation for this project is US$6.6 million and it will cover 30,000 children.

The Government of the Netherlands

On 11 October 2000, a US$4.8 million assistance agreement was signed by the ILO and the Dutch Government for the elimination of child labour. The MOLE is the focal ministry. The project will cover 20,000 working children in the informal sector in the Dhaka and Chittagong metropolitan areas.

NGOs are important development partners working with the Government. The Government runs these programmes in partnership with different NGOs. It is hoped that,

with their collaboration, it will be possible to eliminate child labour from the country. In addition, different trade unions are active partners of the Government in its efforts.

Child labour policy

The Government of Bangladesh thinks that a national policy on child labour will add an important dimension to efforts for its progressive elimination. This policy will contribute to removing some of the anomalies in the legislation, fixing a uniform minimum age for admission to work, as well as simplifying and consolidating the relevant laws. The Government is going through the process of drawing up a national policy under the ILO-IPEC country programme. As IPEC is a technical assistance programme, it is not in a position to provide adequate resources to deal with child labour in a comprehensive way, which should include addressing the prevailing problem of poverty. Therefore, pragmatic steps have also been taken to integrate the preventive strategies of combating child labour in the country's annual development programme (ADP).

Child labour elimination programme of BGMEA

As a result of the Bill introduced by Senator Tom Harkin in 1993 in the US Senate (to ban imports to the United States of any goods produced with child labour), Bangladesh sought a more humane approach which would protect the interests of the children, those of the garment factory owners, their workforce and the country as a whole. At the request of the Government and the Bangladesh Garment Manufacturers' and Exporters' Association (BGMEA), the ILO and UNICEF supported the BGMEA's initiative to phase out child labour gradually under controlled conditions.

A Memorandum of Understanding entitled "The placement of child workers in school programmes and the elimination of child labour" was signed between the BGMEA, the United Nations Children's Fund (UNICEF) and the ILO on 4 July 1995, with the assistance of the Government and the US Mission in Bangladesh. Its aim is to remove under-age children from the garment sector, through education and the granting of a stipend, until they attain the age of 14. In order to maintain the achievements made under the MOU-1, and in order to ensure a smooth transition whereby monitoring responsibilities would be transferred to a local entity, MOU-2 was signed on 16 June 2000 by the ILO, UNICEF and the BGMEA. It provides for a one-year extension of the ongoing project which aims at monitoring activities, in order to keep garment factories free of child labour, to provide education programmes for all the children and to set up a broad-based programme to eliminate child labour in the long run.

- *A joint survey* (covering the period 28 August to 25 November 1995) was conducted jointly by the BGMEA, the ILO and UNICEF in 1995. That survey covered 2,152 factories and 10,546 child workers were identified in the garment sector.

- *Social rehabilitation:* The social rehabilitation part of the project has been divided into two parts: non-formal education and income maintenance in the form of a monthly stipend. Non-formal education is the responsibility of UNICEF, which assigned two NGOs, BRAC (Bangladesh Rural Advancement Committee) and GSS (Mass Help Organization) to handle this activity. They established schools in which the ex-garment workers receive non-formal education.

- *Skill training programme:* UNICEF is providing funds for implementation of the skills training programme for students. Skills training is imparted to the children by two reputable local NGOs, UCEP (Underprivileged Children's Educational Programme) and *Surovi* (a local NGO involved in projects for the elimination of child labour), assigned by UNICEF. There are 828 students enrolled in the training

programme and 680 graduated with marketable skills. Of those students, 537 found jobs. UNICEF plans to provide training to 1,100 students.

- *Payment of stipends:* Each retrenched child worker under 14 years of age is given a monthly stipend of TK300. Even those over the age of 14 also get a stipend for the time being. The monthly payment of stipends is borne by the BGMEA and the ILO. As provided for, under the terms of the MOU, the BGMEA is committed to contributing 50 per cent of the cost of stipends up to a maximum of US$250,000 per year, for three years.

The earn and learn programme

The BGMEA launched the "Earn and learn programme" from 4 July 1998, with an initial enrolment of students over 14 years old. The aim is to act in a socially responsible manner and to express its firm commitment to implementing the original MOU in the fullest sense. The BGMEA's child labour monitors are assigned to make arrangements for factories to engage, within the framework of the MOU, students over 14 years of age. They usually work three days per week. So far, the BGMEA has employed 741 students in six garment factories in Dhaka as part-time workers, matching the locations of their school, with those of their residence and workplace. The BGMEA's efforts to absorb more students are under way. BRAC and GSS are directly coordinating the matter with garment factories.

ILO-GOB-BGMEA joint monitoring programme

The monitoring of garment factories is conducted jointly by ILO-GOB-BGMEA monitors. The ILO has assigned ten monitoring teams (20 ILO monitors) in Dhaka to perform their duties on a regular basis and two teams (four ILO monitors) at Chittagong. The monitoring teams work three days per week under the direct supervision of the ILO area office, Dhaka. The other three days of the week, the BGMEA's child labour monitors are assigned to work at the factory level, to raise awareness among factory owners about the child labour project, including the "earn and learn programme" and the BGMEA-BRAC annual medical check-up programme. At present, the project has been almost completely successful (97 per cent) and the sector is almost free of child labour.

The IPEC Strategies: Actions undertaken in Bangladesh

The following actions are taken:

- withdrawal of children from hazardous work where possible and placing them into schools and/or training programmes;
- economic empowerment of the poor families of working children by providing additional income generation activities so that they do not have to depend on their children's earnings and can afford to send their children to school;
- institutional development/capacity-building (e.g. providing training, developing material for government officials, employers' organizations, trade unions and NGOs);
- providing non-formal education to working children with a view to mainstreaming them into government primary schools;
- assisting the Government to make both formal and non-formal education more useful, attractive and enjoyable for poor, working children;

– providing non-formal education and training for better and non-exploitative employment in the future;

– providing safety training to children involved in hazardous work and distributing safety equipment to these children in order to reduce work-related hazards (where withdrawal from work is not possible because of heavy dependence of their families on their earnings);

– in order to reduce parental resistance to the withdrawal of children from work, some programmes are providing stipends and health-care services in highly deserving cases, to children in training programmes; and

– developing different programmes to raise awareness about the negative consequences of child labour.

National efforts to eliminate child labour

In 1998, the Government of Bangladesh drew up a national plan of action for children. The problem of child labour was identified for the first time under the rubric "children in need of special protection". This plan set the following objectives: (a) to eliminate progressively child labour; and (b) to remove the scope for employing children in hazardous occupations.

For this purpose, it allocated about US$119 million under the Ministry of Social Welfare and the Ministry of Women's and Children's Affairs. A separate amount has been allocated under the primary and mass education division (PMED), to provide education for urban children who are difficult to reach. However, one drawback is that the PMED and the Ministry of Local Government and Rural Development have been identified as the lead agencies and funds have been allocated under the Ministry of Social Welfare and the Ministry of Women's and Children's Affairs. However, the Ministry of Labour and Employment has been the focal point for dealing with the child labour issue.

Bangladesh aims to ensure that by the year 2000, 70 per cent of all children of school age will complete primary education. Since the enrolment and retention of children in school at an early age are effective ways of preventing child labour, the promotion of universal primary education will play an effective role in preventing children from entering the labour market.

New approaches under the ILO-IPEC programme

Capacity-building of the partners is an important strategic objective for guaranteeing the overall sustainability of child labour programmes in the country.

(a) The strengthening of legislation and law enforcement are needed to:

– provide technical assistance to Government and to bring national laws into line with the relevant international conventions; and

– develop training programmes to sensitize the authorities about the problem of child labour.

(b) The strengthening of institutions and networking are needed to:

– develop the capacity of authorities concerned to provide psycho-social counselling services for child victims;

– set up and equip local watchdog committees in order to protect children effectively;

– build the capacity of government institutions and NGOs to coordinate, refer to and use each other's rehabilitation services (e.g. providing shelter, food, health care, psycho-social counselling, legal assistance, vocational skill training and alternative income-generating activities); and

– document best practices and develop training manuals for capacity-building purposes (e.g. training manual on effective advocacy, psycho-social counselling materials, training materials on legal rights, a standard non-formal education curriculum for children as well as training materials on successful and relevant income-generating activities).

(c) Research and information dissemination are needed to:

– improve data collection and research methodologies;

– disseminate, through forums and specialized training programmes, information on trends and developments as regards the exploitation of children; and

– monitor programmes on child labour to upgrade the level of comparative information in this field.

Representative employers' and workers' organizations to which copies of the report have been sent

Issues dealt with in the report were discussed at a tripartite meeting and copies of the report were sent to the Bangladesh Employers' Federation (BEF) and to 23 national workers' federations:

1. Jatiya Sramik League.
2. Bangladesh Trade Union Centre.
3. Bangladesh Jatiyatabadi Sramik Dal.
4. Jatiya Sramik Federation.
5. Jatiya Sramik Federation Bangladesh.
6. Jatiya Sramik Party.
7. Bangladesh Songjukta Sramik Federation.
8. Bandgladesh Trade Union Songha.
9. Bangladesh Sramik Jote.
10. Bangladesh Jatiya Sramik League.
11. Bangladesh Trade Union Federation.
12. Bangladesh Trade Union Congress.

13. Samajtantrik Sramik Front.
14. Bangladesh Workers' Federation.
15. Jatiya Sramik Jote Bangladesh.
16. National Workers' Federation.
17. Jatiya Sramik Karmachary Jote Bangladesh.
18. Bangladesh Jatiya Sramik Forum.
19. Bangladesh Free Trade Union Congress.
20. Bangladesh Sramik Federation.
21. Bangladesh Sramik Kalyan Federation.
22. National Trade Union Federation.
23. Bangladesh Sramik Federation.

Bangladesh

Observations submitted to the Office by the Bangladeshi Sanjukta Sramik Federation (BSSF)

The total number of working children in Bangladesh is about 6.5 million. Of them, about 80 per cent live in rural areas and are engaged mainly in agriculture. They help their parents in the cultivation of land and other domestic work. Between 10 to 15 per cent of them work outside the family as paid workers.

Twenty per cent of all child labourers live in urban areas and they are engaged in various types of work, such as porters, waste pickers, garment workers, domestic aids, temporary helpers, newspaper hawkers, etc.

No special organization for these workers exists. Different national centres of workers have, of late, shown interest in ameliorating the condition of child workers.

The following measures have been taken to abolish child labour effectively:

– The Bangladesh Garment Manufacturers' and Exporters' Association (BGMEA), in collaboration with the ILO and UNICEF, is implementing a programme for gradually removing child labourers from the garment factories of its members. The child workers removed from factories are being given non-formal education and skill development training. As a result, the number of child workers has decreased significantly. Soon the garment industry will be declared as a child labour free sector.

– About a dozen NGOs and workers' organizations, including the Bangladesh Sanjukta Sramik Federation (BSSF), have organized various activities as part of their efforts to abolish child labour. These activities include social mobilization and the running of schools.

The Government's scheme for compulsory free primary education, which is now under operation, backed by appropriate legal provisions, will be an obstacle to the spread of child labour.

Although Bangladesh did not ratify ILO Convention No. 138, the spirit of the Convention is reflected in the Bangladesh labour laws (e.g. Employment of Children Act, 1938, Factories Act of 1965, Shops and Establishments Act, 1965, and the Tea Labour Plantation Ordinance, 1962). The Government has also created machinery for enforcing these laws, but its effectiveness is not always up to the mark.

In addition to strengthening the relevant government machinery, our Federation feels it is necessary for the ILO to come forward with technical and financial assistance to train trade union activists so that they can contribute to the abolition of child labour.

Observations submitted to the Office by the World Confederation of Labour (WCL)

The following are some key statistics on child labour drawn from the Child Labour Survey 1995-96 by the Bangladesh Bureau of Statistics:

Child population 5-14 years	34 million
Child labour force	6.5 million
Child labour force 5-9 years	0.7 million
Child labour force 10-14 years	5.8 million
Wage employed child labour	0.5 million

Working children by broad economic sector:

Agricultural sector	4 million
Non-agricultural sector	2 million
Wage employed child labour	0.5 million

The Government of Bangladesh has declared a "national child policy" in which the term "child" applies to all persons below the age of 14 years.

A considerable number of child workers work in garment manufacturing. Girl child labourers below the age of 14 years are preferred by the garment industry because of their painstakingness, tolerance, physical stamina and lack of conjugal obligations.

The employment rate of children under the age of 14 years in garment factories has however declined to 5 per cent in August 2000 from 43 per cent in July 1995. This is largely the result of a tripartite agreement, follow-up action and alternative projects to make the country's garment factories free of child labour.

[Reference is made to matters relating to the Worst Forms of Child Labour Convention, 1999 (No. 182), which will be covered only by the annual review starting in 2002.]

Awareness of child labour issues is increasing in the country as a result of different factors, including public awareness campaigns, a 1993 United States Senate Bill on this subject, government bills and trade union action.

The World Confederation of Labour's affiliate in Bangladesh, the BSSF, undertakes a number of activities with a view to raising awareness about child labour among the public in general and persons employing child labourers in particular. Activities include: the holding of seminars both at the grassroots and national levels; distribution of banners, posters and brochures on child labour; organizing mass gatherings, cultural shows, rallies and showing films that highlight the damaging effects of child labour. It is expected that as a result of this campaign the effective and gradual eradication of child labour will become a reality.

Obstacles in the way of the effective abolition of child labour include:

– widespread poverty;

– historical and cultural factors;

– widespread absence of credible alternative projects for child labourers and the lack of sufficient rehabilitation measures for children redeemed from the worst forms of child labour;

– World Bank and IMF adjustment policies and their impact on the economy;

– lack of sufficient educational facilities for all children, particularly girls; and

– exploitation of very poor children.

Benin

Means of assessing the situation

Assessment of the institutional context

[The present report was submitted for the first annual review. Since it could not be included in the first compilation of annual reports, it appears in this year's compilation, along with updated information sent by the Government.]

The principle of the effective abolition of child labour is recognized by the Republic of Benin, which, in 1992, requested assistance from the International Labour Office to help to tackle the problem of child labour.

The situation of three groups of working children was analysed (children working in domestic service or as vendors, apprentices, and children working in the agricultural sector) and a national plan of action for child labour was drawn up and then implemented from 1997, through the IPEC Programme.

This principle is contained in Benin's Constitution and in the African Charter on Human and Peoples' Rights, which was ratified by Benin on 20 January 1986 and is an integral part of its Constitution.

Child labour is defined in relation to the age of admission to employment. The Labour Code sets the minimum age at 14 years in section 166, and section 168 provides for a Joint

Decree by the Minister of Labour and the Minister of Health, after consultation with the National Labour Council, which determines the type of work and categories of enterprises prohibited for women, pregnant women and young people, and sets the age limit to which the restriction applies.

In reality, there is no relationship between this age and the school-leaving age. Although article 13 of the Republic of Benin's Constitution refers to compulsory education, many children stop going to school before completing their primary education.

The age for admission to employment in hazardous work is higher than the abovementioned age. The National Labour Council has adopted the draft Decree provided for by section 168 of the Labour Code. A copy of this draft Decree is attached to the present report and the final document signed by the two Ministers in question will be sent in due course.

During visits by labour inspectors, employers must provide access to a register of all employees under the age of 18 years in his or her enterprise, which also indicates their date of birth (section 167 of the Labour Code).

Persons guilty of violating the provisions of the Decree provided for by section 168 of the Labour Code and those of the abovementioned section 167, are subject to the following sanctions respectively:

– a fine of fourteen thousand to seventy thousand (14,000 to 70,000) CFA francs and a prison sentence of fifteen (15) days to two (2) months, or one of these two penalties (section 301 of the Labour Code);

– a fine of three thousand five hundred to thirty-five thousand (3,500 to 35,000) CFA francs and, in the event of a second offence, a fine of seven thousand to seventy thousand (7,000 to 70,000) CFA francs (section 298 of the Labour Code).

Assessment of the factual situation

Benin does not have statistical data for measuring the extent of child labour in the country.

One can only report assessments of certain groups:

– children working in domestic service or as vendors *(vidomégon)*: more than one hundred thousand (100,000);

– child apprentices in the informal sector: around fifty thousand (50,000);

– children working in the rural sector: according to surveys carried out in other African countries, they represent from 75 to 90 per cent of working children.

In the absence of national statistics on child labour, reference can be made to general indicators, which all suggest that poverty and the ongoing economic crisis have led a greater number of increasingly younger children to work. Furthermore, these children are in more and more difficult conditions as far as health, housing and nutrition are concerned.

Of a population of around 5 million inhabitants, 48.9 per cent are less than 15 years of age; the rate of demographic growth is 3.2 per cent.

This information, reproduced as received, does not represent the views of the ILO

The gross primary-school enrolment ratio is 69.6 per cent (boys: 83 per cent, girls: 50 per cent).

Thirty-six per cent of children attending school complete their primary education.

This information regarding education implies that many rural children who do not attend school or leave the educational system are employed as agricultural workers or domestics.

Update: In the initial report, the population of Benin was estimated at around 5 million inhabitants. A more precise figure is contained in the UNDP report on human development in Benin, namely six million one hundred and eighty-seven thousand (6,187,000) inhabitants in 1999.

Efforts made or envisaged to ensure respect, promotion and realization of these principles and rights

Through the ILO International Programme for the Elimination of Child Labour (IPEC), Benin is targeting the abolition of child labour as a final objective. Priority is given to stopping the worst forms of child labour, i.e. children engaged in hazardous occupations or working in hazardous conditions.

A draft Decree on hazardous work was submitted for examination by the Benin National Council, of which representatives from employers' and workers' organizations are members.

Three action programmes are currently being carried out relating to the three target groups mentioned above.

The following is a summary of action relating to apprentices involved in high-risk work in the informal sector:

– measures to raise the awareness of parents and those who teach apprentices. Information given to parents focuses on the risks they expose their children to, when sending them to become apprentices in hazardous occupations at a very young age. As for those who teach apprentices, attention is drawn to the risks involved and preventive methods;

– the withdrawal of children involved in hazardous work;

– the organization of regular medical check-ups for the apprentices most at risk;

– the creation of apprenticeship centres, in the medium term, financed by revenue from the apprenticeship tax currently paid to the Treasury.

With regard to children working in domestic service or as vendors, activities also centre around raising the awareness of rural families and raising awareness in schools and social development centres. Observations have already been made in various villages targeted by the awareness campaign. Families are now reluctant to let their young girls leave.

In addition, the creation of drop-in centres for these children and the search for alternative solutions (education, employment, means of support, etc.) are envisaged.

Action has also been taken for children working in the agricultural sector (awareness raising, withdrawal, reallocation of tasks).

Update: The three IPEC action programmes discussed in the first report have been successfully completed, thus marking the end of the first phase of the project.

The second phase of the project will focus on two types of action:

– institution building aimed at the social partners;

– direct action targeting the beneficiaries, namely children.

Representative employers' and workers' organizations to which copies of the report have been sent

A copy of the present report has been sent to the following representative employers' and workers' organizations:

– National Council of Employers (CNP-Benin);

– National Confederation of Workers' Trade Unions of Benin (UNSTB);

– Confederation of Autonomous Trade Unions of Benin (CSA-Benin);

– Trade Union Confederation of the Workers of Benin (CSTB);

– General Confederation of Workers of Benin (CGTB);

– Confederation of Independent Trade Union Organizations (COSI);

– Confederation of United Trade Unions of Benin (CSUB);

– Confederation of Private and Informal Sector Trade Unions of Benin (CSPIB).

Observations received from employers' and workers' organizations

No comments have been received to date.

Annexes (not reproduced)

Draft Decree: Interministerial Decree that determines the type of work and categories of enterprises prohibited for women, pregnant women and young people and sets the age limit to which the restriction applies.

Benin

Observations submitted to the Office by the World Confederation of Labour (WCL) and the Democratic Trade Union Organization of African Workers (ODSTA)

The social legislation in Benin (the Labour Code and its regulations) prohibit child labour and include a minimum age for employment. Benin has not ratified the Minimum Age Convention, 1973 (No. 138). [Reference is also made to the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), which is not covered by the annual review for 2001.]

A brigade for the protection of minors and for labour inspection exists in the country. [Reference is also made to matters relating to the Worst Forms of Child Labour Convention, 1999 (No. 182), which will be covered only by the annual review starting in 2002.]

The relative lack of haste shown by the Government in ratifying the core Convention protecting the rights of the child is difficult to explain given that national legislation and the social partners are, in general, in favour of initiatives to combat the exploitation of children.

Brazil

Means of assessing the situation

Assessment of the institutional context

The Brazilian authorities have paid particularly close attention to dangerous work. Unhealthy or night work is only authorized as of 18 years of age. The Ministry of Labour and Employment, through the Secretariat for Labour Inspection, is responsible for determining activities considered to be dangerous. The list of dangerous and unhealthy work and worksites is updated by Order No. 06 of 18 February 2000.

Children and adolescents have barely one chance for growth and development and are considerably influenced by the environment in which they live.

Article 227 of the Federal Constitution gives absolute priority to the protection of children and adolescents, and article 7, paragraph XXXIII, forbids the employment of persons aged less than 18 years in dangerous or unhealthy work or night work.

The Statute on Children and Adolescents (ECA) provides, in section 67, that an adolescent, whether employed, apprenticed, working in a family business, student of a technical school, in the public or non-public assistance system, is forbidden to undertake dangerous, unhealthy or physically difficult work or work carried out in an environment liable to harm his or her physical, psychological, moral and social formation and development.

[Reference is made to matters relating to the Worst Forms of Child Labour Convention, 1999 (No. 182), which will be covered only by the Annual Review starting in 2002.]

It has become essential to update the above list from section 405 of the Consolidation of Labour Laws (CLT) taking account of the data gathered on children and adolescents working in Brazil, of facts relating to their physiology and statistics concerning occupational accidents from which workers in general suffer.

Moreover, the experience acquired within the framework of action in favour of children and adolescents carried out by the labour inspectors, and in particular by cells established to combat child labour and protect adolescent workers within the Regional Labour Delegations – recently replaced by Special Combat Groups Against Child Labour and for the Protection of Adolescent Workers (GECTIPA) – has generated a critical mass which has helped in the elaboration of Order No. 6/2000.

[Reference is made to matters relating to the Worst Forms of Child Labour Convention, 1999 (No. 182), which will be covered only by the Annual Review starting in 2002.]

These special groups were brought into being by Order No. 7 of 23 March 2000, which establishes their objectives, their statute, their composition and their mandate. They have replaced the combat cells mentioned above and are responsible to the Regional Labour Delegations for each unit of the Federation. Besides their inspection and coordination activities, through which the Federal Government fulfils its mandate and its role as a social partner in discussions at regional level on child labour, these groups collect data on work centres employing children in Brazil, the types of activities concerned, the effects on the safety and health of minors, so as to provide support for interventions by public and non-public bodies with the goal of abolishing child labour.

The aim of the GECTIPA is to eradicate child labour and guarantee the rights of adolescent workers. Each unit has at least two members, a coordinator and an assistant coordinator. The coordinator is responsible for setting up partnerships and acts as representative of the Ministry of Labour and Employment to organizations whose mandates cover children and adolescents, he or she is required to follow-up, review and supervise implementation of the Child Labour Eradication Programme (PETI), to inform and clarify and help those concerned to obtain data on the reality of child and adolescent labour and the relevant legislation. The coordinator must also supervise implementation of the monitoring measures provided for, and submit reports to governmental and non-governmental organizations on measures which require an input stemming from their mandate. The assistant coordinator, working in liaison with the safety and health services and the labour inspection, is responsible for helping the labour inspectors to participate in the combat against child labour and to protect adolescent workers, by supplying them with the necessary information and technical guidelines, to follow-up and assess the implementation of plans and the results obtained, to collate the data every month from the form verifying the physical presence of child and adolescent workers (annex I), and to study and systemize data and information from the various instruments employed. The GECTIPAs established in the Regional Delegation of the federal units of Minais Gerais, Rio de Janeiro and São Paulo, in view of their particular situation, will also have a coordinator for external affairs, a coordinator for internal affairs and an assistant coordinator. The first is in charge of coordination, of establishing partnerships and of acting as representative of the Ministry of Labour and of Employment to the organizations whose mandates cover children and adolescents, he or she is required to follow-up, review and supervise the implementation of the Child Labour Eradication Programme (PETI), to inform and clarify, and help those concerned to obtain hard and fast data on child and adolescent labour and on the relevant legislation. He/she is also in charge of submitting reports to governmental and non-governmental organizations on the measures which require a contribution stemming from their mandate.

The coordinator for internal affairs, working in liaison with the safety and health services and the labour inspection, is responsible for helping the labour inspectors to participate in the combat against child labour and to protect adolescent workers, by supplying them with the necessary information and technical guidelines, he/she is required to follow up and assess the implementation of plans and the results obtained, to collate the data every month from the form monitoring the state of health of child and adolescent workers, as well as to examine and systemize the data from the various instruments employed.

The coordinator for internal affairs will take on the duties of the coordinator for external affairs in his or her absence or, in case of legal obstacle, the assistant coordinator may, if necessary, replace either one or the other.

The Regional Labour Delegate, in agreement with the Directorate for Labour Inspection, shall designate the members of the GECTIPA, and they must be certified by the Secretariat for Labour Inspection.

Assessment of the factual situation

The National Household Survey (PNAD) for 1998 reveals a drop in the number of children aged from 5 to 14 years obliged to work.

A comparison with the results of the survey for 1993 is salutary. In five years the number of children from 10 to 14 years obliged to work has fallen from 3.4 million to 2.5 million, and their share of the active population aged over 10 years has fallen from 5.1 per cent to 3.6 per cent. The difference in the proportion between boys and girls remains large – in the age group mentioned, the percentage of boys has fallen from 25.6 to 19.4 per cent, while for girls it has fallen from 13.5 to 9.7 per cent – the agricultural sector still absorbs the largest part of this labour force (61.2 per cent). Between 1993 and 1998 the number of children obliged to work aged between 5 and 9 years has dropped, passing from 526, 000 to 402,000, their share of the population group of this age dropping from 3.7 to 2.6 per cent. In five years, the share of these children in the active population aged more than 5 years has fallen from 0.9 per cent to 0.6 per cent.

Apart from the Household Survey, the *Table of Indicators for Child and Adolescent Labour*, which collates information received from the Regional Labour Delegations on the basis of monitoring measures applied from August 1997 to July 1999, supplies important information: sectors of activity and communes concerned, tasks generally carried out by children and adolescents, working conditions, etc. This table gives a more detailed picture of the question of child labour and also bears witness to the size of the problem and the efforts made by the Federal Government to diagnose it as precisely as possible, to be able to promote current or future initiatives, whether in the field of monitoring or of implementation of laws, through prevention or repression, or under the various social assistance programmes established at State, federal or municipal level.

In October 2001, the Brazilian Government is planning to undertake, with resources from IPEC, a “statistical supplement on child labour” which will form part of the National Household Survey for 2001.

Efforts made or envisaged to ensure respect, promotion and realization of these principles and rights

The Federal Government has a specific eradication programme for child labour, the PETI. The State Secretariat for Social Assistance (SEAS), under the Ministry for Social Assistance and Insurance (MPAS), is responsible for the implementation of this programme. Other Ministries contribute to the programme, including the Ministry of Labour and Employment, whose services collect data and undertake surveys to identify the communes concerned by the problem and ensure that the families covered remove their children from work and that the latter attend school.

The programme will be extended again this year and will cover 362,000 children and adolescents aged from 7 to 14 years across the country. Its budget exceeds R$182,000 million. In 1999, the PETI covered 145,000 children, for a total cost of R$82 million. This growth and the excellent results obtained bear witness to the success of the Programme. It guarantees the children's access to and maintenance at school, with an increase in the number of school hours per day, and also represents a permanent source of revenue for families, who are thus able to answer to their needs without their children or adolescents being obliged to work.

The following table shows how the Programme has developed in recent years.

Year	Number of communes	Number of children	Cost (R$)
1996	17	3 710	931 500
1997	48	37 025	14 435 580
1998	140	117 200	39 521 432
1999	230	145 564	82 639 388
2000		362 000*	182 000 000*

*Forecast

As stressed above, Brazilian legislation deals with the question of child labour in an extremely rigorous fashion. The aim of the new social programmes under study or in preparation is to give concrete form to the legislative provisions.

It is important to stress finally that the Brazilian Government is bringing more and more weight to bear on the question of child labour. The recent deposit in Geneva of the instruments of ratification of Conventions Nos. 138 and 182 testifies to this.

[Reference is made to matters relating to the Worst Forms of Child Labour Convention, 1999 (No. 182), which will be covered only by the Annual Review starting in 2002.]

These observations have been supplied by the Secretariat for Labour Inspection – The Labour Inspection Department of the Ministry of Labour and Employment.

Representative employers' and workers' organizations to which copies of the report have been sent

In conformity with the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), a copy of the present report has been communicated to the following employers and workers organizations, for consultation and observations:

– National Confederation of Agriculture (CNS);

– National Confederation of Commerce (CNC);

– National Confederation of Industry (CNI);

– National Confederation of Financial Institutions (CNF);

– National Confederation of Transport (CNT);

– Single Central Organization of Workers (CUT);

– General Confederation of Workers (CGT);

– Força sindical (FS);

– Social Democracy Union (SDS).

Observations received from employers' and workers' organizations

The following organizations sent their observations:

– National Confederation of Industry (CNI);

– National Confederation of Transport (CNT);

– Social Democracy Union (SDS).

– An example of the present final report is being transmitted to these organizations.

Annexes (not reproduced)

Departamento de Segurança e Saúde no Trabalho. *Portaria No. 06 de 18 de Fevereiro de 2000.* "Serviços perigosos ou insalubres (independente do uso de equipamentos de proteção individual)"(Department for Occupational Safety and Health. Order No. 6 of 18 February. "Dangerous or unhealthy work (irrespective of the use of personal protective equipment)").

Ministério do Trabalho e Emprego, Departamento de Segurança e Saúde no Trabalho. *Nota Ténica à Portuaria, MTE/SIT/DSST No. 06 de 18/02/2000.* (Ministry of Labour and Employment, Department of Occupational Safety and Health. *Technical note regarding Order No. 06 of 18 February 2000 MTE/SIT/DSST).*

Declaração sociolaboral do Mercosul (MERCOSUR Labour Declaration).

Brazil

Observations submitted to the Office by the National Confederation of Commerce (CNC)

[Reference is made to reports by the Government of Brazil updating information contained in the reports submitted to the ILO for the first annual review under the follow-

up to the Declaration. One of the two reports deals with the principle of the effective abolition of child labour. The Confederation's observations focus on: specific provisions of the Worst Forms of Child Labour Convention, 1999 (No. 182), which is not covered by the annual review for 2001; Ministerial Order No. 143 of 14 March 2000 establishing a tripartite group with a view to giving effect to this Convention; and the tripartite discussions that have been held on the proposed amendment of this Order.]

Observations submitted to the Office by the National Confederation of Industry (CNI)

We believe that the reference made to Order (*Portaria*) No. 6 of 18 February 2000 in the report in question is completely inappropriate for the following reasons:

– Ministerial Order (*Portaria*) 393/96 established that the development of standards in the field of the health and safety of workers should observe the fundamental principle of the joint tripartite system (government, workers, employers), which took effect through the definition of issues to be addressed (section 1) by the Permanent Joint Tripartite Committee (CTPP).

– Since then, the CTPP has met on a regular basis to define issues, establish priorities and deal in a comprehensive manner with each request for standards on the health and safety of workers, while always respecting the spirit of tripartism.

– Therefore, the *Bancada* (group) of entrepreneurs within the CTPP was surprised by the drafting of *Portaria* No. 6/00, that provides for a modification to the framework referred to in section 405 of the Consolidation of Labour Laws (CLT), which defines dangerous or unhealthy services, since the *Portaria* in question was not discussed by the CTPP, and therefore no longer follows the working methods duly provided for by Ministerial *Portaria* No. 393/96.

– In the related correspondence sent to the Labour Inspectorate Secretariat and the Director for the health and safety of workers, the group of entrepreneurs from the CTPP expresses its surprise that the question directly relating to the health and safety of workers has been regulated without observing the working methods required for the standard to fulfil its function, that is – to protect children against the risks that are inherent in the workplace, and the even greater surprise that it contains countless mistakes and exaggerations that would have been undoubtedly removed during tripartite discussions.

[Reference is made to matters relating to the Worst Forms of Child Labour Convention, 1999 (No. 182), which will be covered only by the annual review starting in 2002.]

– Taking into account all of the above, the report in question should not make reference to Order (*Portaria*) No. 6/00 of 18 February 2000, but should, indeed, announce the creation (under the terms of *Portaria* No. 143 of 14 March 2000) of the Tripartite Committee, which is already operational.

– In fact, not only is Order (*Portaria*) No. 6/00 incorrect, and was not the subject of a tripartite discussion prior to publication, it must be heavily amended following an analysis by the Committee established by Order (*Portaria*) No. 143.

– Moreover, Order (*Portaria*) No. 6/00, in its current form, prohibits the access of adolescents to vocational training.

Government observations on comments by the National Confederation of Industry (CNI)

The views expressed in the Government's report on the principle of the effective abolition of child labour are consistent with those of the National Confederation of Industry (CNI), which represents employers in the industrial sector. This relates to the request by employers for a review of Ordinance No. 6 of 18 February 2000, which is under way, in keeping with a decision by the Permanent Joint Tripartite Commission (CTPP). The review is being carried out under the auspices of the Department of Occupational Safety and Health by the Tripartite Commission set up to identify the types of work considered as constituting the worst forms of child labour, in accordance with Article 3 of ILO Convention No. 182. Given the wide-ranging nature of the discussions, it is expected that the Commission will complete its work by the beginning of 2001.

Observations submitted to the Office by the National Confederation of Transport (CNT)

With regard to the observations made by the Brazilian Government in the report on the effective abolition of child labour, it should be noted that *Portaria* No. 6/2000, which updates the legal framework relating to dangerous or unhealthy activities and workplaces, is currently being examined by the Tripartite Committee. The members of the Committee were appointed by *Portaria* No. 392 of the Ministry of Labour and Employment, of 24 May 2000, with a view to analysing and defining the type of work which should be considered to be the worst forms of child labour.

Brazil

Observations submitted to the Office by the Social Democracy Union (SDS)

By way of an update, the Government's report describes the measures being taken by the Government of Brazil as regards its commitment to the effective abolition of child labour and to the principle of freedom of association.

Cameroon

Means of assessing the situation

Assessment of the institutional context

The principle of the effective abolition of child labour is not legally recognized in Cameroon. Nonetheless, legislation makes provision for texts on the minimum age of admission to employment, which is 14 years: the Labour Code and Decrees Nos. 16 and 17/MTPS/DEGRE of 27 May 1969 regulate employment, and Decree No. 12 of 17 June 1968 repeals Decree No. 983 of 27 February 1954 which provided an exception to the minimum age of admission to employment.

Since the principle is not recognized, no measures have been taken yet for its implementation.

Definitions referring to child labour are as follows:

– the minimum age of admission to employment is 14 years (section 86 of the Labour Code), which corresponds to the end of compulsory education;

– the minimum age of admission to hazardous work is 18 years. The aforementioned Decree No. 17 prohibits persons under the age of 18 years from carrying out work which is beyond their physical capabilities, hazardous and that could affect their morality;

– without any exceptions, children are prohibited from carrying out all hazardous work;

– the law does not provide exceptions for light work.

Since the principle of the abolition of child labour is not explicitly recognized, the suppression of child labour is still not regulated. However, action is provided for within the framework of the national plan to fight against child labour, including the following:

– the acceleration of the ratification process of Convention No. 138 [Reference is also made to the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), which is not covered by the annual review for 2001];

– the creation of a national body for monitoring employment and vocational training which will provide general employment statistics and more specifically, child labour statistics;

– the finalization of the national plan to fight against child labour;

– the drafting of a law for the protection of children in the workplace;

– the creation of structures within work inspection units for monitoring child labour in both the formal and informal sectors;

– the evaluation of texts relating to the adoption of children, with a view to their possible revision;

– the conclusion of a protocol agreement with IPEC for the abolition of child labour.

Assessment of the factual situation

According to the National Statistical Yearbook (1999), the number of working children, not including those in the agricultural sector, is estimated at 610,209. Moreover, a recent study on the trends in the trafficking of children for labour exploitation estimates that 531,591 children are affected (101,456 in Yaoundé, 103,824 in Douala, 14,611 in Bamenda and 233,700 in other areas of the country).

This trend is on the increase since the number of working children rose from 227,287 in 1987 to 590,000 in 1997, which is an increase of 59.58 per cent over ten years.

The problem is on the increase owing to:

– the lack of educational and health infrastructures;

– the impoverishment of parents following the implementation of structural adjustment plans which have damaging effects on employment and income; and

– the degradation of social security systems.

Furthermore, a data bank for collecting information on child labour in order to define an effective strategy in the fight against it does not exist.

Efforts made or envisaged to ensure respect, promotion and realization of these principles and rights

The effective abolition of child labour is a great national concern, however the relevant plan of action still has to be finalized.

The efforts made or envisaged by different stakeholders with a view to abolishing child labour include the following:

– Government: efforts are contained in the plan of action currently being adopted by the responsible authority;

– ILO: IPEC has already financed a study entitled *Child labour in Cameroon, an analysis of the situation* carried out by Aloysius Ajab Amin. Recently, IPEC financed another study on the current trends in the trafficking of children for labour exploitation, carried out in Cameroon by Nathalie Feujio. Close cooperation with the ILO is certainly envisaged;

– UNICEF and other bodies for the protection of human rights, employers' and workers' organizations and, generally speaking, civil society will contribute to ongoing efforts.

The Government's objectives are to ensure the respect, promotion and realization of the effective abolition of child labour through the following:

– measures to increase the awareness and mobilization of the national community concerning the respect and protection of children's rights;

– the strengthening of the fight against poverty, particularly by fighting against unemployment, promoting employment for adults and improving educational and health coverage;

– the strengthening of the legal arsenal for the effective abolition of child labour;

– the formalization of cooperation with IPEC;

– the elaboration of child labour statistics within the framework of the national body for monitoring employment and professional training which will soon be operational.

Representative employers' and workers' organizations to which copies of the report have been sent

The following employers' and workers' organizations were involved in writing the report:

Employers' organizations

– Cameroonian International Group (GICAM)

Workers' organizations

- Trade Union Confederation of Workers in Cameroon (CSTC)
- Cameroonian Confederation of Free Trade Unions (USLC)

Observations received from employers' and workers' organizations

In principle, the abovementioned organizations are working with government representatives to produce a joint document that will be sent to the ILO with the minutes of the meetings. The observations made by employers' and workers' organizations were taken into account when drawing up this document.

Observations submitted to the Office by the Cameroon Confederation of Free Trade Unions (USLC)

The principle of the effective abolition of child labour is not legally recognized in Cameroon. Nonetheless, legislation makes provisions for texts on the minimum age of admission to employment, which is 14 years (Labour Code and Decrees Nos. 16 and 17/MTPS/DEGRE of 27 May 1969, which regulate child labour).

Since the principle is not recognized, no measures have been taken yet for its implementation.

In accordance with section 86 of the Labour Code, the minimum age of admission to employment is 14 years, which corresponds to the end of compulsory education.

The minimum age of admission to hazardous work is 18 years. The aforementioned Decree No. 17 prohibits persons under the age of 18 years from carrying out work which is beyond their physical capabilities, hazardous and that could affect their morality.

Without any exceptions, children are prohibited from carrying out all hazardous work, including light work.

Since the principle of the abolition of child labour is not explicitly recognized, the suppression of child labour is vaguely provided for in various articles of the Penal Code. The following action is also provided for within the framework of the national plan to fight against child labour:

- the acceleration of the ratification process of Conventions relating to child labour;
- the creation of a national body for monitoring employment and vocational training which will provide general employment statistics and more specifically, child labour statistics;
- the finalization of the national plan to fight against child labour;
- the drafting of a law for the protection of children in the workplace;
- the creation of structures within work inspection units for monitoring child labour in both the formal and informal sectors;

– the evaluation of texts relating to the adoption of children, with a view to their possible revision;

– the conclusion of a protocol agreement with IPEC for the abolition of child labour.

Assessment of the factual situation

Reliable statistics on the number of working children are not available, however a recent study on trends in the trafficking of children for labour exploitation estimates that 531,591 children are affected (101,456 in Yaoundé, 103,824 in Douala, 14,611 in Bamenda and 233,700 in other areas of the country).

The problem is on the increase owing to:

– the lack of educational and health infrastructures;

– the impoverishment of parents following the implementation of structural adjustment plans which have damaging effects on employment and income; and

– the degradation of social security systems.

Efforts made or envisaged to ensure respect, promotion and realization of these principles and rights

The effective abolition of child labour is a great national concern, however the relevant plan of action still has to be finalized.

Efforts made or envisaged by different stakeholders with a view to abolishing child labour include the following:

– government: we have been informed by the Ministry that such efforts are contained in the plan of action currently being adopted by the responsible authority;

– ILO: IPEC has already financed a study entitled *Child labour in Cameroon, an analysis of the situation* carried out by Aloysius Ajab Amin. Recently, IPEC financed another study on the current trends in the trafficking of children for labour exploitation, carried out in Cameroon by Nathalie Feujio. After having read these documents, we certainly envisage close cooperation with this body;

– there is cooperation with UNICEF and other bodies for the protection of human rights, employers' and workers' organizations, and, generally speaking, civil society will make their contribution.

The Cameroonian Government's objectives are to ensure the respect, promotion and realization of the effective abolition of child labour through the following:

– measures to increase the awareness and mobilization of the national community concerning the respect and protection of children's rights;

– the strengthening of the fight against poverty and improvements regarding schooling and health coverage;

– the strengthening of the legal arsenal for the effective abolition of child labour.

In this connection, efforts must be made to promote employment for adults.

Canada

Means of assessing the situation

Assessment of the institutional context

Provinces and territories

The following information has been submitted by a number of jurisdictions to supplement the Government of Canada's follow-up report for the annual review of 2001:

Quebec

In Canada's first report (November 1999) for the annual review under the follow-up to the ILO Declaration on fundamental principles and rights at work, Quebec informed about Bill No. 50, Law on the modification of the law on labour standards. The Bill was adopted on 5 November 1999 (LQ 1999, Chapter 52).

This Law, not only widens the scope of the protection granted to children, but also amends the provisions of the Law on labour standards on night work so that they apply until the child is not subjected to the obligation to attend school anymore.

Furthermore, the Law transfers from the Law on public education to the Law on labour standards the prohibition to employ children during school hours.

More precisely, Law No. 50 modifies the Law on Labour Standards in order to:

- prevent employers from having children do work disproportionate to their capacities or likely to compromise their education, health or development;
- prevent employers from having a child of less than 14 years of age work without written consent by parents or a guardian;
- exclude the employment of a child during school hours;
- ban night work, except for certain cases.

The Law also obliges:

- employers to design working hours so that children can be at school during school hours;
- employers to design working hours so that children can be at their family's residence during the night, except for certain cases.

The new provisions of the Law on Labour Standards came into force on 1 February 2000 with the exception of sections 84.6, 84.7 and 89.1 concerning the night work of children which came into force on 20 July 2000.

Ontario

The Government of Ontario indicated that the following minor corrections should be made to the information concerning Ontario in Canada's initial reports for the annual review of 2000:

Under the heading "Enforcement", the title of the cited law should be changed from: "*Ontario Health and Safety Act*" " to *"Occupational Health and Safety Act"*.

Assessment of the factual situation

British Columbia

The enforcement of the Employment Standards Act, including the provisions restricting child labour, is the responsibility of the Director and Industrial Relations Officers (IROs) of the Employment Standards Branch. It should be recalled from the annex of Canada's initial report, that under British Columbia Employment Standards Act, children under 15 cannot work without a permit of the Director of Employment Standards. The Branch reports the following number of child work permits assigned and closed since fiscal year 1995-96:

Fiscal year	Permits assigned	Permits closed
1995-96	2	37
1996-97	69	65
1997-98	948	1012
1998-99	457	598
1999-00	375	493

The large increase in child permits beginning in 1997-98 is due to the British Columbian Government introducing new regulatory requirements for children in the film industry.

Efforts made or envisaged to ensure respect, promotion and realization of these principles and rights

[Reference is also made to the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), which is not covered by the annual review for 2001.]

Canada has supported the ILO's International Programme for the Elimination of Child Labour (IPEC) for a number of years and, in June 2000, the Government of Canada committed a further 15 million Canadian dollars over five years to support ILO programmes aimed at eliminating child labour worldwide.

Representative employers' and workers' organizations to which copies of the report have been sent

A copy of this report is being provided to the following representative employers' and workers' organizations:

- Canadian Employers' Council (CEC);
- Canadian Labour Congress (CLC); and
- Confédération des syndicats nationaux (CSN).

Observations received from employers' and workers' organizations

The Canadian Employers' Council advised that it does not plan to provide supplementary comments at this time since the Government's initial report is, in their view, comprehensive and factual. No comments have been received from the Canadian Labour Congress and the Confédération des syndicats nationaux.

Annexes (not reproduced)

Quebec

- Projet de loi no 50 (1999, chapitre 52), Loi modifiant la Loi sur les normes du travail et d'autres dispositions législatives concernant le travail des enfants. (French only).
- Décret 814-2000 concernant l'entrée en vigueur de certaines dispositions de la Loi modifiant la Loi sur les normes du travail et d'autres dispositions législatives concernant le travail des enfants, 21 juin 2000. (French only).
- Décret 815-2000 concernant le Règlement modifiant le Règlement sur les normes du travail, 21 juin 2000. (French only).

Chad

Means of assessing the situation

Assessment of the institutional context

The principle of the effective abolition of child labour is recognized in Chad, in the laws and regulations as well as studies and awareness-raising programmes.

Except for some harmonization of laws that is still to be done, the provisions of the constitution laws and regulations are in conformity with international labour standards.

The Labour Code of 1996:

– section 5 prohibits forced or compulsory labour;

– section 52 prohibits the employment of children under 14 years of age;

– section 236 prohibits night work for children;

– section 190 provides for sanctions in the form of fines and imprisonment if sections 5 and 52 of the Labour Code are violated; and

– section 6 prohibits all forms of discrimination in employment and occupation.

According to Decree No. 55, which is complemented by Decree No. 373, the minimum age for admission to employment is 14 years. Exceptionally, it is 12 years of age for light work (see list in section 2). In both cases, employment is not possible without the consent of the parents:

– section 6 prohibits the employment of young persons under 18 years of age in jobs such as lubricating and cleaning;

– section 7 prohibits the employment of persons under the age of 18 in jobs in which machines with pedals, wheels and cranks are used; and

– section 8 and subsequent sections set the basis for checking and determining the weights which may be carried by young persons of both sexes.

The process for the ratification of Conventions Nos. 182 and 138 is at a very advanced stage. [Reference is also made to the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), which is not covered by the annual review of 2001.] Convention No. 138 was adopted by the Council of Ministers on 10 August 2000 and transmitted to the competent authority for ratification during the next session of Parliament.

The minimum age for admission for employment is 14 years. This is higher than the age of 12 years at which basic compulsory schooling ends according to the Constitution of Chad (article 35). The age for admission to apprenticeship is 13 years.

Section 10 of Decree No. 55 regulates the weights to be carried by children who are under the age of 18.

Section 2 of Decree No. 55 regulates the types of work in which they may engage in different sectors of the economy.

The exceptions to the regulation concern light work in which children under the age of 12 may be employed (domestic work, harvesting and collecting items, etc.).

There are administrative and legal sanctions (under section 190 of the Labour Code) to ensure that the principle is applied. However, it is difficult to apply coercive and dissuasive measures because the administration is inefficient.

Assessment of the factual situation

Of the population of seven million, 3,360,000, that is 48 per cent, are children under 15 years of age (general population and household census of 1993); 19 per cent of children between the ages of 16 and 18 work (UNICEF study). Another study on children between the ages of 13 and 16 years showed the following breakdown by sector of activity:

– 61 per cent in commerce;

– 6.6 per cent in personnel services;

– 4.2 per cent in the craft industry;

– 4 per cent in agriculture; and

– 20 per cent in unspecified activities which include work within the family.

One-fifth of these children are illiterate. Ninety per cent of them are in the informal sector since child labour is prohibited in the formal sector. Only 3.5 per cent of these children do not have either a father or a mother. The school enrolment rate in Chad is 57.5 per cent.

The statistics and trends show that if no effective measures are taken in the short and medium terms, the situation with respect the child labour will deteriorate, given that poverty is becoming more pronounced, there is insecurity in certain parts of the country and the informal sector is becoming larger. In addition to these developments, the State is finding it difficult to provide adequate conditions for the children's development. These conclusions are derived from a study by the Union of Trade Unions of Chad (UST) on child labour and other studies and awareness-raising campaigns organized jointly by UNICEF-Chad and the Ministry of Labour. The lack of infrastructure and personnel is particularly striking.

Given the growing population and worsening social and economic conditions, an improvement in the situation does not seem likely. The outlook is not at all satisfactory because of the lack of material, financial and human resources. There is, however, an education and training policy that is linked to employment (see Decree No. 765 of 1993). The budget for elementary schooling increases by 20 per cent each year but the results are far below the expectations. It is necessary and urgent to take additional measures given the great increase in the number of children.

Efforts made or envisaged to ensure respect, promotion and realization of these principles and rights

The only measures being taken to reintegrate child workers are focused on child soldiers. The other measures are limited to awareness-raising campaigns by the Government with the support of UNICEF. The UST, within the framework of the project known as *Structural Adjustment Programme: A new approach*, carried out an awareness-raising campaign and training activities on the subject of child labour.

Preventive measures are rare but they are provided for. Social protection and social security are inexistent for most Chadian workers. Education is compulsory only at the elementary school level.

The following efforts are being made with a view to eliminating child labour.

The measures taken by the Government are limited to the ratification of international conventions and the carrying out of awareness-raising campaigns funded by UNICEF.

[According to the information provided by the Government], the International Programme for the Elimination of Child Labour (IPEC) has no activities in Chad. UNICEF-Chad is dealing with child labour by the funding awareness-raising campaigns (seminars, advertisements, billboards, a collection of documents dealing with child labour and a project targeting some young mothers).

Certain NGOs working to defend the rights of the child also carry out awareness-raising campaigns.

The Government, through the ratification of Convention No. 182 and initiatives for the ratification of Convention No. 138, is aiming to promote and realize the principle of the effective abolition of child labour. However, it is necessary to have the means as well as good faith.

By passing laws and regulations to prevent child labour, and by ratifying the United Nations Conventions on the rights of the child, and above all, the ILO Conventions that deal with child labour, it may be said that the Government has the political will to respect, promote and realize the effective abolition of child labour. In order to translate this political will into concrete action, there is need for technical, material and financial support. There is a risk of Chad remaining at the stage of good intentions for a long time while the worse forms of child labour become widespread.

The Government has put in place an action plan for the following:

(1) Sensitizing:

- Government officials;
- entrepreneurs;
- the population as a whole (parents, persons influencing public opinion, and also NGOs operating in the capital and large towns); and
- members of Parliament

(2) setting up a national tripartite committee for the abolition of child labour;

(3) providing training for officials in charge of [labour] standards, as well as the social partners and civil society;

(4) taking into account the Declaration in training programmes for labour inspectors to be held shortly in N'djamena;

(5) giving resources to the standards department to ensure that it has the minimum conditions to perform its work;

(6) setting up or strengthening the capacity of the competent authorities;

(7) taking into account the conditions under which children work;

(8) operationalizing technical cooperation activities:

(a) by carrying out studies to gain a good insight into child labour, its real causes and other aspects of the problem;

(b) by identifying the actions that are necessary for the effective abolition of child labour;

(c) by popularizing the Declaration and fundamental labour standards throughout the country; and

(d) by initiating development projects to reintegrate children in society and assume responsibility for them.

Representative employers' and workers' organizations to which copies of the report have been sent

The Government sent a copy of its report to the employers' and workers' organizations.

– Employers:

  – National Council of Chadian Employers (CNPT)

– Workers:

  – the Union of Trade Unions of Chad (UST)

  – The Free Confederation of Workers in Chad (CLTT)

  – The Confederation of Trade Unions of Chad (CST)

Observations received from employers' and workers' organizations

The Government rarely receives observations from these employers' and workers' organizations.

Colombia

Means of assessing the situation

Assessment of the institutional context

Colombia recognizes the principle of the effective abolition of child labour.

This principle is recognized in the following:

– the Political Constitution of Colombia, 1991 (articles 44 and 53);

– the Minors' Code, 1989 (articles 14 and 237 to 264); and

– Decree 859 of 26 May 1995, which provides for the establishment of the Inter-Institutional Committee for the Abolition of Child Labour and the Protection of Working Minors.

Other instruments:

– the 1998-2002 National Development Plan (Family and Children, page 200);

– the 2000-02 National Plan of Action for the Abolition of Child Labour and the Protection of Working Minors; and

– the 1996 Resolution of the National Association of Manufacturers (ANDI) Board of Directors, which established a code of conduct for its members aimed at the prevention and abolition of child labour.

The following definitions apply:

– *Article 44 of the Political Constitution*: "The fundamental rights of children are: … They shall be protected against any form of abandonment, physical or moral violence, kidnapping, sale, sexual abuse, employment or financial exploitation and from hazardous work …".

– *Article 53 of the Political Constitution*: "Congress shall issue the labour statute. The corresponding law shall take into account at least the following minimum fundamental principles: … special protection for women, maternity and working minors …".

– *Section 14 of the Minors' Code*: "Every minor has the right to be protected from economic exploitation and carrying out any work that could endanger his or her physical or mental health, or prevent his or her access to education."

"The State shall ensure that the provisions of the present statute relating to the employment of minors are fulfilled."

– *Decree 859 of 26 May 1995*: "CONSIDERING: that the National Government considers the well-being of children to be a priority for overcoming poverty, …action is being considered with a view to abolishing the employment of persons under the age of 14 years, thus discouraging child labour …".

The functions of the Committee include drawing up and proposing the Plan of Action for the Progressive Abolition of Child Labour and the Protection of Working Minors aged between 14 and 18 years, as contained in section 3(2) of the Decree.

These instruments may be applied to any groups of the population.

No changes have occurred in Colombian legislation since last year's report.

Any activity which could potentially affect the physical, mental or moral integrity of minors is prohibited.

Minors aged between 12 and 14 years may work for a maximum of four hours per day (section 242 of the Minors' Code).

The Colombian State has various mechanisms to promote, oversee and monitor the application of the principle of the effective abolition of child labour and the protection of working minors. They include the following:

Administrative action

Through various administrative action of various kinds, the Ministry of Labour and Social Security promotes and guarantees the application of standards aimed at protecting working minors, and is developing the fundamental principles of the Plan of Action for the Progressive Abolition of Child Labour. This includes agreements, guidance given to regional directors, preventive inspections, sanctions and penalties for failing to apply standards contained in the Minors' Code, which may lead to the closure of establishments that persistently fail to conform.

Labour inspection

The Special Labour Inspection, Oversight and Monitoring Unit is responsible for ensuring that standards relating to child labour are promoted and applied. Inspectors have participated in regional workshops to raise awareness on various subjects, including the abolition of child labour.

Employment inspections are of a general nature. In other words, they are not determined by people's activities or characteristics. All workers, including minors or young people, who believe that their rights are being violated can have recourse to the employment inspections that take place throughout Colombia. This will result in the employer being summonsed through an administrative labour procedure and an investigation, which may result in a conciliatory agreement or sanctions.

Employers and workers form part of the Inter-Institutional Committee for the Progressive Abolition of Child Labour and the Protection of Working Minors, and have actively participated in the development of the National Plan of Action, which is established within the framework of this Committee.

Assessment of the factual situation

The requested data are found in the attached document (not reproduced) *Child labour in Colombia: The figures*, jointly written by this Ministry, the Spanish Agency for International Cooperation (AECI) and the International Labour Organization (the IPEC Programme and the COL/95/003 Project).

The previous report announced the formulation of the first National Plan of Action for the Abolition of Child Labour and the Protection of Working Minors, within the framework of the functions assigned to the Inter-Institutional Committee. Five objectives were outlined: an assessment of the current situation, institutional strengthening, legislative development, social mobilization and direct intervention.

This plan came to the end of its course in 1999, and work began on the second plan, which was based on the assessments of its predecessor. The magnitude and characteristics of the problem in Colombia were assessed; a review of the responsibilities, programmes and activities of different sectors of society participating in the Inter-Institutional Committee, was carried out; wide-ranging consultations took place with all institutions concerned by the issue, with responses from 150 institutions at national level; and the lessons learned were analysed and used to create the new Plan of Action.

The new plan (annex not reproduced) was drawn up in collaboration with over 140 governmental, non-governmental, workers', employers' and academic organizations. The plan includes outlines for developing programmes and action, and indicates responsibilities and the management mechanisms required to guarantee its implementation. Six specific objectives of the plan are:

– to consolidate a national subsystem of information on child labour;

– to create and develop programmes to change cultural patterns*;*

– to create and implement the mechanisms required for guaranteeing a more precise and focused development of public policies for the prevention and abolition of child labour;

- to promote the realization and development of national legislation relating to child labour and strengthen mechanisms that guarantee its application, particularly inspections, surveillance and sanctions;

- to have a controlled impact on the situation of specific groups of children engaged in the worst forms of child labour, in order to remove them from such circumstances;

- to develop management mechanisms for implementing the plan at different regional levels.

In practice, the following progress has been made during the past year:

- steps have been taken to deposit an instrument of ratification for ILO Convention No. 138;

[Reference is also made to the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), which is not covered by the annual review for 2001.]

- Act No. 418 of 1997 was issued, with the following text relating to minors:

Chapter 2 – Provisions for protecting minors against the effects of armed conflict

Section 13. Persons under the age of 18 years shall not be recruited to perform military service. Minors studying in the eleventh grade who, in accordance with Act No. 48 of 1993, are selected to perform military service, will have their incorporation into the ranks postponed until they reach the age of 18 years, unless they choose voluntarily and with the express authorization and written consent of their parents to fulfil their constitutional obligation immediately, in which case they shall not be sent to areas where military operations are under way or employed in military operations.

[In accordance with Decree 2541 of 1998]

Should a young person who postponed military service be enrolled in a pre-degree course at a higher education establishment when reaching the age of majority, he will have the choice of fulfilling his obligation immediately, or postponing it until the completion of his studies. Should the student choose to fulfil his obligation immediately, the educational establishment shall keep his place open under the same conditions; should he choose to postpone his military service, the corresponding qualifications shall only be awarded when military service has been completed, as required by law. Should higher education be interrupted, the student shall be obliged to commence military service.

Any civil or military authority disregarding this provision shall be liable to dismissal on the grounds of misconduct.

Section 14. Persons who recruit minors to join rebel or self-defence groups, encourage or allow them to join such groups, or give them military training with such activities in mind, shall be punishable with a three- to five-year prison sentence.

"The legal benefits established in the present law shall not apply to members of illegal armed groups which incorporate persons under the age of eighteen (18) years.";

– the abovementioned Act No. 418 was extended by Act No. 548 of 23 December 1999, which establishes the principle that persons under the age of 18 years may not be recruited by the Colombian security forces (national police force, army, navy and the Colombian air force).

Efforts made or envisaged to ensure respect, promotion and realization of these principles and rights

Measures adopted to ensure the effective abolition of child labour include:

The incorporation of the principles in question into national development plans, national budgets, macroeconomic policies and other instruments and programmes

During the past ten years, Colombia has made a particular effort to guarantee the full implementation of children's rights. In 1990, Colombia participated in the World Summit for Children and committed itself to the World Declaration on the Survival, Protection and Development of Children and Plan of Action. In accordance with this Declaration, in 1991, Colombia formulated and initiated the National Plan of Action for Children (PAFI), which defines goals relating to health, nutrition, drinking water and basic sanitation, education and the special protection of children in particularly difficult circumstances.

Furthermore, the necessary steps were taken to deposit the instrument of ratification for Convention No. 138. [Reference is also made to the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), which is not covered by the annual review for 2001].

The 1994-98 and 1998-2002 National Development Plans include specific goals and strategies aimed at providing comprehensive protection for children and guaranteeing the full implementation of their rights. In line with this, an article was drawn up to amend the Minors' Code to incorporate concepts from the Constitution and the Convention for children.

One of Colombia's specific goals, as demonstrated in each of its plans and social programmes for children, has been to make progress in the progressive abolition of child labour (minors under 14 years) and protection of working minors (minors from 14 to 17 years).

With a view to integrating and boosting the activities of society's different actors and fulfilling this goal, in 1995, the Inter-Institutional Committee for the Abolition of Child Labour and the Protection of Working Minors, with the support of the ILO, drew up a National Plan of Action in this sphere. The plan was the result of a detailed analysis of the trends, magnitude and characteristics of child labour in Colombia and the institutional endeavours at that time to prevent child labour and to rescue working children or safeguard and improve the working conditions of young people. [1]

In accordance with the 1998-2002 National Development Plan *Change for Constructing Peace*, the Ministry of Labour and Social Security proposes the establishment of a policy for the prohibition and abolition of the worst forms of child labour and the protection of working minors, based on the relevant international

[1] Document of June 1999: The Ministry of Labour, AECI, ILO, IPEC, the COL/95/003 Project.

Conventions and national legislation, and taking into account the urgent need to reconstruct Colombia's social fabric to achieve sustainable economic growth and social cohesion. [2]

The establishment of a special governmental and/or non-governmental procedure (for example, inter-ministerial/departmental working groups, tripartite managerial groups and committees on related issues)

Colombia adopted a tripartite, inter-institutional and intersectoral procedure to develop the principle, with the creation of the Inter-Institutional Committee for the Abolition of Child Labour and the Protection of Working Minors, in which the following authorities participated: the Ministries of Labour and Social Security, Health, Communications and National Education; the Presidency of the Republic; the Presidential Social Policy Advisory Office; the National Planning Department; ICBF; SENA; COLDEPORTES; the Single Confederation of Workers of Colombia; the General Confederation of Democratic Workers; the Confederation of Workers of Colombia; ANDI; UNICEF; MINERCOL (Colombian Mining Company); ASOCOLFLORES (Plant and Flower Industry), the Colombian Confederation of NGOs; the People's Ombudsman; the National Attorney General's Office; the ILO COL/95/003 Project and IPEC. The Committee's activities from 1995, with the support of the ILO-IPEC, helped to formulate the 1996-99 and 2000-02 National Plans of Action within a larger framework of institutional action, with the aim of fully restoring the rights of children who work in conditions that put their health, development and lives at risk, or who are exploited, abused and vulnerable in the workplace.

Based on this aim, the following policy outlines were defined:

(i) the Ministry of Labour and Social Security will assume responsibility for the international commitments accepted by Colombia relating to the prohibition and abolition of child labour and the protection of working minors. It will accordingly be responsible for ensuring that all public policies can guarantee, in the long term, the abolition of the worst forms of child labour and the protection of working minors;

(ii) the Inter-Institutional Committee created to this end will emphasize the institutional relevance of this issue and its adaptation to all social classes by identifying the actors involved in the abolition of the worst forms of child labour and the protection of working minors' rights;

(iii) within the new structure, the Ministry of Labour and Social Security will place special emphasis on ensuring that each sector considers this issue in terms of a comprehensive policy;

(iv) each proposed strategy and line of action will take into account the importance of decentralization to create regional and local initiatives which contribute to the implementation of general policy outlines;

(v) the Ministry of Labour and Social Security will promote the legal measures required to ensure that the policy on the abolition of the worst forms of child labour and the protection of working minors is effective;

[2] Act No. 508 of 1999, the National Development Plan *Change for Constructing Peace.*

(vi) employment strategies will discourage the employment of minors and encourage the employment of adults responsible for minors who are at risk;

(vii) members of the Inter-Institutional Committee will favour the mobilization of Colombian society for the abolition of the worst forms of child labour and the protection of working minors' rights; and

(viii) similarly, the appropriate conditions will be created to consolidate national and intersectoral information on the conditions of working minors who are at risk.

[Reference is made to matters relating to the Worst Forms of Child Labour Convention, 1999 (No. 182), which will be covered only by the annual review starting in 2002].

In this context, special attention has been given to decentralizing the National Plan to facilitate action aimed at the abolition of child labour. In order to do this, a method has been proposed for departmental and municipal administrations, which contains procedures for carrying out a regional assessment of the conditions of working children. This will help to formulate and implement a regional plan containing strategies in the field of prevention and intervention, and create the possibility of monitoring its development.

Greater political commitment at national and regional levels with regard to the prevention and progressive abolition of child labour has, inter alia, led to the following:

(i) the harmonization of a network of institutions, the most significant of which being the Inter-Institutional Committee, which has moved from administration and social protection into the field of the prevention and abolition of child labour. The Committee has become an inter-institutional body with the instruments required for defining and approving programmes of action at national level;

(ii) coordination between the Ministry of Labour and Social Security, the COL/95/003 Project and the IPEC Programme of the ILO. This has enabled more institutions to come together and examine the problem of child labour;

(iii) active links between employers' and workers' organizations in the fight against child labour. For example, in 1999, as part of its related institutional plan, ANDI analysed information from the 1998 National Household Survey and produced a resolution on the conduct of its members to prevent and abolish child labour. MINERCOL also received technical assistance from IPEC to formulate and implement a policy and programme to abolish the practice of child labour in small-scale mining;

(iv) the commencement of a decentralization process for the National Plan of Action for the Progressive Abolition of Child Labour and the Protection of Working Minors. To date, this has been achieved through decentralized offices of the Ministry of Labour and Social Security, the Ministry of National Education, the Ministry of Health and the Colombian Institute of Family Well-Being. It is the responsibility of each department and municipality to adapt the plan to suit their requirements. By July 2000, Cundinamarca, Santander, Antioquía and Valle del Cauca had specific plans;

(v) the identification of intervention priorities and creation of four intervention models for the prevention and abolition of child labour. The following programmes of action are being developed:

– designing a model for actively seeking out the problem, with the Colombian Confederation of Non-Governmental Organizations;

– preparing the document *Working boys, girls and minors* with the University of the Andes-CEDE;

– establishing the municipal position and handling of child labour in 14 municipalities in the departments of Boyocá, Cundinamarca and Tolima, with SOCOLPE;

– measures to provide information and raise awareness on child labour, with the OEI and the Ministry of Health;

– education aimed at the abolition of child labour with CENSAT; and

– a personal development model for sexually exploited girls in Bogotá, with the Antonio Restrepo Barco Foundation;

[Reference is made to matters relating to the Worst Forms of Child Labour Convention, 1999 (No. 182), which will be covered only by the annual review starting in 2002].

(vi) the qualification of national information on child labour taking into account statistics as well as programmes and documents. This work has been consolidated in the publication of *Child labour in Colombia: The figures*;

(vii) the creation of tools to evaluate and monitor the situation of working children and young people and the impact of programmes. Still in its early stages, this mechanism requires particular impetus during the next two years, with the support of the Inter-Institutional Committee and in close collaboration with the National Administrative Statistics Department (DANE) and the Planning Office of the Ministry of Labour and Social Security;

(viii) the process of legislative review relating to child labour issues. During the time of the previous Government, institutions actively participated in the process of reforming of the Minors' Code, which was later withdrawn by Congress. A consensus now exists regarding the proposed new articles. There have also been discussions within the Inter-Institutional Committee on Conventions Nos. 138 and 182;

(ix) children's involvement in defining strategies to abolish child labour, including the National Consultation Day with schoolchildren on how to abolish the worst forms of child labour. During this day, information was received from 70,000 students. Also, talks took place with working children to raise the awareness of institutions by placing them in direct contact with minors;

(x) the use of the media to raise awareness on this subject, which has increased its participation by means of publications, press releases and programmes relating to child labour. The IPEC Programme was responsible for a television and radio campaign to promote the abolition of the worst forms of child labour. The COL/95/003 Project financed the production of four videos on the lives of working children. These were shown to staff at the Ministry of Labour and Social Security to raise their awareness of the problem;

(xi) the increased training given to social activists who promote children's rights, particularly the abolition of child labour. In 2000, the following seminars took place:

- 2-3 March, Bogotá: National forum on the abolition of child labour and the protection of young workers;

- 22-25 March, Cali: Workshop on the problem of child labour, intervention strategies and direct intervention projects. Thirty-five governmental, employers' and workers' organizations participated;

- 5 April, Bogotá: Technical Committee for the implementation of the Operational Plan;

- 15 June, Fusagasugá: Thirty different bodies met to examine the problem of child labour, intervention strategies and direct intervention projects; and

- 14 August, Tausa: Fifteen local and educational bodies met to study the problem of child labour and define intervention strategies;

(xii) the joint promotion and development of Ibero-American policies regarding the prevention and abolition of child labour. On 6 March, in Cartagena, an Ibero-American course took place on the abolition of child labour, with the support of the IPEC Programme and the AECI.

Legislative reform

Various national institutions consider that the spirit of Convention No. 138 has been widely recognized in national legislation, which prohibits the employment of children under the age of 14 years and regulates the working day, wages and other workers' rights for young people aged between 14 and 18 years. In addition, Colombia has clearly defined a policy aimed at the abolition of child labour, particularly hazardous work, which places the safety and development of young persons at risk.

With the 12 January 1991 Act, Congress ratified the Convention on the rights of the child, which obliges Colombia to respect and apply each article, including Article 32, which specifies that "States parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development".

The Political Constitution of 1991, for its part, in article 44, established the fundamental rights of the child and their priority over other rights, making the family, society and the State jointly responsible for guaranteeing these rights; also, article 53 set out the minimum fundamental principles at work, placing particular emphasis on the special protection of working minors; and article 67 made education compulsory for persons aged between 5 and 15 years.

Act No. 418 of 1997 and Act No. 548 of 1999 contain provisions to exclude persons under the age of 18 years from military service.

Act No. 515 of 1997 regulates the minimum age for admission to employment, as stipulated in Convention No. 138.

This information, reproduced as received, does not represent the views of the ILO

Training and strengthening the capacities of relevant parties (for example, the employment inspection services, the magistrature, members of Parliament, employers' and workers' organizations and civil society groups) have also been used to ensure the effective abolition of child labour

Colombia has made progress towards recognizing that, owing to the fact that the Government is not solely responsible for this problem, participation is now required from governmental institutions responsible for education, children, health and labour issues, from regional and local authorities, employers' unions, trade union organizations, community social organizations, civic organizations, parents and adults, schools, communities, specialists and working minors themselves, given that their opinions, motives and decisions should be the focal point of discussions.

Programmes such as the Children's Mandate for Peace and against Violence (1996), Dreams and Voices, and Communities of Peace, brought the efforts and knowledge of children and various sectors of civil society to bear on the problem of child labour.

It has also been considered very important to strengthen surveillance, inspection and sanctioning systems so that regional inspectors from the Ministry of Labour and Social Security carry out the periodical monitoring of minors who have been authorized to work, visit places of work and monitor the employment conditions of minors.

The Ministry of Labour and Social Security, with the support of IPEC, has also been involved in programmes that promote community supervision schemes aimed at developing mechanisms to stop, report and monitor known cases of child labour.

Raising awareness and public information campaigns

Although it is clear that, in the short term, the absolute abolition of child labour is not possible, we are developing a strategy to increase social awareness which consolidates the national aim of abolishing child labour.

In this connection, we have been working with parents, teachers, employers, communities and authorities to raise their awareness, thus enabling them to change or strengthen their values relating to children and propagate children's rights.

Videos have been made on the lives of working children and discussions have been held, as well as a national day to raise children's awareness of the problem. Furthermore, the Ministry of Labour remains in direct contact with the media to disseminate information on the plan and its progress.

Some bodies, such as MINERCOL and ASOCOLFLORES, are carrying out programmes for the abolition of child labour.

Drawing up and applying national plans of action

In December 1995, the Inter-Institutional Committee for the Abolition of Child Labour and the Protection of Working Minors, with the support of the ILO, defined a National Plan of Action aimed at achieving this objective. This plan was the result of a detailed analysis of the trends, magnitude and characteristics of child labour in Colombia and inter-institutional endeavours**,** existing at that time, to prevent child labour and to rescue working children or safeguard and improve the working conditions of young people.

The main objectives laid down in this plan are:

(1) to strengthen the educational system in such a way as to ensure the attendance of children at least until they have completed their basic education and to develop training programmes for jobs intended for workers over 14 years of age;

(2) to guarantee the right to health for all children within their families and to guarantee access to full social security (health, pensions and occupational hazards insurance) for workers over 14 years of age;

(3) support for the poorest families, in the areas of economic productivity and how to show affection to their children;

(4) to actively seek to identify children engaged in harmful or dangerous jobs in order to ensure that they are fully protected;

(5) to strengthen national legislation and mechanisms guaranteeing its implementation;

(6) up-to-date knowledge of the child labour situation at national and local levels; and

(7) establishment or strengthening of bodies responsible for developing policies for the abolition of child labour.

In May 1996, the Government of Colombia defined the implementation of a programme for the abolition of child labour at national level, with the support of the IPEC Programme, and established annual operational plans coordinated by the Ministry of Labour and Social Security to achieve the following objectives:

(1) analysis of the current situation;

(2) strengthening of bodies and sectoral and multisectoral policies in this sphere;

(3) definition of intervention models which consider methods to prevent child labour, rescue and protect children involved in the workforce, and improve the working conditions of young people;

(4) legislative revision and amendments;

(5) mobilization of different sectors of society to raise their awareness and gain their commitment; and

(6) support to the world movement to abolish child labour.

For their part, at the end of 1997, the workers' organizations established an action plan to raise the awareness of trade union leaders and specific groups of children and young people concerning the abolition of child labour; to keep children in schools in the critical region of Bogotá, where children and young people are at risk of becoming involved in child labour; and to promote employment training in different areas and the promulgation of children's rights.

For their part, employers' organizations have promoted the issuance of codes of conduct for their members, with the aim of raising their awareness and involving them in activities for the prevention and abolition of child labour. Following this resolution, ANDI formulated a plan of action, which includes an analysis of the current situation and changes that have occurred since 1998; awareness-building activities, particularly in the educational

sector, with the Bolivariana University; and an essay, video and photography competition. Central trade unions have promoted seminars on child labour and the abolition of its worst forms.

With regard to the decentralization of national policies, approximately 30 per cent of the departments in Colombia have well-defined and operational plans of action for the abolition of child labour. The IPEC Programme is supporting the development of direct intervention projects by requesting and seeking funding.

Similarly, with the aim of decentralizing the Plan of Action for the Abolition of Child Labour at municipal level, since November 1997, IPEC and the Colombian Teaching Society (SOCOLPE) have been developing a programme of action entitled "The municipal position and handling of the problem of child labour in 14 municipalities in the departments of Boyocá, Cundinamarca and Tolima". This programme of action has led to the definition of specific plans and projects relating to the issue in each municipality. A method was defined for applying the plan to other municipalities.

In February 2000, the Inter-Institutional Committee approved the new 2000-02 National Plan of Action for the Abolition of Child Labour and the Protection of Working Minors. All Committee members actively participated in formulating the plan.

Efforts made to ensure the effective abolition of child labour include the following:

– *By the Government:* The Ministry of Labour and Social Security has an internal working group, with the participation of staff from the general directorates for labour, employment, cash benefits, additional social services, occupational hazards insurance; the Special Labour Inspection, Oversight and Monitoring Unit; and the Advisory Office for Foreign Affairs. The Government also provides facilities for the IPEC Programme. Other governmental members involved in the Inter-Institutional Committee provide staff for the Committee in order to develop sectoral plans and departmental and municipal plans for the abolition of child labour, including regional staff from the Ministries of Health, National Education, Labour and Social Security and the ICBF. The 2000 Operational Plan has an allocated budget of 6,000 million pesos from institutions and bodies of the Committee.

– *By the Organization* (for example, with the participation of IPEC): IPEC has collaborated with the Colombian Government since 1995, and at present has a coordinator and administrative support. In 2000, within the framework of the COL/95/003 Project, we collaborated with two specific advisory bodies. Both bodies have financed Committee publications.

– *By other bodies*: There are 25 bodies involved in the Inter-Institutional Committee and 25 involved in the Technical Committee, including national and regional representatives of the People's Ombudsman, the National Attorney-General's Office and the Colombian Confederation of NGOs, as well as employers' and workers' organizations. Including IPEC, there are 200 staff working part time at national and regional level on the National Plan of Action.

The 2000-02 Plan of Action for the Abolition of Child Labour and the Protection of Working Minors has the general objective of "making progress to seek and preserve peace by means of the progressive abolition of child labour in Colombia, giving priority to its worst forms, … by developing programmes which change the patterns of child labour and

ensure the full and equitable protection of children, thus guaranteeing the full restoration of their rights". [3] Specific objectives of the plan are:

– to consolidate a national subsystem for information on child labour;

– to create and develop programmes to change cultural patterns, which legitimise and promote child labour;

– to create and implement the mechanisms required for guaranteeing more precise and focused public policies relating to the prevention and abolition of child labour;

– to promote the realization and development of national legislation concerning child labour and strengthen mechanisms that guarantee its application, particularly inspections, surveillance and sanctions;

– to have a controlled impact on the situation of specific groups of children engaged in the worst forms of child labour in order to remove them from such circumstances and fully restore their rights;

– to develop management mechanisms for implementing the plan efficiently and effectively at different regional levels.

The Ministry of Labour and Social Security continues to act as a technical secretariat for the Inter-Institutional Committee. In addition, in accordance with the efficiency agreement recently signed by the Treasury, the Ministry of Labour and the National Planning Department, a commitment has been made to:

– signing three agreements with governmental, non-governmental and international bodies, thus providing the resources required for implementing the policy for the abolition of child labour;

– presenting a bill to modernize legislation on child labour and bring it into line with international standards, in October 2000.

[Reference is made to matters relating to the Worst Forms of Child Labour Convention, 1999 (No. 182), which will be covered only by the annual review starting in 2002.]

The document *Sol a Sol: The 2000-02 National Plan of Action for the Abolition of Child Labour and the Protection of Working Minors* is attached. This document defines policy outlines for the new plan, responsibilities and management mechanisms to ensure its implementation, agreed upon by all members of the Inter-Institutional Committee (not reproduced).

Representative employers' and workers' organizations to which copies of the report have been sent

Employers' organizations:

– National Association of Manufacturers (ANDI)

[3] *The 2000-02 National Plan of Action for the Abolition of Child Labour and the Protection of Working Minors*, The Inter-Institutional Committee for the Abolition of Child Labour, February 2000.

– National Federation of Merchants (FENALCO)

– Colombian Association of Small- and Medium-sized Industries (ACOPI)

– Colombian Farmers' Society (SAC)

Workers' organizations:

– Single Confederation of Workers of Colombia (CUT)

– Confederation of Workers of Colombia (CTC)

– General Confederation of Democratic Workers (CGTD).

Observations received from employers' and workers' organizations

The Government of Colombia received no comments.

Annexes (not reproduced)

(1) Act No. 48 of 1993 (3 March) regulating recruitment services and mobilization.

(2) Act No. 548 of 1999 (23 December) for the entry into force of Act No. 418 of 26 December 1997 and the issuing of other provisions.

(3) National Action Plan for the Eradication of Child Labour and the Protection of Young Workers, 2000-02. Inter-Institutional Committee for the Eradication of Child Labour, February 2000.

(4) National Association of Manufacturers (ANDI). Text of a resolution on child labour (one page).

(5) Child Labour in Colombia: The figures.

Comoros

Means of assessing the situation

Assessment of the institutional context

The Preamble of the Constitution of 20 October 1996 states that all children are entitled to education and training from the State, their parents and the teachers chosen by them. It further states that children have a right to protection, in particular as provided for in the international Conventions ratified by Comoros.

The Preamble of the Constitution guarantees the right of young people to be protected by the State and the local authorities, against moral neglect and all forms of exploitation and crime. Like all Comorian citizens, they also have a right to health, work and decent accommodation.

Section 123 of the Labour Code of 1984 states that children may not be employed in any type of enterprise, even as apprentices, before the age of 15.

The Government nevertheless plans to review the entire body of labour laws and regulations so that they would better reflect the spirit of the Minimum Age Convention, 1973 (No. 138). [Reference is made to matters relating to the Worst Forms of Child Labour Convention, 1999 (No. 182), which will be covered only by the annual review starting in 2002.]

Assessment of the factual situation

Child labour exists in Comoros, especially as a result of poverty and the low rate of school enrolment or attendance. Some children are prevented from attending school entirely because they work, whereas others go to school but work to supplement their family's income and to buy school materials. Sometimes classes are cancelled because of the irregular payment of teachers' salaries.

Children from disadvantaged backgrounds are often placed with other families who are responsible for their education. However these children often have to seek work and they find themselves being exploited.

Prostitution remains a marginal phenomenon in Comoros and there are no known cases of child prostitution.

Statistical data collected as part of a pilot survey carried out in July 2000 on the islands of Grande Comore and Mohéli, and based on a sample of 698 boys and girls between the ages of 5 and 18, showed that:

– 80 per cent of children attend school, although 13 per cent have not reached the second level of secondary school;

– 15.8 per cent of children work; of these 52.3 per cent are boys and 47.7 per cent girls;

– children start working from the age of 12, and 94 per cent of children between 12 and 18 years of age are in the labour market;

– the occupational classification for working children is as follows: 33.6 per cent are apprentices; 20 per cent are wage earners; and 34 per cent work to help their families;

– the main sectors of activity in which children work are agriculture (15 per cent), fishing (14 per cent) and domestic work (10 per cent).

On the basis of this survey the Government hopes to carry out a large-scale national study on child labour.

A national survey focusing on multiple indicators, including child labour, is in progress.

Efforts made or envisaged to ensure respect, promotion and realization of these principles and rights

In 1999, following the ratification of the United Nations Convention on the Rights of the Child in July 1993, the Government, in cooperation with UNICEF, initiated a national survey covering multiple indicators, which also aims at collecting data on child labour. The results of this study will be forwarded to the ILO as soon as they are available.

The Government has also sent reports on the application of the above Convention to the Committee on the Rights of the Child (see the attached copy of the "Initial report on the Convention on the Rights of the Child, November 1997" and "Application of the Convention on the Rights of the Child: A list of items addressed at the occasion of the examination of the initial report by the Federal Islamic Republic of the Comoros" (CRC/C28/Add.13)) (not reproduced).

As regards the education of children, studies of the Comorian education system are carried out regularly with assistance from UNICEF.

The Government also conducted a survey on "Education for all in the year 2000" with the assistance of the World Bank, UNFPA, UNDP, UNESCO and UNICEF.

With the assistance from UNICEF, the Government carried out a comparative study of national legislation and the United Nations Convention on the Rights of the Child (see "Comparative study of the legislation of Comoros and the Convention on the Rights of the Child", not reproduced).

In cooperation with the ILO, the Government hopes to examine the question of child labour as part of a planned reform of all labour laws and regulations.

Such a study would appear to be all the more necessary as the Council of Ministers in February 2000 approved the ratification of the Minimum Age Convention, 1973 (No. 138). [Reference is also made to the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), which is not covered by the annual review for 2001.] The relevant instruments of ratification will be sent to the ILO after promulgation by the President of the Republic.

As part of the aforementioned legislative reform, the Government also wishes to draw up a national strategy to combat all forms of child labour, in particular by formulating a specific national policy and establishing a corresponding action programme.

The programme of action will be carried out together with the social partners and other interested parties.

The Government would be grateful for support from the International Programme on the Elimination of Child Labour (IPEC) to assist it in setting up a corresponding national programme.

Representative employers' and workers' organizations to which copies of the report have been sent

A copy of the present report was sent to:

– Employers' Organization of the Comoros (OPACO)

– Confederation of Independent Workers' Trade Unions of Comoros (USATC).

Observations received from employers' and workers' organizations

The present report was drafted in consultation with the social partners.

Observations by the Confederation of Independent Workers' Trade Unions of Comoros (USATC)

In 1994 the leading educational authorities drafted a national education plan. National laws guaranteeing the protection of children must be improved.

Efforts must be made to combat poverty in Comoros. The USATC believes, however, that the methods proposed to this end by the World Bank and the International Monetary Fund (IMF) are inappropriate, since they increase unemployment as a consequence of privatization and dismissals. Poverty has deepened as a result of the devaluation of the Comorian franc, which lowered the standard of living of parts of the population in such a way that they now live below the poverty line (less than US$1 per day). The policies imposed by the Bretton Woods institutions have failed not only because they did not achieve the expected results but also because poverty intensified, bringing with it an increase in child labour.

Government observations on USATC's comments

The implementation of a national programme to combat poverty is under way with assistance from the United Nations. The Government also hopes to set up a national programme on the elimination of child labour in consultation with the social partners and technical assistance from the ILO and IPEC.

Annexes (not reproduced)

- Report of the child labour survey
- Initial report on the Convention on the Rights of the Child
- Application of the Convention on the Rights of the Child
- General overview of school year 1993-94
- School attendance of girls in Comoros
- Survey of "Education for all in the year 2000"
- Comparative study of Comorian legislation and the Convention on the Rights of the Child
- Section 123 of the Labour Code
- Constitution of 20 October 1996.

Côte d'Ivoire

Means of assessing the situation

Assessment of the institutional context

The principle of the effective abolition of child labour is recognized in Côte d'Ivoire.

The principle is contained in the following ILO Conventions ratified by Côte d'Ivoire and Recommendations, which are respected in national legislation.

Conventions:

- Minimum Age (Industry) Convention, 1919 (No. 5);
- Night Work of Young Persons (Industry) Convention, 1919 (No. 6);
- Forced Labour Convention, 1930 (No. 29);
- Minimum Age (Non-Industrial Employment) Convention, 1932 (No. 33);
- Minimum Age (Industry) Convention (Revised), 1937 (No. 59);
- Abolition of Forced Labour Convention, 1957 (No. 105).

Recommendations:

- Night Work of Children and Young Persons (Agriculture) Recommendation, 1921 (No. 14);
- Minimum Age (Underground Work) Recommendation, 1965 (No. 124);
- Minimum Age Recommendation, 1973 (No. 146).

The principle is recognized in articles 2, 3, 6, 7 and 8 of the Constitution, which was adopted by referendum on 24 and 25 June 2000 and enacted on 3 August 2000.

The Labour Code, Act No. 95-15 of 12 January 1995 (sections 23.1, 23.8 and 23.9) determines the kind of work prohibited for children and sets the minimum age for admission to employment at 14 years.

Decree No. 67-265 of 2 January 1967 regulates the employment of children and young persons.

The age of admission of young people to hazardous work is set at over 18 years (section 3D319 of Decree No. 67-265 of 2 June 1967).

Hazardous work is defined as follows: "it is prohibited to employ children of either sex under the age of 18 years for work that is beyond their physical capabilities, dangerous or likely to damage their morality, owing to its nature and environment".

Decree No. 67-65 of 2 June 1967 (section 2) establishes a list of "work that is prohibited for children since it threatens their morality, is beyond their physical capabilities or dangerous" (sections 3D330 to 3D350).

The Decree draws up a table of establishments where children are authorized to work under certain conditions (sections 3D349 and 3D350).

Sections 3D356 and 3D358 make provisions for exceptions to the admission of children to employment that involves light work.

The means envisaged for implementing the principle of the effective abolition of child labour are:

- ordinary courts;
- children's courts;
- industrial courts;
- administration as a whole;
- labour administration in particular;
- administrative sanctions provided for in sections 3D352, 3D358 and 3D360 of Decree No. 67265 of 2 June 1967;
- penal sanctions provided for in section 3D355 of the aforementioned Decree;
- action carried out by non-governmental organizations: the International Catholic Child Bureau (BICE), the Association for Family Well-Being of Côte d'Ivoire (AIBF), the Association of Young Working Children in Côte d'Ivoire, etc.;
- workers' organizations;
- employers' organizations;
- the League of Human Rights of Côte d'Ivoire (LIDHO).

These organizations are all taking measures to raise the awareness of the population and parents and provide them with information.

Assessment of the factual situation

There are no official statistics on this subject, however, there are studies highlighting the existence of child labour in Côte d'Ivoire:

- A UNICEF study published in November 1999 on children working on plantations in Côte d'Ivoire;
- A study by the BICE (International Catholic Child Bureau) on children working as domestic maids in Abidjan;
- A study by the ILO and UNICEF entitled "Consultation technique régionale sur l'exploitation du travail des enfants en Afrique de l'Ouest et du Centre" (Regional technical consultation on the exploitation of child labour in western and central Africa) (available in French) (1996). [4]

The mapping of movements in the trafficking of children in western and central Africa carried out by UNICEF, shows that the exploitation of child labour is a regional problem which requires transnational approaches and solutions.

Côte d'Ivoire traditionally has high levels of immigration. In addition, the arrival of thousands of refugees from Liberia and Sierra Leone has created conditions that give rise to child labour.

[4] English not found; probably only in French.

Efforts made or envisaged to ensure respect, promotion and realization of these principles and rights

The Inspectorate of Labour and Labour Laws is entitled to withdraw the authorization granted by law to all establishments to employ individuals, if there is proof that they employ children under the age of 14 years or engage persons under the age of 18 years in work that is not proportionate to their physical strength.

This authorization may be withdrawn completely or partially; notification must be sent to the head of the establishment in question by registered mail with acknowledgement of receipt.

NGOs, such as the BICE, are taking action to rehabilitate children using apprenticeship schemes for basic skills developed at their centres.

Public figures from the sporting and cultural world (Basile Boli, Gadji Celi, etc.) are helping to rehabilitate children through protection and monitoring schemes developed through structures they have generated.

Moreover, the National Social Welfare Fund (CNPS) is developing a social security policy that benefits families eligible for welfare payments.

The efforts made with a view to the abolition of child labour are the following:

- By the Government:
  - the implementation of the ratification procedure of Conventions Nos. 138 and 182;
  - the Government of Côte d'Ivoire initiated a think-tank workshop on the abolition of child labour, with the collaboration of the Government of Mali, from 29 August to 1 September 2000.
  - a think-tank seminar on the Labour Code took place on 25, 26 and 27 May 2000 at Grand-Bassam, dealing with the Labour Code and employment.
- By the ILO (IPEC):
  - the programme to fight against the trafficking of children for labour exploitation in western and central African countries. This three-year programme began in Côte d'Ivoire in April 1999.
- By other bodies:
  - action by the Confederation of Free Trade Unions (Dignité): a campaign for the ratification of Conventions Nos. 138 and 182 carried out on 11, 12 and 13 May 2000 in Abidjan.

Another central employers' organization (CNPI) and central trade unions (UGTCI and FESACI) are also active in this area, as will be described in their respective reports.

The aims of the Government with a view to ensuring the respect, promotion or realization of the effective abolition of child labour are the following:

– The Government envisages the full implementation of this principle. In this connection, instruments have been submitted to the National Assembly for ratification. This will enable the Government to implement the structures and means required for the effective abolition of child labour.

The conditions thought to be necessary for achieving these aims are the following:

- The initiation of a project to update the Labour Code with a view to strengthening measures relating to the abolition of child labour. A tripartite seminar between social partners has taken place on this issue.
- The IPEC project, which is in its early stages in Côte d'Ivoire will lead to reliable child labour statistics, particularly in the informal sector.
- Financial means.

Representative employers' and workers' organizations to which copies of the report have been sent

The report will be sent to the following organizations:

Workers' organizations:

– General Union of Workers of Côte d'Ivoire (UGTCI)

– Confederation of Free Trade Unions (DIGNITE)

– Federation of Independent Trade Unions of Côte d'Ivoire (FESACI)

Employers' organizations:

– Federation of Small- and Medium-Sized Enterprises of Côte d'Ivoire (FIPME)

– Union of Market Garden and Forestry Enterprises (UNEMAF)

– Union of Liberal Professions of Côte d'Ivoire (UNIPL)

Côte d'Ivoire

Observations submitted to the Office by the Confederation of Free Trade Unions (DIGNITÉ)

The principle of effective abolition of child labour is recognized in Côte d'Ivoire.

This principle is contained in:

– the Constitution, under articles 2, 3, 6, 7 and 8;

– the Labour Code: Act No. 95-15 of 12 January 1995, under sections 23.1, 23.8, 23.9;

– Decree No. 96-204 of 7 March 1996 concerning night work, under sections 3 and 4;

– Decree No. 67-265 of 2 June 1967 concerning the employment of children and young persons in force due to its concurrence with Act No. 95-15 of 12 January under the Labour Code.

All information concerning the constitutional, legislative and regulatory provisions are contained in the documents annexed to the present observations (not reproduced).

However, it should be noted that in general terms, the Constitution sets forth the principle of the protection of man, under articles 2, 3 and 7, and places emphasis on the protection of children and of youth (sections 6 and 8).

As regards legislative provisions, they are clearer in their coverage of the protection of children (section 23.1; 23.8; 23.9 of Act No. 95-15 of 12 January 1995 under the Labour Code). The same is true for the implementing texts of the Labour Code (Decree No. 96-204 of 7 March 1996 concerning night work, in its sections 3 and 4 and Decree No. 67-265 of 2 June 1967 concerning the employment of children and young persons, in its Chapter 2).

The minimum employment age is fixed at 14 years (section 23.8 of the Labour Code). This is not the same as the minimum age for completing compulsory schooling, which is not established in current legislation.

The minimum age for work of a hazardous nature is fixed at 18 years (section 3D 319 of Decree No. 67-265 of 2 June 1967).

Under the above provision, hazardous work is defined as work in which "it is forbidden to employ children of less than 18 years of age, of either sex, in work beyond their physical strength, which may be hazardous or which, by its nature or because of the conditions under which it is carried out, is likely to prove prejudicial to their morals".

Section II of Decree No. 67-265 of 2 June 1967 contains a list of hazardous work, prejudicial to the morals of children, exceeding their strength or endangering them and thus forbidden to them (section 3D 330 to 3D 350).

The above cited Decree contains two tables of establishments where employment of children is forbidden (section 3D 349), under table A, or where such employment is authorized under certain conditions (section 3B 350), under table B. However, we have not seen the tables contained in the Decree, and are thus unable to give further details.

Sections 3D 356 and 3D 358 of Decree No. 67-265 of 2 June 1967 permit exceptions for the employment of children in light work.

Children over 12 years of age are allowed to engage in light work, including domestic work, light seasonal work such as fruit picking and sorting in plantations, on the condition that such work does not interfere with their obligatory schooling, as stressed under paragraph 1 of section 3D 357.

The means whereby the principle is implemented are:

– the children's courts;

– the general administration;

– the labour administration;

– administrative sanctions (section 3D 352, 3D 358 and 3D 360);

– penal sanctions (section 3D 355);

– action by non-governmental organizations: *Bureau international catholique pour l'enfance* (International Catholic Office for Children) (BICE), *Association ivoirienne pour le bien-être familial* (Ivorienne Association for Family Well-being) (AIBEF), *Association des enfants jeunes travailleurs de Côte d'Ivoire* (Association of Young Child Workers of Côte d'Ivoire) (AEJT-CI), *Ligue ivoirienne des droits de l'homme* (Ivorienne Human Rights League) (LIDHO). All these organizations and many others contribute, through their action, to the protection of children;

– workers' organizations (DIGNITÉ – UGTCI – FESACI);

– employers' organizations (CNPI).

No official statistics exist in this field. However, some studies do highlight child labour in Côte d'Ivoire:

– a UNICEF study published in November 1999 notes the use of almost 15,000 children from Mali in Côte d'Ivoire plantations;

– moreover, according to the national press, around 750 children aged between 8 and 12 years are employed in the Issia and Tortiya mines;

– a study by the International Catholic Office for Children on the "young girl domestic workers in Abidjan";

– an ILO and UNICEF study entitled "Technical Regional Consultation on the Exploitation of Child Labour in Central and Western Africa (1996)":

  (a) the mapping of "movements in the trafficking of children in Central and Western Africa" carried out by UNICEF, shows that the exploitation of child labour is a regional problem which requires a transnational approach and solution;

  (b) Côte d'Ivoire is traditionally an area of high immigration. The arrival of thousands of refugees from Liberia, in particular, and also from Sierra Leone, create conditions likely to encourage the exploitation of child labour.

The labour inspector, under social legislation, is empowered to withdraw the employment authorization granted by law from any establishment which can be proved to be employing children in work which is disproportionate to their strength (section 3D 360).

Such withdrawal may be either total or partial, and must be notified to the director of the establishment concerned by means of a registered letter with a signed receipt (section 3D 360).

NGOs, such as BICE, are undertaking action to rehabilitate children through apprenticeships in various light professions developed by their central office.

Personalities from the world of sport and culture (Basile Boli, Gadji Celi Saint Joseph, etc.) contribute to the rehabilitation of children through work to promote their protection and supervision.

The measures taken with a view to the abolition of child labour are:

- by the Government
  - the procedure for the ratification of the Minimum Age Convention, 1973 (No. 138), is under way [reference is also made to the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), which is not covered by the Annual Review for 2001];
- by the ILO (IPEC):
  - the programme to combat the trafficking of children for the purpose of exploiting their labour in Central and Western Africa. This three-year programme was launched in April 1999;
- by other bodies:
  - action undertaken by the trade union confederation "DIGNITÉ": the campaign for the ratification of Convention No. 138, held on 11, 12 and 13 May 2000 in Abidjan. [Reference is also made to the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), which is not covered by the annual review for 2001.]

It is for the Government to define the objectives regarding the effective abolition of child labour; however, we can, for our part, confirm that the Government, by instigating the ratification procedure for Convention No. 138 [reference is also made to the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), which is not covered by the Annual Review for 2001] (a procedure which has unfortunately been blocked by the dissolution of the National Assembly, as a result of the political events of 24 December 1999), is surely intending to apply the principle of effective abolition of child labour. [Reference is also made to matters relating to the Worst Forms of Child Labour Convention, 1999 (No. 182), which will be covered only by the annual review starting in 2002.]

The abolition of child labour will be achieved by the establishment of a certain number of structures and by the implication of all partners (NGOs – trade unions) in the adoption and application of the policies necessary.

Observations submitted to the Office by the Democratic Organization of African Trade Unions (Regional African Organization of the WCL)

National social legislation (the Labour Code and other regulatory texts), as well as the Constitution and other provisions, regulate the conditions governing admission of children to employment. Under the Labour Code, the minimum age for employment is 14 years.

The labour inspection and the courts, some of which are specialized, are responsible for ensuring application of these provisions.

NGOs are also active in the field, promoting and protecting the rights of children. They play a supervisory role in respect of the social reinsertion of children who have previously been workers. Côte d'Ivoire has not ratified the Minimum Age Convention, 1973 (No. 138). [Reference is also made to the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), which is not covered by the annual review for 2001.]

Observations submitted to the Office by the World Confederation of Labour (WCL)

According to the ILO, in 1995, 20.5 per cent of children aged ten to 14 were working in Côte d'Ivoire. While most of these children are working on family farms and plantations, some are working in the urban informal sector. There are also widespread reports of the use of child workers in mining and in small workshops under very hazardous conditions.

The main obstacle to ratification of the relevant Convention is the political situation in the country. Other major obstacles to the effective abolition of child labour include:

– the national debt;

– the successive structural adjustment programmes imposed on the country;

– the fall in producer prices of raw materials, particularly cocoa;

– the lack of effective respect for trade union rights, with specific reference to the independent trade union "Dignité";

– lack of effective follow-up to legislation, notably due to the lack of an effective labour inspection service; and

– difficulties in universal access to education.

Democratic Republic of the Congo

Means of assessing the situation

Assessment of the institutional context

There have been no changes in law and practice since submission of the first report.

The Government did not receive the trade unions' conclusions on the study carried out on this issue.

The conclusions of this study which was carried out by the trade unions will be communicated to the ILO as soon as they are available.

Assessment of the factual situation

No precise statistics are available at present.

Efforts made or envisaged to ensure respect, promotion and realization of these principles and rights

(a) The measures taken or envisaged are:

The Government is still awaiting the ratification of Convention No. 138 by the President of the Republic. Convention No. 182 is currently being submitted to the competent authority.

(b) The means envisaged are:

Through the Ministry of Labour and Social Welfare the Government has requested technical and financial assistance from the ILO. It should be noted that the existing situation was examined in collaboration with the ILO Area Office in Kinshasa and the conclusions of the assessment discussed during the ILO workshop held in Yaoundé on this issue.

Representative employers' and workers' organizations to which copies of the report have been sent

Employers

– Enterprise Federation of Congo (FEC);

– National Association of Investment Enterprises (ANEP);

– Confederation of Congolese Small and Medium-sized Enterprises (COPEMECO).

Workers

– National Union of Workers of Congo (UNTC);

– Trade Union Confederation of Congo (CSC);

– Democratic Confederation of Labour of Congo (CDT);

– Confederation of Workers and Executive Staff of Congo (SOLIDARITE);

– Organization of Unified Workers of Congo (OTUC);

– Cooperation of Unions in Public and Private Enterprises in Congo (COOSEPP).

Djibouti

Means of assessing the situation

Assessment of the institutional context

Djibouti ratified the United Nations Convention on the Rights of the Child on 6 December 1999.

Article 10 of the Constitution of Djibouti establishes the sacred nature of the individual, and the obligation of the State to respect and protect him/her. It further states that each individual has a right to life, liberty, security and integrity of person.

At the same time, the Labour Code (Overseas Territories), which is in force, sets the minimum age for admission to employment (14 years, in principle) and the measures of social protection that apply to child labour.

However, the Government envisages a complete revision of the labour legislation and labour regulations, in order to reflect better the spirit of the Minimum Age Convention, 1973 (No. 138). [Reference is also made to the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), which is not covered by the annual review for 2001.]

Assessment of the factual situation

According to data from the 1991 demographic survey, the active population (those older than 14 years) was around 306,000, with 57,000 new jobseekers aged between 15 and 19 years each year, half of whom are women. Some 43,000 of these young jobseekers, with an illiteracy level of 45 per cent, were to be found in the only city in Djibouti. Of young people aged between 15 and 19 years, only 3.4 per cent (i.e. 1,558) are economically active. Of that number, 946 are men and 612 are women.

Children living and working on the street are mostly foreigners (Somalians, Ethiopians). In the context of the national economic crisis, they are often in the informal sector: shoe polishers, street peddlers (selling peanuts and other snack-foods), money changers, beggars, “dealers”, etc. The street therefore represents everything for them: home, school of life, playground and workplace. This is a “floating population”; it is difficult to ascertain their numbers but they are estimated to be several hundred in the city and rising steadily. These children and young people aged 7-18 years and older, often live in groups, with or without their family. They are illiterate, receive no social welfare benefits, nor any preventive or curative medical care. Furthermore, their lifestyle exposes them to a high level of risk, including sexual risk.

The Government hopes to carry out a large-scale national survey on child labour.

For more detailed information on the situation of children in Djibouti, please refer to the report of the Government of Djibouti on the implementation of the UN Convention on the Rights of the Child (annex not reproduced).

Efforts made or envisaged to ensure respect, promotion and realization of these principles and rights

In addition to the ratification of the UN Convention on the Rights of the Child, the Government is in the process of initiating the ratification process for the Minimum Age Convention, 1973 (No. 138). [Reference is made to the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), which is not covered by the annual review for 2001.]

This illustrates the Government’s intention to do everything possible, in law as well as in practice, to respect and promote the spirit of these instruments.

The report of the Government of Djibouti on the implementation of the UN Convention on the Rights of the Child shows the realities of, and national policy on, this issue.

This initiative would benefit from a national survey on child labour, including child labour in its worst forms. This would allow for a better evaluation of the situation, and thereby help in elaborating a national strategy and a programme for specific action, in consultation with social partners and other interested parties.

To this end, Djibouti would warmly welcome the support of the International Programme for the Elimination of Child Labour.

Representative employers' and workers' organizations to which copies of the report have been sent

Copies of this report have been sent to the following:

– Inter-occupational Trade Union (USIE);

– Union of Djibouti Workers (UTD);

– General Union of Djibouti Workers (UGTD).

Observations received from employers' and workers' organizations

Comments from the social partners will be forwarded to the ILO as soon as they are received by the Government.

Annexes (not reproduced)

– Constitution of Djibouti.

– Report of the Government on the implementation of the UN Convention on the Rights of the Child.

Estonia

Means of assessing the situation

Assessment of the institutional context

Estonia has not ratified the Minimum Age Convention, 1973 (No. 138).

The new draft of the Employment Contracts Act has been submitted to the Ministry of Justice for approval. It is expected that this Act will be adopted by Parliament in the beginning of 2001.

The principle of abolition of child labour is acknowledged by Estonia. Estonian practice and customs do not favour child labour. Under-age persons work only during school holidays and with a work permit issued by the Labour Inspection Services. There is a very clear negative attitude towards child labour in society.

According to section 2 of the Employment Contracts Act (1992) a natural person who has attained 18 years of age and has active legal capacity or restricted active legal capacity may be an employee. A higher age limit may be established by law for certain categories. In exceptional cases, an employee may be:

- a minor who has attained 15 years of age, with the written consent of one parent or guardian, and does work which would not endanger the health, morality or education of the minor and is not prohibited for minors by law or collective agreement;

- a minor of 13 to 15 years of age, with the written consent of one parent or a guardian and the labour inspector of the location (residence) of the employer, for work set out in a list approved by the Government of the Republic, if the work does not endanger the health, morality or education of the minor and is not prohibited for minors by law or collective agreement.

Children are protected against forced labour. The Constitution of the Republic provides that no one shall be compelled to perform work or service against his or her free will. Estonia has ratified the ILO Conventions on Forced Labour, 1930 (No. 29) and Abolition of Forced Labour, 1957 (No. 105) and the UN Convention on the Rights of the Child (in force in Estonia since 20 November 1991). The Government and social partners do not consider child labour a problem in Estonia. Generally, the Employment Contracts Act is fully implemented, and no cases of violations have been submitted to the courts. Children work only during school holidays and in activities approved by the law.

Child labour is defined in the Employment Contracts Act, section 2. The age limit for engaging in dangerous work is higher than those mentioned earlier. The Government Regulation (No. 214 of 1992) concerning the implementation of the decision on the application of the Estonian Employment Contracts Act establishes the list of difficult activities and work which are considered dangerous to health and involve dangerous conditions. The employment of under-age persons in such occupations or activities is forbidden. By government regulation, labour and work damaging morality and ethic background of children are also forbidden. The work listed in the Regulation is defined.

Under the Employment Contracts Act, the principle of abolition of child labour does not apply to all fields of activities. The Act does not extend to work as a member of a farming family, in a family enterprise, in a family farm enterprise and to household work involving parents, spouses or children in a shared household. In line with Government Regulation No. 214, a separate list of light work and labour has been adopted for minors between 13 and 15 years of age.

Under of the Occupational Health and Safety Act (adopted on 16 June 1999), supervision is delegated to the Labour Inspection Service. Penal or other sanctions are provided for, in keeping with paragraph 135 of the Criminal Law (upon breach of labour protection regulations) and paragraph 34 of the Administrative Law (upon breach of labour law provisions). A draft act on similar penalties will be submitted to Parliament next year.

Assessment of the factual situation

Problems related to child labour do not exist in Estonia. Practice, custom and behaviour of employers, are in conformity with the principle of the abolition of child labour.

Efforts made or envisaged to ensure respect, promotion and realization of these principles and rights

The problem of child labour does not exist. In cooperation with the ILO's SIMPOC Programme (Statistical Information and Monitoring Programme on Child Labour), Estonia plans to carry out research on child labour.

The Government does not see child labour as a problem in Estonia. If the research yields statistical evidence on the worst forms of child labour or bad working conditions, we shall draw up a programme to overcome the problem.

Research on child labour will be carried out with the assistance of the UNDP Office in Tallinn.

Representative employers' and workers' organizations to which copies of the report have been sent

Copies of the report were sent to the Confederation of Employers and Industry and the Association of Trade Unions.

Observations received from employers' and workers' organizations

Employers' and workers' organizations recommend ratification of the Convention.

Gabon

Observations submitted by the World Confederation of Labour (WCL) and the Gabonese Trade Union Confederation (COSYGA)

Gabon has not yet ratified the Minimum Age Convention, 1973 (No. 138). [Reference is also made to the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), which is not covered by the annual review for 2001.]

Article 17 of the Constitution institutes the principle of protection of youth against exploitation.

Section 6 of the Labour Code stipulates that "children shall not be employed in work which is inappropriate to their age, their state or their condition ... ".

Under section 177 of the Code, "children shall not be employed in any undertaking before the age of 16 years ... ".

This legal protection is furthered by the implementing texts to the Code, namely:

– Decree No. 275 of 5 November 1962 concerning work prohibited to young workers;

– Decree No. 276 completing the above Decree;

– the Decree regulating hours of work;

– the body of collective agreements.

While these provisions are relatively well respected in the formal sector, in the informal sector, child labour is a clear reality.

Thus in practice, 23,613 young persons aged between 10 and 19 years were actively working, according to the general population census of 1993. According to other sources, the overall number of child workers lies between 25,000 and 30,000 (IPEC 1998-99) in Gabon.

[Reference is made to matters relating to the Worst Forms of Child Labour Convention, 1999 (No. 182), which will be covered only by the annual review starting in 2002.]

Government observations on comments by the World Confederation of Labour (WCL) and the Gabonese Trade Union Confederation (COSYGA)

The following comments are not intended to deny formally the existence of child labour in Gabon. Rather, they aim to situate the phenomenon in its proper context and recall the efforts made by Gabon in this respect. Child labour in Gabon is strongly linked to the problem of child trafficking. Studies on child labour show that child trafficking in Gabon has grown exponentially. A cross-border activity which is similar to slavery, it violates both local traditions and international instruments.

Most child trafficking brings children from West African countries to Gabon.

This new and complex phenomenon is caused not only by poverty but also by the fact that foreign communities bring with them age-old cultural practices from their countries of origin.

The exploitation of child labourers has grown in magnitude over the past few years simultaneously with the expansion of the informal sector, which escapes the control of the State.

The conclusions of various studies have shown that:

– the children who fall victim to trafficking invariably come from abroad;

– these children come from the same communities as the traffickers;

– there is no child trafficking within indigenous communities;

– child labour is primarily in the informal sector;

– the informal sector is controlled by foreigners.

Child labour is regulated in Gabon and the exploitation of children is prohibited and punished under Gabonese law. More specifically:

– articles 17 and 18 of the Constitution of Gabon protect young persons against exploitation and moral, intellectual and physical neglect;

– the Labour Code expressly stipulates that “children shall not be employed in any type of enterprise before the age of 16” (section 177);

– violations of section 177 are punishable by fines and imprisonment as provided for in section 195 of the Labour Code;

– section 6 of the Labour Code prohibits the employment of children for work inappropriate for their age, state of health or condition, or which prevents them from attending school (compulsory schooling);

– under Act No. 16/66, pertaining to the general organization of education in Gabon, school education is compulsory until the age of 16, without discrimination on the basis of sex, origin or social condition;

– section 4 of the Penal Code prohibits forced or compulsory labour; section 16 of this Code prohibits any work carried out under duress. The prostitution, deprivation and corruption of minors are offences under sections 256 and 263 of the Code.

At the international level, Gabon has ratified 34 international labour Conventions, including six of a total of seven Conventions on fundamental rights. These are:

– Conventions Nos. 87 and 98 concerning freedom of association;

– Conventions Nos. 29 and 105 concerning forced labour;

– Conventions Nos. 100 and 111 which concern the fight against all forms of discrimination in respect of employment and occupation.

As regards Convention No. 138, which has not been ratified, it should be noted that Gabonese law already contains a number of provisions on the minimum age of admission to employment (see explanations mentioned earlier).

Aware of the magnitude and damaging effects of child labour, Gabon has now made the fight against this modern form of slavery one of its main priorities.

In keeping with the spirit of the ILO Declaration of Fundamental Principles and Rights at Work and its Follow-up, adopted in 1998, the Government has already initiated the procedures necessary for ratification of both Convention No. 138 and the Worst Forms of Child Labour Convention, 1999 (No. 182).

From 22 to 24 February 2000, the Government, together with UNICEF and the ILO, organized a subregional consultation on the development of strategies to combat the trafficking of children for exploitation as workers in West and Central Africa. At its conclusion, the meeting issued the “Libreville Appeal” and adopted a common platform for action against child trafficking.

To mark its determination to eliminate child trafficking, the Government approved this platform at a meeting of the Council of Ministers held on 6 July 2000 and initiated the following measures:

– the formation of an Inter-Ministerial Committee in charge of implementing platform activities;

– the creation of a focal point in each Ministry concerned with the problem of child labour;

– the establishment of a follow-up committee to bring into effect activities decided upon by the Inter-Ministerial Committee, notably:

  ■ the explicit inclusion of child trafficking in the Penal Code;

- the establishment of a procedure for the repatriation of victims of child trafficking under humane conditions;
- the elaboration of a draft agreement on subregional cooperation in the repatriation of victims of child trafficking in West and Central Africa (carried out with technical assistance from the ILO);
- the organization of training seminars for public administrations, NGOs, the police force and any other bodies concerned with the fight against child trafficking (the first seminar, organized jointly by the Government and UNICEF, will be held in January 2001 in Libreville).

The abolition of child labour will surely require a long process of awareness-raising and of elaborating and implementing common regulatory instruments.

Child trafficking for the exploitation of child workers will be eliminated definitively only if concerted efforts are made by all States in the subregion. With the assistance of international institutions, the Government is working towards this goal in the hope of achieving concrete results in the very near future.

Ghana

Means of assessing the situation

Assessment of the institutional context

The principle is recognized. The Government of Ghana is actively involved in the areas of advocacy, formulating and enforcing laws related to child welfare and coordinating the activities of implementing agencies. The Government has also, through the Ministry of Employment and Social Welfare, developed policy to address the problem of child labour in areas such as shelter, education, health, training and advocacy. For instance, regarding the sub-sectors of shelter and health, the Government will support non-governmental organizations (NGOs) and other civic organizations involved in establishing and expanding these facilities. The Ministry of Health will continue to provide direct services to street children while allowing supporting NGOs and other organizations to supply services to complement the national programme. The Government's intervention also includes a training component where street children will be counselled to take advantage of vocational and apprenticeship programmes. These programmes will also provide post-training support services, such as a mechanism for enhancing the access of graduates to financial services.

In the areas of advocacy, the Government had proposed an Information, Education and Communication (IEC) package to increase awareness of the problems to be dealt with by related public institutions such as the Ghana National Commission on Children (GNCC), the National Development Planning Commission, Ministries of Health, Education, Youth and Sports, Employment and Social Welfare and NGOs involved in service delivery to street children.

Other strategies adopted by the Government include structural reform measures, through which government can perform an enabling function to facilitate the implementation of programmes administered by NGOs and other service providers.

The 1992 Constitution of Ghana enshrines the rights of a child to protection against child labour. Under article 28(2): "Every child has the right to be protected from engaging in work that constitutes a threat to his health, education or development." The Constitution also provides protection against slavery and forced labour of any person as contained in article 16. Article 28 requires Parliament to enact legislation ensuring that children and young persons receive special protection against exposure to physical and moral hazards.

In order to ensure the effective protection of children and to facilitate the elimination of child labour, the Government has enacted the Children's Act (1998), Act No. 560, designed to ensure the welfare and well-being of the child. Act No. 560 seeks to consolidate all the laws relating to children. It takes into consideration the UN Convention on the Rights of the Child and the OAU African Charter on the Rights and Welfare of the Child, 1990, as well as ILO Convention No. 138 relating to child labour. [Reference is made to matters relating to the Worst Forms of Child Labour Convention, 1999 (No. 182), which will be covered only by the annual review starting in 2002.] Section 87(1) of the Act prohibits the subjection of a child to exploitative labour. Under Act No. 560, the labour of a child is exploitative if the child is deprived of health, education or development (section 87(2)).

This right is in line with earlier provisions in the Labour Decree, 1967 (NLCD 157), which prohibit the employment of children under 15 years and limit the types of employment in which young persons between the ages of 15 and 18 years may be engaged.

The Education Act of Ghana and the subsequent Free, Compulsory, Universal Basic Education Programme (FCUBE) of the Ghana Education Service, which makes basic education compulsory for all children of school age, are aimed at ensuring that children are taken off the streets and placed in classrooms within the next five years. The ultimate aim is the protection of children from exploitation leading to effective abolition of child labour. The minimum age for employment of a child is fifteen (15) years and eighteen (18) years for hazardous work such as going to sea, porterage of heavy loads, mining and quarrying.

Ghana showed its commitment to the protection of children's rights by being the first country to ratify the UN Convention on the Rights of the Child in 1990. It has also ratified the OAU Charter on the Rights of the Child.

The Ghana National Commission on Children (GNCC), a public institution which operates within a legal framework to formulate policies related to child welfare, has been created. It serves as a coordinating body and is involved in advocacy and the monitoring of child-related activities.

Child labour is defined. Both the Children's Act (1998), Act No. 560, and the Labour Decree, 1967 (NLCD 157), define child labour in terms of the minimum age for admission to employment or to work. The minimum age for admission to employment is 15 years which corresponds to the age by which the child is expected to complete compulsory basic education. Both legal instruments stipulate the minimum age – section 89 of the Children's Act stipulates, "the minimum age for admission of a child to employment shall be fifteen years".

Section 44(1) of the Labour Decree, 1967, states: "No person shall employ a child except where the employment is with the child's own family and involves light work of an agricultural or domestic character only", and defines a child to be a person under the apparent age of fifteen (15) years.

The age for engaging in dangerous work under both NLCD 157 and Act No. 560 is eighteen (18) years, which is higher than the above. Section 91(2) of the Children's Act

defines dangerous/hazardous work as that "which poses a danger to the health, safety or morals of a person".

Section 91(3) contains a list that includes:

(a) going to sea;

(b) mining and quarrying;

(c) porterage of heavy loads;

(d) manufacturing industries where chemicals are produced or used;

(e) work in places where machines are used; and

(f) work in places such as bars, hotels and places of entertainment where a person may be exposed to immoral behaviour.

No categories of jobs or work, or economic sectors or types of enterprises are excluded from implementation of the principle and right relating to the effective abolition of child labour.

As regards light work, section 90 of the Children's Act stipulates: "the minimum age for the engagement of a child in light work shall be thirteen years".

Section 90(2) defines "light work" as "work which is not likely to be harmful to the health or development of the child and does not affect the child's attendance at school or the capacity of the child to benefit from school work".

The means of implementing the principle are through labour inspection, imposition of penal sanctions, institution of administrative bodies or machinery specifically concerned with the problem of child labour.

With regard to labour inspection, section 46(1) of the Labour Decree, 1967, states: "Every employer in an industrial undertaking shall keep a register of all young persons employed by him and of the dates of their births, if known, or, if not known, of their apparent ages."

Section 48(1) of the said Decree defines the functions of a labour officer as including the following:

(a) At all reasonable times require an employer to produce any worker employed by him and any document relating to the employment of the worker.

Sections 95 and 96 of the Children's Act provide administrative structures for enforcement in both the formal and informal sectors, respectively. With regard to enforcement in the formal sector, section 95(1) states:

> A District Labour Officer shall carry out any enquiry he may consider necessary in order to satisfy himself that the provisions of the Sub-Part with respect to labour by children and young persons in the formal sector are being strictly observed.
>
> (2) For the purposes of this section any person may be interrogated by a District Labour Officer.

> (3) If a District Labour Officer is reasonably satisfied that the provisions of this Sub-Part are not being complied with, he shall report the matter to the police who shall investigate the matter and take the appropriate steps to prosecute the offender.

As regards enforcement in the informal sector, section 96(1) stipulates that the Social Services Subcommittee of a District Assembly and the Labour Department shall be responsible for enforcement of the provisions of this Sub-Part in the informal sector:

> (3) If the member of the Social Services Subcommittee or the Department is reasonably satisfied that the provisions of this Sub-Part are not being complied with, he shall report the matter to the police who shall investigate the matter and take the appropriate steps to prosecute the offender.
>
> (4) Where the offender is a family member of the child whose rights are being infringed under this Sub-Part, the Social Services Subcommittee or the Department shall request a probation officer or social welfare officer to prepare a report of a social inquiry into the matter.

Penal or other sanctions. Section 94(1) and (2) of the Children's Act imposes fines of between ¢500,000.00 (five hundred thousand cedis) and ¢10 million for contravention of the provisions concerning the employment of children, prison terms not exceeding two years, or both.

Other bodies implementing the principle include the Ministry of Employment and Social Welfare, the Ghana National Commission on Children and District/Metropolitan Municipal Assemblies. For instance, the Government, through the Ministry, creates an enabling environment for employment generation in Ghana through policies and programmes targeted at unemployed youth and disadvantaged women, among others.

It is currently involved in formulating a programme – Special Employment and Apprenticeship Training (SEAT) – to address the issues of street children through the provision of skill training.

The District Assembly, which is the highest political authority in the district with executive and legislative functions, is engaged in facilitating activities and advocacy in relation to street children, and in enforcing by-laws which include those aimed at moving children off the street.

The Commission on Human Rights and Administrative Justice (CHRAJ), a public institution (with an ombudsman status), is involved in nationwide advocacy on the rights of children.

An impressive number of NGOs are actively working on children's issues in Ghana. Some of the NGOs, such as Action Aid, Catholic Action for Street Children and Street Girls' Aid, among others, provide services directly to street children, their parents and the community. Others perform facilitative roles through advocacy. For example, RESPONSE, a network of organizations numbering 18 and represented in six regions, is engaged in rehabilitation and advocacy work with street children. RESPONSE, in collaboration with the Ministry of Employment and Social Welfare, as well as the Ministry of Local Government and Rural Development, has implemented educational and awareness-raising workshop programmes on street children, for District Assemblies in the Greater Accra, Volta, Ashanti and Brong-Ahafo regions.

The Government of Ghana, which is currently undertaking educational reforms, has adopted a policy on Free, Compulsory, Universal Basic Education (FCUBE), which aims

at ensuring that every child acquires basic education within the next five years. There is also a poverty alleviation programme to improve family income, since poverty has been identified as the root cause of child labour.

Assessment of the factual situation

No comprehensive information base or database on child labour in the country exists so far.

There is a need for a national survey to undertake analytical studies on the forms and scope of the situation of child labour/street children.

The survey should address, inter alia, the following issues:

– update statistics on child labour and street children in both rural and urban areas;

– involvement of children in illegal activities such as drugs, prostitution and other criminal activities; and

– bonded labour.

The national survey should make recommendations for follow-up action in combating child labour. After completion of the survey, a national tripartite workshop should be organized which should also involve other stakeholders concerned with child labour, to set up a national strategy on child labour, to adopt a national plan of action, to raise public awareness and to implement time-bound programmes to combat child labour. The plan of action should include evaluation, e.g. through periodic, monthly, quarterly or half-yearly meetings.

The programme/plan of action can be enhanced by a national IPEC programme that Ghana has been requesting for some time now.

There is the need for training and upgrading of the labour administration system to combat the menace of child labour effectively.

Efforts made or envisaged to ensure respect, promotion and realization of these principles and rights

There are non-governmental organizations (NGOs) actively involved in effective abolition of child labour and providing integrated package services, including active advocacy on the rights of children.

The Government of Ghana has adopted a multidisciplinary policy and action programmes in the form of strategic intervention policies. They reflect a comprehensive approach, including an integrated package of services with the objective of assisting children to get off the street, and including vocational skills training, apprenticeship programmes and protective legislation (e.g. the enactment of the Children's Act, 1998, and the 1992 Constitution of Ghana which enshrines the right to protection against child labour).

In June 1998, the Criminal Code of 1960 (Act No. 29) was amended to outlaw the harmful traditional practice of bonded slavery of young girls and women, which is practised in some parts of the Volta Region of Ghana. The Government is working in close

This information, reproduced as received, does not represent the views of the ILO

collaboration with other agencies, both national and international, for their integration into society.

Ghana also adopted the United Nations Convention on the Rights of the Child in 1990 and the OAU African Charter on the Rights and Welfare of the Child.

In the educational sector, the Government is currently implementing educational reforms by adopting a policy on Free, Compulsory, Universal Basic Education, popularly known as the FCUBE programme. It seeks to ensure that children of school age have access to education which is free and compulsory, at least up to the basic educational level.

It has created the Ghana National Commission on Children (GNCC) which is a high-level coordinating body, responsible for advocacy, and the protection of the rights of the child, as enshrined in the UN Convention on the Rights of the Child.

The other efforts being made by the Government of Ghana to abolish child labour are essentially activities targeted to poverty alleviation, including employment-generating programmes. The Government has formulated a national poverty-reduction agenda which aims to fill the gap created by existing policies and programmes to alleviate poverty. The focus of poverty alleviation aims to increase the expenditure on targeted poverty-reduction intervention, directed at the poorest and the most vulnerable groups. It includes the issue of urban poverty, of which the phenomenon of street children is of major concern. In collaboration with donor agencies, the Government is currently implementing a National Poverty Reduction Programme (NPRP) which is community-based and targeted at specific groups in committees. They are assisted to identify their own needs and to implement programmes which will be developed to address the problems identified. The programme aims at:

(a) building management capacity at the district level, in order to better plan, coordinate and monitor poverty reduction activities;

(b) developing skills for productive employment-generating activities and self-employment;

(c) upgrading household and community-based technologies in order to reduce dependency and improve productivity;

(d) implement a social development mechanism to improve the status and visibility of women and promote girl-child education.

In collaboration with the United Nations Development Programme (UNDP) and the African Development Bank (ADB), the Government has set up a Social Investment Fund (SIF) to complement the activities of the NPRP.

The development themes being addressed by the Government include a participatory approach, which encourages “bottom-up” participation and human-centred approaches. These themes are aimed at promoting the sustainability of projects and programmes.

Currently, tripartite discussions have been concluded by the National Advisory Committee on Labour (NACL) which has recommended the ratification of the Minimum Age Convention, 1973 (No. 138). [Reference is also made to the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), which is not covered by the annual review for 2001.] Ghana will, however, need ILO technical assistance for the practical application of these Conventions.

An ILO-sponsored tripartite workshop on the integration of the labour inspection system was recently held in Accra. It was aimed at raising the efficacy and efficiency of Ghana's labour administration system in combating child labour.

There was an ARLAC-sponsored Subregional Seminar on Child Labour in Accra, Ghana, from 17-21 May 1999.

The ILO specialist on international labour standards held a working session with the social partners concerning international labour standards. On 12 October 1999 there was a one-day visit by the ILO specialist on international labour standards to discuss with the Labour Department's ILO desk officer the preparation of the report on child labour under the follow-up to the Declaration.

UNICEF, UNDP and the World Bank fund various projects related to the street children phenomenon. An impressive number of governmental organizations, as well as international and local NGOs, are already actively working on children's issues. For instance, RESPONSE, an umbrella NGO for street children's organizations, has, since 1994, collaborated with Plan International, UNICEF and Action Aid to investigate the circumstances of working children on the street. RESPONSE, in collaboration with the Ministry of Employment and Social Welfare, and the Ministry of Local Government and Rural Development, has implemented education and awareness workshop programmes on street children for District Assemblies in Ashanti, Greater Accra, Volta and the Brong-Ahafo regions.

The Coalition on Child Rights, established in 1995 and funded by Save the Children Fund (United Kingdom), and working closely with the Ghana National Commission on Children (GNCC), is a direct response to the Government's report to the United Nations Committee on the Rights of the Child. It has a membership of 50 NGOs working on child rights' issues in Accra and five other districts. Advocacy and awareness-raising are the most important aspects of the coalition's concerns.

Through the liberation and rehabilitation activities of NGOs such as International Needs, Fetish Slaves Liberation Movement (FESLIM), Mission International and a vocational centre set up by a Canadian philanthropist, Sharon Titan, a large number of "trokosi" slaves have been emancipated. For example, International Needs has established a vocational training centre at Adidome in the North Tongu District of the Volta region, for the training and rehabilitation of the liberated "trokosi" and others still in confinement. It has so far spent ¢170 million on the liberation and rehabilitation exercise; and is also working with the Committee on Human Rights and Administration of Justice (CHRAJ) in the areas of advocacy.

Representative employers' and workers' organizations to which copies of the report have been sent

Copies of this report have been sent to the Ghana Employers' Association and the Trades Union Congress of Ghana.

Observations received from employers' and workers' organizations

Due to time constraints, the comments of these organizations are not reflected in the report.

Guinea

Means of assessing the situation

Assessment of the institutional context

The principle of the effective abolition of child labour is recognized in the Republic of Guinea, as is illustrated by the inclusion of child protection measures in the Constitution adopted by referendum on 31 December 1990 (Sections 16 and 17).

Although the Republic of Guinea has not ratified ILO Convention No. 138, it has ratified four ILO Conventions and one United Nations Convention relating to minimum age:

– the Minimum Age (Industry) Convention, 1919 (No. 5);

– the Minimum Age (Agriculture) Convention, 1921 (No. 10);

– the Minimum Age (Non-Industrial Employment) Convention, 1932 (No. 33);

– the Minimum Age (Fishermen) Convention, 1959 (No. 112);

– United Nations Convention on the Rights of the Child (ratified on 10 April 1990).

The aforementioned documents have been incorporated into sections 5, 31, 186 and 187 of the Labour Code promulgated by Ordinance No. 003/PRG/SGG/88 of 28 January 1988, and the Ministerial Decree on child labour, issued in application of section 186 of the Labour Code.

The minimum age for admission to employment is 16 years (section 5 of the Labour Code):

– the school age is seven years, the age of admission to apprenticeship is at least 14 years, as is the school leaving age at which the primary education certificate (CEP) is obtained;

– the minimum age of admission to hazardous work is 18 years (section 187 of the Labour Code and Ministerial Decree relating to child labour). As hazardous is classified any work likely to endanger the health, safety or morals of children. The Ministerial Decree issued in application of section 186 of the Labour Code determines the list of types of work considered hazardous (sections 3, 4, 5 and 10);

– the implementation of the principle and fundamental rights relative to the effective abolition of child labour excludes, from the scope of the legislation, certain categories of employment or work in certain economic sectors or types of enterprises. This is the case with establishments in which only members of the family are employed under the direction of the father, mother or guardian;

– also excluded from the application of the principle is light domestic work equivalent to the type performed by a kitchen boy, kitchen hand, house boy or childminder, and for non-industrial harvesting, gathering and sorting, subject to the prior authorization of a labour inspector.

The principle is put into effect by the following types of measures:

– administrative (the general labour inspectorate, the national directorate for social promotion and welfare, the national directorate for education and child protection, the courts, the labour directorate, the social partners, and NGOs);

– material (computer equipment, vehicles for liaison purposes and to coordinate activities, advertising boards, the media);

– legal, including the Constitution, the Labour Code, international conventions, and regulations. Violations of sections 186 and 187 of the Labour Code are punishable by a fine of between 80,000 and 800,000 Guinean francs. Repeat offences are punishable by fines of between 160,000 and 1,600,000 Guinean francs and/or imprisonment for eight days to two months.

Assessment of the factual situation

Statistical data available on the problem of child labour are insufficient and incomplete, so that it is not possible to assess the full extent and nature of the phenomenon.

Statistical information provided by UNICEF, however, shows that 48.6 per cent of children under the age of 15 are engaged in labour from an early age.

The Government is planning in the near future to carry out a more in-depth study of child labour with technical and financial assistance from UNICEF.

Efforts made or envisaged to ensure respect, promotion and realization of these principles and rights

The political will of the Government has permitted the setting up of structures to coordinate, manage and follow up activities related to child labour.

The following structures should be noted:

At the institutional level:

– a national directorate for the national education and protection of children;

– a national directorate for the promotion and protection of children;

– a national directorate for social promotion and welfare;

– a national directorate for employment and labour regulation;

– a steering committee on child labour and urgent questions related to child welfare;

– a Guinean committee for the follow-up and protection of the rights of the child;

– a unit to coordinate the activities of NGOs dealing with children in difficult situations;

– an action programme to combat the exploitation of women and children (ACEEF).

At the community level:

– child welfare committees have been set up in all prefectures and urban municipalities and they contribute to the decentralization of activities so as to ensure that the welfare of children is taken into consideration.

At the level of education and training:

– free schooling for all children;

– the establishment of a community-based rehabilitation programme (RBC).

At the legal level:

– the forthcoming adoption of the Civil and Family Code by the National Assembly;

– the institutionalization of celebrations of the Guinean month of the child in June of every year;

– commemoration of the anniversary of the United Nations Convention on the Rights of the Child.

The means deployed by the Government with a view to the effective abolition of child labour essentially consist of the following:

– making available human resources in the form of personnel to operate the aforementioned support structures;

– providing necessary materials, such as computer and office equipment and vehicles to link support structures;

– only that part of the budget earmarked for the relevant State structures is used to cover activities relating to the principle of the effective abolition of child labour.

UNICEF gives significant support to the Government's efforts to provide training and consolidate national structures to enable them to realize the principle of the effective abolition of child labour.

The objectives of the Government as regards respect for, and the promotion and realization of, the principle of the effective abolition of child labour are to improve the capacity of Government bodies, the social partners and NGOs to draw up and implement policies, programmes and projects with a view to:

– preventing children from being employed at a very early age;

– abolishing child labour in hazardous areas of activity.

[Reference is also made to the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), which is not covered by the annual review for 2001.]

To promote the principle of the effective abolition of child labour the Government envisages:

Taking action relating to:

– the harmonization, dissemination and correct application of legal instruments relating to child labour;

– the consolidation of the institutional capacities of civil servants and Government agencies, employers' and workers' organizations, NGOs and associations providing training in techniques to prevent and combat child labour;

– the creation and consolidation of a permanent platform for dialogue between the social partners and involving all levels of the relevant structures with a view to defining jointly the framework for interventions designed to assist children;

– the promotion of school enrolment; this will be combined with a programme to develop income-generating activities for low-income families enrolling their children in school;

– continuing efforts to raise awareness among national, religious and community authorities, employers' and workers' organizations, NGOs, parents and children of ILO Convention No. 138. [Reference is made to matters relating to the Worst Forms of Child Labour Convention, 1999 (No. 182), which will be covered only by the annual review starting in 2002]; and

– the collection, processing and dissemination of reliable statistical data to permit the analysis and assessment of the child labour situation;

and the following strategies for implementation of the foregoing:

– measures to ensure the effective application of laws and regulations which are currently in force, and in favour of children;

– an awareness-raising campaign on child labour and related issues, involving the mass media, NGOs, the social partners, churches, etc.;

– in collaboration with the ILO, extension of the ILO's IPEC programme to Guinea;

– supplying support structures with the staff and material and financial means they need to carry out their intended functions.

Representative employers' and workers' organizations to which copies of the report have been sent

A copy of this report has been sent to the following organizations:

– Employers' Council of Guinea (CPG) and the trade unions;

– National Confederation of Workers of Guinea (CNTG);

– National Organization of Free Trade Unions of Guinea (ONSLG);

– Trade Union Organization of Workers of Guinea (USTG);

– Independent Trade Union of Labour Forces of Guinea (SIFOG);

– Democratic Union of Workers of Guinea (UDTG).

Observations received from employers' and workers' organizations

No observations were received from the employers' and workers' organizations since these were closely involved in the writing of the present report.

Haiti

Means of assessing the situation

Assessment of the institutional context

The principle of the effective abolition of child labour is recognized and guaranteed in Haiti. This is borne out by Haitian law, which contains provisions aimed at complying with and honouring this principle.

The Haitian Constitution includes the following provisions:

Article 32-5

"Pre-school and nursery education and informal teaching shall be encouraged."

Article 35-6

"The law shall set the age limit for wage-earning workers. Special laws shall regulate work for minors and homeworkers."

Article 261

"The law shall provide protection for all children. Every child shall be entitled to love, affection, understanding and psychological and physical care from his/her father and mother."

In addition, Chapter VIII of the Labour Code (work for minors) lays down specific provisions on recognition of the principle of the effective abolition of child labour in the following articles:

Article 333

"Minors may not engage in work which is unhealthy, painful or physically or psychologically dangerous, nor may they be employed in places where alcoholic beverages are sold."

Article 335

"Minors under 15 years of age shall not work in industrial, agricultural or commercial enterprises."

Article 336

"Minors under 18 years of age shall only work in an enterprise if they have been deemed fit to perform the job following a detailed medical examination."

The medical fitness examination must be performed by a doctor authorized by the competent authority and a medical certificate must be issued.

Minors must undergo periodic medical examinations until age 18 to assess their aptitude for the jobs they perform. Such examinations must be free of charge. Suitable measures must be taken by management to provide retraining or physical rehabilitation and vocational training for adolescents whose medical examinations have revealed incapacities, abnormalities or deficiencies.

Chapter XII of the institutional Act of the Ministry of Social Affairs establishing the operating structures for the Social Welfare and Research Institute (IBESR) prescribes the duties of the Minors' Protection Service in the following articles:

Article 138

The role of the Minors' Protection Service shall be to:

– monitor the development of children in Haiti and, by all available means, provide a decent environment for the physical, psychological and social development of minors;

– take national action to combat maladjustment involving young people, by preventive or curative action, and cooperating with other ministerial departments, in particular the Ministry of Justice;

– endeavour, within social protection establishments, to re-educate young delinquents and rehabilitate them in society;

– ensure that legal protection measures for minors are enforced.

Article 139

The social protection of minors concerns:

– children whose living conditions are compromised by financial difficulties;

– children in physical or psychological danger;

– children physically or psychologically abandoned;

– children separated from their families.

Such children are covered by protective measures to be determined jointly by the administrative body and the judicial authority.

Article 140

The Minors' Protection Service shall comprise:

– the inspection department;

– the recreation department;

– the socio-psychological rehabilitation department; and

– the re-education centres.

Article 141

The task of the inspection department shall be to:

– identify juvenile problems and maladjusted behaviour which require action from non-specialist persons or bodies, or from specialist services;

– gain further knowledge, through surveys, of the anti-social reactions of minors or the anti-educational attitudes of parents, which led to action being taken by the competent departments;

– perform a social policing role;

– monitor publications intended for young people, cinema films, shows, theatres and public places frequented by young people.

Assessment of the factual situation

In order to enable the parties concerned to be aware of the situation, it seems important to emphasize the following information:

– increasing widespread awareness on the part of the national sectors concerned, especially the Ministry of Labour and Social Affairs in recent years, which is faced with the need to work towards the effective abolition of child labour;

– the principle of the effective abolition of child labour, the Labour Ministry recognizes that the formal sector does not constitute a problem for Haiti, while the informal and domestic service sectors represent a challenge in practice;

– some 250,000 children of disadvantaged Haitian parents are in domestic service.

Efforts made or envisaged to ensure respect, promotion and realization of these principles and rights

Having regard to the provisions of ILO Conventions concerning child labour, adopted by the State of Haiti, the Ministry reaffirms that its commitment to fight for the effective elimination of child labour is one of its top priorities.

The Ministry, in the context of implementing a programme on the rights of the child and the eradication of child labour, is working seriously towards:

– the establishment of the “SOS Timoun” telephone line;

– the participation of the sectors concerned in conferences on the follow-up to the objectives of the World Summit for Children;

– intersectoral cooperation on preparation of the dossier for the application of the Conventions on the rights of the child;

– cooperation with national and international agencies on providing care for street children in the form of a meeting point;

– providing a space at the national fort in Port-au-Prince for detained minors;

– establishing a “meeting point” at Carrefour for children in difficult situations;

– having a police vice squad in readiness;

– back-up from the Ministry’s documentation centre in the form of literature covering the rights of the child.

It should be pointed out that the purpose of the “meeting point” project, lasting from August 1999 to August 2001, is to provide various forms of assistance to children in difficult situations and in particular to those living on the streets, by the establishment of infrastructures that provide integrated basic services in the fields of health, welfare and social rehabilitation.

With the support of the sectors concerned, the Haitian State welcomes the IPEC programme designed to strengthen and boost the Government’s action against child labour.

In view of all the benefits that the State may derive from the content of the programme, the Ministry of Labour and Social Affairs calls for its application in full, without any reservation.

Hence, as part of the efforts to promote the programme, the Government has undertaken a series of activities, the most significant of which are:

– the signing of the memorandum of understanding between the Government and IPEC, by the Minister for Labour and Social Affairs and the ILO’s representative;

– the adoption of suitable measures to achieve the ratification as soon as possible the fundamental Conventions on child labour by the 47th Parliamentary Session;

– the removal of the chapter on children in service from the new Labour Code and its insertion in the Children’s Legal Code, with all necessary amendments;

– stepping up the fight against domestic service by all appropriate official means;

– the effective implementation of the survey on domestic service conducted by UNDP/ILO/UNICEF from August 2000;

– the establishment of the “meeting point”;

– the restructuring of the women’s and children’s departments in the Labour Directorate and of the Minors’ Protection Department at the Social Welfare and Research Institute;

– the recent presentation of the report applying the United Nations Convention on the Rights of the Child; and

– the setting up of a MAS-UNICEF coordination structure entitled “coordination of social action in less favoured areas” (CISD).

The Haitian Government counts on the collaboration and participation of the sectors concerned. It undertakes to implement all appropriate means to promote the application of the programme and to facilitate the attainment of its objectives, which are completely in line with the goals of the State, striving to achieve the effective abolition of child labour.

This information, reproduced as received, does not represent the views of the ILO

As there is a close link between child labour and the poverty which produces it, the Haitian State recognizes the need for a coherent policy aimed at strengthening the fight against poverty and the adoption of effective measures to achieve the effective abolition of child labour and the application of the International Programme on the Elimination of Child Labour.

The Government Action Plan (GAP) deserves the ILO's attention because it seeks to improve the social situation by giving priority to combating poverty and social injustice as well as making full use of human resources. It places particular emphasis on the following points:

– the promotion of low-income housing through, inter alia, loan guarantees, investment in infrastructure and risk coverage;

– the reorganization of the social welfare system and extension thereof, in favour of the most vulnerable groups;

– the social rehabilitation of street children using functional literacy programmes and canteens providing one hot meal per day;

– the establishment of school canteens and nutritional rehabilitation for children aged up to five years who are suffering from serious malnutrition;

– the continuation of the reform of the education system to bring it more in line with socio-economic development priorities and objectives.

The Government hopes to find the appropriate means for incorporating specific actions in the application of its policy to combat poverty and child labour.

Representative employers' and workers' organizations to which copies of the report have been sent

In accordance with article 23 of the ILO Constitution, this report has been sent to the following representative employers' and workers' organizations:

ADIH	Association of Haitian Industries
APA	Association of Agricultural Producers
AGEMAR	Association of Shipping Agents
AHTH	Hotel Montana Hotel and Tourist Association
AIHA	Inter-American Businessmen's Association
APRONA	Association of National Producers
APB	Professional Association of Banks
ANADIPP	National Association of Oil Products' Distributors
ASDECH	Association of Haitian Coffee Exporters

AAH	Association of Haitian Insurers
CCIH	Haitian Chamber of Commerce
HAMCHAM	Haitian-American Chamber of Commerce and Industry
CATH	Autonomous Confederation of Haitian Workers
CTH	Confederation of Haitian Workers
CGT	General Confederation of Workers
CNEH	National Confederation of Haitian Teachers
CFCHI	Franco-Haitian Chamber of Commerce and Industry
CISN	Independent Confederation of National Trade Unions
FOS	Federation of Union Workers
FNTS	National Federation of Union Workers
OGITH	Independent Organization of Haitian Workers
ONTH	National Organization of Haitian Workers
FENATEC	National Federation of Workers in Education and Culture
CONEH	National League of Haitian Teachers
UNNOH	National Union of Haitian Trainee Teachers
GIEL	High School Teachers' Action Group

Annexes (not reproduced)

Even though statistics on child labour were not available from the Labour Directorate, it was considered necessary, in order to supplement the information supplied in this report, to attach tables giving statistics on IBESR's action in favour of children in difficult situations.

Table 1. IBESR action for children abandoned in the streets – 1990-91 … 1999

Table 2. Number of adoption requests made to IBESR – 1990-91 … 1998-99

Table 3. IBESR action for detained minors – 1990-91 … 1998-99

Table 4. IBESR action for detained minors – 1990-91 … 1998-99

Table 5. Distribution of children (male/female) living in institutions recognized by IBESR – 1990-91 … 1998-99

Table 6. IBESR action for children in difficult situations – 1990-91 … 1998-99

Table 7. Number of children in domestic service helped by IBESR – 1990-91 … 1998-99

Table 8. Distribution of children abandoned in streets and hospitals – 1994-95 … 1998-99 (by gender)

Table 9. Percentage distribution of abandoned children registered by IBESR – 1995-96 … 1998-99 (by gender)

Table 10. Number of children adopted – 1994-95 … 1998-99 (by gender)

Table 11. Percentage distribution of adopted children – 1994-95 … 1998-99 (by gender)

Table 12. Number of children adopted – 1994-95 … 1998-99 (by nationality of adoptive parent)

Table 13. Percentage distribution of adopted children – 1994-95 … 1998-99 (by nationality of adoptive parent)

Table 14. Number of children receiving educational assistance (male/female) – 1990-91 … 1998-99

Table 15. Percentage distribution of street children (male/female) – 1990-91 … 1998-99

Table 16. Number of street children identified by the Minors' Protection Service – 1994-95 … 1998-99 (by gender)

Table 17. Percentage distribution of children in domestic service (male/female) – 1990-91 … 1998-99

Table 18. Percentage distribution of detained minors assisted by IBESR throughout the metropolitan area

Table 19. Number of children in difficulty welcomed by the SOS Timoun section (by age and gender) (June 1999-June 2000)

Table 20. Percentage distribution of children in difficulty welcomed by the SOS Timoun section (by age and gender) (June 1999-June 2000)

Table 21. Percentage distribution of children receiving educational assistance (male/female) – 1990-91 … 1998-99

Table 22. Percentage distribution of children (male/female) living in institutions recognized by IBESR – 1990-91 … 1998-99

India

Means of assessing the situation

Assessment of the institutional context

Detailed information was provided in the report sent in December 1999 for the annual review of 2000. The following is an update.

Efforts made or envisaged to ensure respect, promotion and realization of these principles and rights

The number of the child labour projects under the national Child Labour Project Scheme has increased from 83 (indicated in the report sent in December 1999 for the annual review of 2000) to 95, covering 200,000 children as against the 150,000 (reported in the December 1999 report) already enrolled in special schools.

The updated state-wise coverage of children under the National Child Labour projects is as follows:

Coverage under National Child Labour Projects

	Sanctioned No. of		Actual coverage	
	Schools	Children	Schools	Children
Andhra Pradesh (22)	975	62 050	925	60 836
Bihar (8)	194	12 200	187	11 213
Karnataka (3)	110	5 500	39	1 950
Madhya Pradesh (7)	197	12 500	81	4 358
Maharashtra (2)	74	3 700	61	3 170
Orissa (18)	614	36 750	544	35 697
Rajasthan (18)	140	7 000	120	6 000
Tamil Nadu (9)	425	21 900	401	19 002
Uttar Pradesh	370	22 500	230	14 730
West Bengal (7)	299	15 000	236	11 850
Punjab (1)	27	1 350	0	0
Grand total (95)	3 425	200 450	2 824	168 806

As stated earlier, the Government of India is actively considering enacting a central legislation for:

(1) fixing a minimum age of 14 years for admission to employment or work in all occupations but excluding agriculture in family and smallholdings producing for their own consumption and not regularly employing hired workers; and

(2) fixing a minimum age of 18 years for admission to any type of employment or work, which by its nature or circumstances in which it is carried out, is likely to jeopardize health, safety or morals of young persons.

Ratification of the ILO Minimum Age Convention, 1973 (No. 138), will be considered after the enactment of the central legislation and its satisfactory enforcement.

[Reference is also made to the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), which is not covered by the annual review for 2001.]

Representative employers' and workers' organizations to which copies of the report have been sent

Copies of this report are being sent to the following All India Organizations of employers and workers:

Employers' organizations: Council of Indian Employers; the Employers' Federation of India; All India Organisation of Employers; the Standing Conference of Public Enterprises; the All India Manufacturers' Organisation; Lagdhu Udyog Bharati.

Workers' organizations: Bhartiya Mazdoor Sangh; Indian National Trade Union Congress; Centre of Indian Trade Union; Hind Mazdoor Sabha; All India Trade Union Congress; United Trade Union Congress (LS); United Trade Union Congress; National Front of Indian Trade Unions.

Observations received from employers' and workers' organizations

None of the organizations mentioned has made any observations.

India

Observations submitted to the Office by the World Confederation of Labour (WCL)

Estimates of the numbers of child labourers in India vary from one source to another. These estimates range from 20 to 100 million child labourers. A study conducted for the Union Ministry of Labour puts the figure at 44 million children, while another estimate by NGOs puts the number at 100 million child labourers in India. These children are in a wide range of activities, including the agricultural sector, manufacturing, and the informal sector. [Reference is made to matters relating to the Worst Forms of Child Labour Convention, 1999 (No. 182), which will be covered only by the annual review starting in 2002.]

The enactment of the Child Labour (Prohibition and Regulation) Act 1986, and the announcement by the Prime Minister in August 1994 that child labour would be abolished in hazardous occupations by the year 2000, reflect a national consensus and commitment on the issue. Given this commitment, the enforcement officials in various States have an important role to play since they have to ensure the proper implementation of the various provisions of the Child Labour (Prohibition and Regulation) Act, 1986, as well as other related Acts. [Reference is made to matters relating to the Worst Forms of Child Labour Convention, 1999 (No. 182), which will be covered only by the annual review starting in 2002.]

The Union Government has formed a child labour cell in order to create awareness on the issue. The child labour cell has been established at the National Labour Institute with the support of the Ministry of Labour, the Government of India and UNICEF. Other initiatives are in place. However, the big challenge is in implementing and enforcing legislation.

Poverty is no doubt an important part of the problem of child labour. This is particularly true for the rural areas. Other features are the lack of availability of free educational facilities for children and therefore high rates of illiteracy; the lack of sufficient numbers, adequate training and reliable equipment for labour inspectors and enforcement officials; and the lack of sufficient rehabilitation projects.

Iran, Islamic Republic of

Means of assessing the situation

Assessment of the institutional context

The principle of the effective abolition of child labour is recognized in the Islamic Republic of Iran.

The principle is enshrined in the national Constitution (e.g. articles 3, 20 and 30) in the accession laws of the Islamic Republic of Iran to the UN Convention on the Rights of the Child passed by the Islamic Consultative Assembly, as well as in the Labour Code.

The Labour Code of the Islamic Republic of Iran states that the minimum age for employment, as well as vocational training, is 15 years of age. With regard to the age for admission to employment and the education of children, it must be noted that the Constitution has foreseen the free provision of the educational means for children. This is an important factor for the development of children.

It is important to note that elementary school education is mandatory. In addition, the Government, with the recommendation of the Ministry of Labour and Social Affairs, passed a regulation which requires all employers to recognize the technical and vocational training certificates of secondary schools. In effect, this regulation is a further incentive to continue one's education, since it facilitates the transition from school to professional and technical training. Once these youths have completed their education or training, the legal regulations facilitate their entry into the labour market. The Government would like to increase the level of education and training by ensuring that more children continue their studies after primary school.

Section 82 of the Labour Code sets the minimum age for difficult or hazardous work at 18 years. Difficult or hazardous work is defined in paragraph 1 of the directive issued under section 52 of the Labour Code of the Islamic Republic of Iran on 1371/9/19 (20/12/1992). Jobs and occupations that fall within the scope of difficult or hazardous work are listed in paragraphs 2-16.

Work in any job or occupation, and in all economic sectors and enterprises, is covered by the Labour Code, apart from institutions such as civil service, military and the police that are subject to specific employment regulations, which also include regulations banning child labour. Family workshops that are not covered by the Labour Code, are workshops that, according to section 188 of the Labour Code, are involved in activities carried out by the owner and his/her next of kin. It should be recalled that the fifth parliament (*Majles*) started drafting legislation which exempts workshops with five or less workers from the Iranian Labour Code. This would have included also exemption from the provisions on the minimum age for employment. It should be noted that the legislation was pending in the fifth *Majles* and was therefore not implemented by the Government. The Government is paying particular attention to the detrimental effect of this legislation and has set up a

committee of specialists to amend this legislation and submit its proposal to the Islamic Consultative Assembly.

The 6th Islamic Consultative Assembly is aware of the negative effect of this legislation and has declared that it will examine all possible means of amending it. The National Confederation of Employers, the National Central of Islamic Labour Councils, and the Workers' House set up an experts' committee to propose amendments to the legislation. Moreover, the experts' committee, with the support and agreement of all the organizations mentioned, declared its support for, and adherence to, the Minimum Age Convention, 1973 (No. 138), of the International Labour Organization. Their recommendations will be submitted to the legislature and the Council of Ministers. In addition, the Welfare Organization, in order to protect children and prevent their participation in the labour market, has endeavoured to provide certain forms of protection for children in need, and to formulate relevant policies.

Section 84 of the Labour Code of the Islamic Republic of Iran states that when, due to the nature of the work or the conditions under which it is performed, a job or workplace exposes a trainee or young person to physical or mental hazards, the minimum age for employment will be 18 years.

Efforts made or envisaged to ensure respect, promotion and realization of these principles and rights

The measures to implement all relevant regulations against child labour include regular inspections by inspectors (according to section 96(a) of the Labour Code), heavy fines and prison sentences for persons found guilty of using child labour (section 176 of the Labour Code).

The goal of prohibiting child labour is to enable the physical growth and mental health of children and youths. Furthermore, they must have access to both classic education and technical skills, so that the young person is able to choose freely a career path, when he or she is physically and mentally prepared to assume the responsibility. This will also result in a better qualified workforce.

The attainment of these goals requires not only the legal framework but also access for children to free education until they reach the age to enter the job market. Furthermore, families should not have to depend on the children's earnings to survive. This would allow children to continue their education instead of having to support family members who are unable to earn an income.

In this respect, the education of children is of vital importance. They must benefit from an education that provides them with a sound foundation for a successful career.

[Reference is also made to the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), which is not covered by the annual review for 2001.]

The Government is in the process of examining the technical implications of the Convention and is preparing legislation that will be sent to the Islamic Consultative Assembly.

The Islamic Republic of Iran would welcome technical assistance from the ILO for the following:

(a) training of labour inspectors;

(b) raising public awareness about the elimination of child labour, particularly in family workshops in the rural sector;

(c) drawing up policies for the education of children which incorporate the provision of guidance for making the transition from classic education to technical and professional training.

Representative employers' and workers' organizations to which copies of the report have been sent

In accordance with article 23(2) of the ILO Constitution, a copy of the report has been sent to the representative workers' and employers' organizations.

Jamaica

Means of assessing the situation

Assessment of the institutional context

Jamaica has ratified the United Nations Convention on the Rights of the Child, 1989. Furthermore, all the social partners in the country agree that Jamaica should ratify the ILO Minimum Age Convention, 1973 (No. 138).

It must be recognized that the most significant investment a country can make is in its children and that such investment generates its highest yield when the rights of children are protected.

The issue of child labour has been with us for a very long time. However, it is only in recent times that a concerted effort has been launched to deal with this international scourge.

All progressive men and women must surely recognize that, whatever its form, child labour is nothing but a system of exploitation and abuse. This practice impedes proper educational, social and psychological development of many of our children. It frustrates their normal development. It means deprivation of education through absence from school. In short, child labour impairs dignity, stifles physical and emotional development, is risky to health and sacrifices normal childhood experiences.

Assessment of the factual situation

A recent survey in Jamaica found that 4.6 per cent or 22,000 children under the age of 16 are active in the labour market. Some child labourers are as young as 6 years old. Typically, children in the labour market are from the poorest 20 per cent of Jamaican families. Some of these families rely on income from child labour to help support household expenses for food, clothing, rent and other survival needs. Other factors, such as insufficient parental guidance, encourage child labour among the poor. Where working, single mothers head households, children often take care of themselves and tend to fall victim to unsavoury influences.

This information, reproduced as received, does not represent the views of the ILO

Profile of working children

Street children

In Jamaica, street children can be divided into three main groups:

1. *Children of the street* – they usually go home at night, but work on the street to earn income after school and on Fridays.

2. *Children on the street* – they live on the street permanently, having nowhere to go. Their companions on the street become a substitute for the family. These children have families but a combination of abject poverty, inter- and intra-family conflicts, neglect, abuse and inadequate housing cause them to live on the street.

3. *Children who are abandoned* – these children are not distinguished by their activities but by the absence of the biological family. They are alienated from their family, community and from adults. The street and their companions are the beginning and the end of their world. They struggle for survival.

Information on street children was more difficult to obtain but the findings, from special interviews conducted with persons/organizations working with these children, indicate that up to 1993 there were an estimated 2,500 street children—but it is believed that this number has dramatically increased. Boys 6-17 years' old make up the overwhelming majority of this group.

In Jamaica, girls are generally less visible in the labour market. They supply labour mainly for household tasks. Some girls, however, may be seen in markets working under the watchful eyes of a guardian. It is widely assumed that some of our children engage in commercial sexual activity, especially in the tourist areas. However, the extent of child labour linked to such occupations remains unclear. Most of the information on this issue remains at the level of anecdotes and speculation. It is therefore very important for research and in-depth investigation to be done in this area.

Street children highlight the problem of working children in general. The UN Convention on the Rights of the Child states that a child has the right to be protected from work that threatens his or her health, education and development. In spite of the ratification of that Convention, we still face a situation where, in 1997, it was estimated that approximately 22,000 Jamaican children were working, the majority of them being boys.

Access to education

In the area of formal education, Jamaica has made significant improvement in the quality of, and access to, education for the majority of the population. However, according to the **1997 Jamaica Survey of Living Conditions**, money problems and illness are the major reasons given for the absence of children from classes. This survey also states that although enrolment rates are high (95.7 per cent at primary level), there continues to be a disparity in enrolment and attendance rates between children of the poorest and the wealthiest consumption groups. The survey also shows a declining enrolment and attendance rate at the secondary level. This is significant because large numbers of the poor are not gaining access to upper secondary education and young males in the rural areas continue to represent a majority of the out-of-school population.

It is instructive to note that the issue of child labour was not addressed in the 1997 Survey of Living Conditions. However, the work that is being done by a number of NGOs and institutions such as the church and the obvious evidence of street children, especially in Kingston, point to the need to capture the realities of this segment of the population.

Efforts made or envisaged to ensure respect, promotion and realization of these principles and rights

The need for advocacy and change

Jamaica, like many other nations in the Caribbean Community (CARICOM) region, must attend to the unique situation of child labourers, in line with the sentiments expressed by Marta Santos Pais of UNICEF, that:

> Child work cannot be identified either with only those situations where there is a contractual relationship between employer and employee, where a payment is given for the activities performed. In fact, in the majority of cases, child labourers are not registered or envisaged as workers, written and signed contracts are non-existent and wages are rarely paid. In formal or informal contexts, inside or outside the home, in legal or illegal activities, there may be room for abuse and exploitation. Our attention is therefore required in all these situations.

The recognition that significant numbers of poor children are increasingly at risk of exploitation has resulted in a dramatic upsurge in the number and scope of campaigns to address the problem. The work of the ILO has broadened consciousness about child labour issues. These campaigns contribute to the social mobilization effort by setting standards as well as contributing specific information, ideas and proposals for action. This growing consciousness has translated into programmes of law reform.

Jamaica has moved to modernize the Juvenile Act of 1951, bringing it into line with international standards. Other reform efforts are focused on the implementation of projects for the rehabilitation of street children and alleviating poverty. These efforts at the national level are supported by the excellent work being done by a number of NGOs (such as the organization *Children First*), which are targeting street children and assisting in their rehabilitation and education.

All progressive approaches to changing labour conditions in Jamaica are done in partnership with the unions, employers and civil society. [Reference is made to matters relating to the Worst Forms of Child Labour Convention, 1999 (No. 182), which will be covered only by the annual review starting in 2002.]

During the International Labour Conference in 1998 and 1999, Jamaica's tripartite delegation pointed out to the ILO that the issue of child labour in the Caribbean in general, and in Jamaica in particular, might not fall within the "worse case" scenario. Notwithstanding, the forms of child labour in Jamaica must be addressed.

The Jamaica Confederation of Trade Unions (JCTU) advocates that we attend to the following:

- raising awareness about the problem of child labour;
- recognizing that unions must act as lobby groups and watchdogs vis-à-vis abusers;
- providing direct support for working children and a system of ensuring that more children do not fall victim to child labour; and
- addressing the need for more economic and social development to promote adult employment and eradicate poverty.

The issue of basic education to the age of 18 might pose some problems for its effective implementation in the Jamaican context. The aim is to have collaboration between the Ministry of Labour, Social Security and Sport, the Ministry of Health, the Office of the Ambassador for Children, the unions, employers and all the relevant NGOs, to make sure that our legislative framework does not accommodate any form of child labour that is detrimental to the educational opportunities of our children.

There is a growing consciousness about issues of human rights across Jamaica. This consciousness is partly reflected in the frequency with which such issues are reported and debated in national news and other journals. Partly, it is reflected in growing official and popular support for human rights organizations and conventions. Despite these encouraging tendencies, child labour has remained an intransigent problem, fueled by our ideas about what is appropriate in our culture and our traditions.

In the final analysis, the main responsibility for policy, legislation, strategies and actions to address child labour rests with the Government. The Government must promote social awareness with regard to the rights of the child, especially the right to basic education and the elimination of child labour. This awareness must be based on information that is as complete and accurate as possible.

The Government of Jamaica welcomes the opportunity to collaborate with the social partners and with the Caribbean Office of the ILO in this regional forum. It is important to discuss and find sustainable solutions for the objective reality of the situation in the region regarding child labour. We anticipate that we will generate, in this forum, a plan of action that will see the Government and NGOs in a partnership that will result in the eventual eradication of all forms of child labour in our country.

It is worth noting that Jamaica has signed a Memorandum of Understanding with the ILO, and that it is now a participatory country in IPEC.

If we succeed in our efforts, then we would have demonstrated a concrete area in which we can tackle the whole issue of poverty and its related outcomes.

Indeed, child labour is largely a consequence of extreme poverty. Strategies for poverty alleviation and eradication must, of necessity, address the problem of child labour within a child-focused framework. These strategies must:

- be a part of public policies for children, developed jointly by governments and civil society;
- see the child in his/her social context, including the family and its situation;
- promote gender awareness; and
- improve the income levels of poor families through targeted policies in order to ensure children’s access to and completion of primary school.

While legislation alone cannot eliminate child labour, child labour cannot be eliminated without the adoption and application of relevant legislation. The Government of Jamaica has taken very seriously the need for policies and programmes to address this equally serious social and economic issue.

Lebanon

Means of assessing the situation

Assessment of the institutional context

The Ministry of Labour's report compiled under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work for the year 2000, contained information on Lebanese legislation and national policy on child labour. It also described efforts designed to reduce the employment of children with a view to complete its abolition pursuant to the relevant international conventions, particularly those ratified by Lebanon.

The aforementioned report contained detailed replies to the questionnaire on child labour. The following report includes the main information already mentioned. It adds further information on measures taken for the effective abolition of child labour under the legally prescribed minimum age in Lebanon as well as for the protection of employment by those above the age indicated (in compliance with relevant international labour Conventions).

The principle of the effective abolition of child labour is recognized by Lebanon. It is recognized in the following ways:

– Lebanon's ratification of a number of international conventions relevant to child labour, namely ILO Conventions Nos. 15, 59, 77, 78, 58, 90, 29, 105 and 127;

– Lebanon's accession to the UN Convention on the Rights of the Child adopted by the UN General Assembly in 1991;

– provisions of the Lebanese Labour Code, i.e. sections 21, 22 and 23, amended by Law No. 536 of 24 July 1999;

– decision by the Ministry of Labour concerning the monitoring of the implementation of International Labour Conventions relevant to child labour.

The Lebanese Labour Code has used the term "adolescent" to refer to persons in the 14-18 years age group. Its provisions apply exclusively to this age group, which emphasizes that it is illegal to employ children less than 14 years of age. Section 22 provides for the absolute prohibition of the employment of juveniles who have not completed 13 years of age, or without a medical examination to establish the physical suitability of the juvenile for the work he is employed for (see the report submitted for the annual review of 2000).

With respect to the relationship between the minimum age for employment and the completion of compulsory schooling, Act No. 686 of 16 March 1999 provides for free compulsory education at the first level of primary education. The new education structure has made such schooling compulsory until the age of 12 years is attained.

The year between the completion of compulsory schooling (at the age of 13 years) and the age for admission to employment (at the legally permitted age of 14 years) can be devoted to receiving appropriate vocational training.

Section 23 of the Lebanese Labour Code stipulates a higher minimum age for employment in dangerous jobs than that specified for employment in non-dangerous work.

The minimum ages are as follows:

– 16 years of age for industrial undertakings, arduous work or work harmful to health as specified in the lists (1) and (2) annexed to the Labour Code;

– 17 years of age for employment in work which, by its nature, is likely to jeopardize the life, health, safety or morals of young persons.

Decree No. 700 of 25 May 1999, lists the types of work, which, by their nature or the conditions in which they are performed, entail a danger for life, safety or morality of the adolescent. The preamble to the draft Decree contains a definition of what is understood by work or a job which is dangerous for life, health and morality of young persons (indicated in the report, submitted for the annual review of 2000). A copy of Decree No. 700 is annexed to the present report – not reproduced.

Section 22 of the Labour Code explicitly prohibits the employment of adolescents who have not completed 13 years of age.

The minimum age for admission to employment in institutions covered by the provisions of the Labour Code is defined in its section 8 and states the following:

> The provisions of the present law shall apply to all employers and employees, except to those excluded by virtue of a special provision. It shall equally apply to all undertakings, commercial and industrial, and the branches thereof, whether national or foreign, public or private, secular or religious, including national and foreign educational institutions, charitable organizations, and foreign companies with a trade centre, branch, or agency in Lebanon.

Excluded from the provisions of the Labour Code are the following categories:

– domestic workers in private homes;

– agricultural unions with no relation to commerce and industry;

– enterprises employing only members of the household under the supervision of the father, mother or guardian;

– government departments and municipal services in the case of workers who are paid on a daily basis as well as temporary employees who are not covered by the government staff regulations.

With regard to other exemptions from the minimum age requirement, reference is made to section 23 of the Labour Code, which grants permission to schools of arts and crafts as an exception to sections 22 and 23 of the Labour Code, provided that the curricula of these schools clearly indicate the type of crafts and occupations taught, and the duration of work. Furthermore, the curricula have to be approved by both, the Ministry of Labour and the Health Department (Law No. 91 of 14 June 1999, which amends sections 23 and 25 of the Labour Code, is attached – not reproduced).

With regard to the minimum age for the employment in light work, the Labour Code in section 22, prohibits the employment of adolescents who have not completed 12 years of age in all institutions subject to the provisions of the Labour Code, regardless of the type of work. It does not exempt light work in the aforementioned institutions.

With respect to Convention No. 138, its ratification and the exemptions contained in its Article 6 will be carefully examined in consultation with employers' and workers' organizations.

The authority entrusted with monitoring the implementation of the provisions of the Labour Code, including the terms and conditions of employment performed by adolescents, is from an administrative point of view, the Labour Inspection, Prevention and Safety Department. Decree No. 3273 of 26 June 2000 on labour inspection establishes the mandate of the Labour Inspection, Prevention and Safety Department. In its article 2, the Decree provides for the following:

> The Labour Inspection, Prevention and Safety Department of the Ministry of Labour shall have the responsibility of supervising the implementation of all laws, regulations and decrees related to the terms and conditions of employment, and the protection of employees in the performance of their duties, including the provisions of ratified; international labour Conventions, particularly:
>
> – ensuring the application of legal provisions concerning the terms and conditions of employment, the protection of workers in the performance of their duties such as the provisions on working hours, rest periods, wages, safety, health and health care, occupational diseases, and the employment of adolescents (…);
>
> – monitoring protection and safety measures in family undertakings, particularly in relation to work that, by its nature, is likely to jeopardize the life, health and morals of employees.
>
> (copy of Decree No. 3273 is attached – not reproduced).

Within the context of monitoring the proper implementation of legislation on child labour, the Labour Inspection, Prevention and Safety Department compiles records of infringements and brings them before the courts which impose the necessary penalties.

With reference to mechanisms specifically concerned with the question of child labour, we refer to our previous report, which indicates that a committee was set up in 1997. This Committee includes representatives of ministries, occupational services, employers' and workers' organizations, and has developed a national strategy and plan of action to eliminate child labour. We hope that the said plan will be implemented in collaboration with ILO's International Programme for the Elimination of Child Labour (IPEC).

Assessment of the factual situation

The National Report on Child Labour compiled by the Ministry of Labour in 1997, in cooperation with IPEC, contains information on the phenomenon of child labour in Lebanon, its nature and the distribution of working children between 10-14 years of age. Since then, the Ministry has not undertaken any field studies on child labour.

The following are notable developments with regard to new legislation, plans of action and studies on child labour:

– Amendment to the final paragraph of section 23 of the Labour Code, in pursuance of Decree No. 91 of 14 June 1999, granting juveniles between 14 and 18 years of age the right to a 21-day annual leave with full pay, provided they have completed at least one year of service with the enterprise concerned. The employee is entitled to make use of at least two-thirds of the said leave at any time, and of the balance during the same year. The said amendment bans work by juveniles for more than six hours a day and prohibits overtime or work during daily or weekly rest periods, during holidays, and on occasions when the enterprise does not work.

– The amendment to section 25 of the Labour Code, in pursuance of Decree No. 91 of 14 June 1999, excludes from the original text the possibility of violation by charitable organizations of the provisions of sections 22 and 23 of the Labour Code with regard to the legal age of juvenile employment.

– The signing of a Memorandum of Understanding between the Lebanese Government represented by the Minister of Labour, Dr. Michel Moussa, and the representative of the International Labour Office. The Memorandum of Understanding focuses on promoting circumstances, which enable the Government to impose a ban on child labour, to regulate and gradually reduce it in order to eventually eliminate it altogether, and to raise public awareness on child labour issues at the national and international levels.

  The areas of cooperation focus on:

  - analysing the child labour situation;
  - the formulation and development of policies and programmes for the elimination of child labour;
  - attaching particular importance to the protection of children with regard to dangerous work and the protection of the most vulnerable minors such as boys less than 12 years of age and girls.

  The Memorandum of Understanding also provides for cooperation among the Ministries concerned with child labour, representatives of employers' and workers' organizations, and non-governmental organizations.

– A field study was conducted by the Central Department of Statistics, in collaboration with UNICEF, on the situation of children in Lebanon, in order to monitor progress made since the Labour Summit on the Status of Children, 1990 (...). A number of Ministries, including the Ministry of Labour, participated in the formulation of a related questionnaire, known as the "Family Questionnaire". The study is expected to show the number of working children and juveniles up to the age of 18 years, and their areas of work. A number of indicators will be derived for projects, programmes and legal instruments designed to protect children at work, and to reduce child labour with a view to eliminate it with the assistance of a technical cooperation programme with IPEC.

Efforts made or envisaged to ensure respect, promotion and realization of these principles and rights

The national strategy on child labour includes a number of projects aimed at the rehabilitation of children rescued from illegal situations of work. We hope to carry out these and other projects through the implementation of the Memorandum of Understanding with IPEC. The need for this is demonstrated by the results of studies agreed upon with IPEC, especially with regard to the definition of types of work that jeopardize the life, health and morals of children.

[Reference is made to matters relating to the Worst Forms of Child Labour Convention, 1999 (No. 182), which will be covered only by the annual review starting in 2002.]

Furthermore, the implementation of the law on compulsory education will help eliminate work by children under the legally defined minimum age.

The means deployed to promote the effective abolition of child labour include:

At the government and parliamentary levels:

– The minimum age for the employment of children has been raised to the beginning of the fourteenth year of age, and an older age has been prescribed for work that may jeopardize the life, health and morals of children.

At the national organizations' and civil associations' level:

– There are public and private entities concerned with child labour. They participate in making proposals and observations in this respect. Among them is the Supreme Council for the Child, which includes among its members representatives of several ministries and private national associations. The Committee, established by the Memorandum of Understanding on Child Labour, consists of representatives of ministries and associations, as well as of representatives of employers' and workers' organizations. It has developed a strategy and a plan of action for the reduction of child labour, and it is hoped that the mandate of this Committee will come into force immediately following the implementation of the provisions of the Memorandum of Understanding concluded with IPEC.

The paramount importance attached by the Lebanese Government to the protection of juveniles in general, and working children in particular, has led to the proclamation of several national legislations on child labour.

The Ministry of Labour has examined ILO Convention No. 138 with a view to ratifying it. A communication has been forwarded in this connection to the International Labour Office requesting the clarification of certain points in the Articles of the Convention. Replies to these queries were received on 22 May 2000.

The Ministry has transmitted the Convention to employers' and workers' organizations for their comments on the Articles of the Convention, their position on the exceptions they provide, their opinions on the possible ratification of Convention No. 138, and the difficulties that may hinder such ratification. The Ministry will determine its position concerning Convention No. 138 upon reception of the information in question.

In order to achieve the objective of the Convention, that is, meeting the requirement of the elimination of child labour, it is imperative to obtain technical and financial assistance from ILO-IPEC. Such assistance is required to undertake the necessary studies, and implement the programmes and projects included in the national plan of action for the elimination of child labour, as well as to conduct any other study and project that may be required for the implementation of the aforementioned Memorandum of Understanding. It is equally important that the ILO contribute to such efforts by providing the Labour Inspection, Protection and Safety Department of the Ministry of Labour with appropriate information and guidance for the monitoring of the application of the ILO Conventions on child labour, and the provisions of the Lebanese Labour Code, especially through its special training programme on the inspection of child labour.

[Reference is also made to the ratification of the Worst Forms of Child Labour Convention, 1999 (No.182), which is not covered by the annual review for 2001.]

Representative employers' and workers' organizations to which copies of the report have been sent

Copies of the present report have been forwarded to the following organizations:

– Association of Lebanese Industrial Employers;

– Lebanese Federation of Chambers of Commerce, Industry and Agriculture;

– General Confederation of Labour.

Attention is drawn to the fact that the content of this and the previous report reflects the views of the Ministry on issues and questions raised by you.

Observations received from employers' and workers' organizations

So far, the Ministry has not received any comments or observations from the aforementioned organizations on follow-up action taken, or to be taken with respect to the elimination of child labour.

Annexes (not reproduced)

Decree No. 700 (Prohibition of the Employment of Juveniles under 16 or 17 years of age in dangerous work that would by its nature jeopardize the life, health or morals of such children).

Decree No. 3273 (Labour Inspection).

Law No. 91 (Amendments to sections 23 and 25 of the Labour Code).

Lesotho

Means of assessing the situation

Assessment of the institutional context

The principle of the effective abolition of child labour is recognized in Lesotho.

Article 32 of the Constitution of Lesotho 1993 provides for the protection of children and young persons. The section provides that:

– Children and young persons are protected from economic and social exploitation.

– The employment of children and young persons in work harmful to their morals or health, or dangerous to life, or likely to hamper their normal development is punishable by law.

The Labour Code Order No. 24 of 1992 (a copy of which has already been sent to the ILO), which is the principal legislation regulating labour matters in the country, prohibits work which is injurious to health and morals, and is dangerous or unsuitable for children.

Lesotho is party to the United Nations Convention on the Rights of the Child (1989).

In the Labour Code of 1992, a child is defined as a person under the age of 15 years.

The Code does not provide for a higher age limit for engaging in dangerous work. Section 125 of the Code prohibits work by a child or young person, which is dangerous. It prohibits work by children in mines and quarries. The Code neither defines dangerous work nor does it provide a list of work considered dangerous.

The Code includes exceptions to the implementation of the principle as regards light work done by children between the ages of 13 and 15 years in technical schools or similar institutions where work has been approved by the Department of Education. Another exception concerns private undertakings in which only members of the child's own family, up to five in total number, are employed.

As far as the means of implementing the principle are concerned, the Constitution of Lesotho provides for punishment by law of any person who employs children and young persons in work harmful to their morals or health, dangerous to their life, or likely to hamper their normal development.

Furthermore, the issue of child labour is included in the checklist for routine inspections of workplaces. On 8 August 2000, a joint inspection was conducted with the aim of finding out if persons less than 15 years old were employed in the textile industry of the Maseru and Maputsoe industrial areas. Labour officers from the Labour Department and officers of a representative workers' organization carried out the inspection. The inspection revealed that no persons below the age of 15 years were employed in that industry.

The Labour Code provides for a penalty in the form of a fine of 300 maluti (US$42), or imprisonment for three months, or both fine and imprisonment, in cases where a person has employed a child contrary to the provisions of the Labour Code.

Assessment of the factual situation

The Lesotho National Child Labour Support Group conducted a survey on child labour in May and June 2000. The group was made up of representatives from various government ministries, namely: the Ministry of Environment, Gender and Youth Affairs; the Ministry of Employment and Labour; and the Ministry of Health and Social Welfare. The trade union sector and the National University of Lesotho were also involved. The survey was carried out under the auspices of the United Nations Children's Fund (UNICEF). The report on the survey is entitled "Rapidly assessing children at work in Lesotho". It revealed that child labour existed in the informal sector. Children work as herd-boys, domestic workers, street sellers, car washers and taxi conductors. The survey also revealed that children worked because it was part of the growing-up process or they worked to earn some means of livelihood for themselves and their families.

Efforts made or envisaged to ensure respect, promotion and realization of these principles and rights

Measures taken to abolish child labour include compulsory primary education, which is available for all and provided for in article 28(b) of the Constitution of Lesotho. The Government of Lesotho has introduced free primary education in the beginning of January

2000. This will contribute to the elimination of child labour as some children are forced to work because their parents cannot send them to school.

The Government of Lesotho has decided to ratify the ILO Conventions related to the elimination of child labour. The ratification process for the Minimum Age Convention, 1973 (No. 138), is in its final stages. It is hoped that the instrument for ratification of the said Convention would be deposited with the office of the Director-General of the ILO before the end of the calendar year. [Reference is made to matters relating to the Worst Forms of Child Labour Convention, 1999 (No. 182), which will be covered only by the annual review starting in 2002.]

Technical assistance from the ILO to support national efforts that are under way for the elimination of child labour would be appreciated.

Representative employers' and workers' organizations to which copies of the report have been sent

Representative employers' and workers' organizations to which copies of this report have been sent are:

– Association of Lesotho Employers (ALE);

– Lesotho Federation of Democratic Unions (LFDU);

– Lesotho Trade Unions Congress (LTUC);

– Congress of Lesotho Trade Unions (COLETU).

Observations received from employers' and workers' organizations

The Government has not received from the previously mentioned organizations any observations on the follow-up measures that have been taken or need to be taken, on the Declaration with regard to the effective abolition of child labour.

Annexes (not reproduced)

– Report on a joint inspection on child labour conducted at Vogue Landmark in Maputsoe (date of inspection: 8 August 2000).

– The National University of Lesotho in collaboration with UNICEF (report prepared by S. L. Bissell, I. Kimane and A. J. Mturi). *Rapidly assessing children at work in Lesotho*, Vol. I (Context and overview of findings), Vol. II (The HIV/AIDS link) and Vol. III (Policy and programme recommendations), July and August 2000.

Liberia

Means of assessing the situation

Assessment of the institutional context

[Reference is made to the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), which is not covered by the annual review for 2001.]

With regard to reports to be submitted under the follow-up to the Declaration on Fundamental Principles and Rights at Work, the Government wishes to inform that it is the lack of technical support in this area that is largely to be blamed for the failure to provide reports in recent years following the Liberian civil war. Technical assistance in this area had already been requested from the ILO.

Representative employers' and workers' organizations to which copies of the report have been sent

This response was also submitted to the most representative workers' and employers' organizations in Liberia for their comments.

Mali

Means of assessing the situation

Assessment of the institutional context

[The Government's report provides no new information with regard to the institutional context (see Review of annual reports, GB.277/3/32, pp. 318-320).]

Assessment of the factual situation

A national study aimed at determining the number of child workers in Mali is being developed. The terms of reference for this study were drawn up by the Observatoire de l'emploi et de la formation (employment and training observatory) and will be sent to the Statistical Information and Monitoring Programme on Child Labour (SIMPOC) for consideration and follow-up.

There are currently no reliable comprehensive statistics on child labour.

In 1998, the school enrolment rate was 48 per cent.

Efforts made or envisaged to ensure respect, promotion and realization of these principles and rights

The policy of the Government of Mali for eradicating the phenomenon of child labour has had positive results, as can be seen by the extent of the implementation of the *Programme national de lutte contre le travail des enfants au Mali (PNLTE)* (national programme against child labour in Mali).

Since the Programme was launched, the national authorities, and the country as a whole, have once again become aware of the issue of child labour.

Over the past 12 months, major changes have taken place in this area. This Programme has helped national authorities and the people to acknowledge fully the constraints of child labour by changing their perceptions and their way of thinking. Improvement in the living and working conditions of child workers and their access to basic services (health, education, training, participation) are now seen as a right, and also as a practical reality. This has happened by strengthening the legal framework through the promotion and implementation of the provisions in the memorandum on the participation of Mali in IPEC, as well as increasing the availability and the quality of basic services (design and implementation of several action programmes and other measures).

Eight action programmes have directly and indirectly affected more than 5,000 child workers throughout the country, by having a direct impact on child workers and strengthening the capacity of social partners to understand better their specific needs.

These eight action programmes include:

- *An improvement in the situation of children working in mines:* This programme was initiated by the Direction nationale de la géologie et des mines (DNGM) (National Department of Geology and Mines).

- *An examination of the participation of children in agricultural activities in the Sikaso, Ségou and Koulikoro regions:* This programme was initiated by the Economie des filières – Institut d'économie rurale (ECOFIL – IER) (Institute of Rural Economy).

- *An improvement in the situation of children working in garages, and in the metal- and wood-working sectors in Bamako district:* This programme was initiated by the Direction de l'action sanitaire et medico-sociale de l'INPS (Department of Health and Socio-medical Activities of INPS).

- A*n investigation into the effects of agricultural labour on the health of rural child workers:* This programme was initiated by the Groupe pivot/Santé Population (population health/pivotal group).

- *The strengthening of the organizational capacities of associations and groups of child workers:* This programme was initiated by Enda-Mali.

- *The opening of a welcome centre where maids working in Bamako can go for counseling and to socialize:* The LE REPERE programme was initiated by Enda-Mali.

- *A survey of female children working in hotels, bars and restaurants in the Bamako district:* This programme was initiated by the Club des Amis de Mékin Sikoro (CAMS) (the friends of Mékin Sikoro).

- The miniprogramme *Réalisation d'un reportage vidéo sur les enfants travailleurs ferblantiers du marché de Médine* (production of a video report on child workers in ironmongery in the Medina marketplace) by DFA-Production.

The most perceptible and noteworthy input in the reporting period has been to highlight how vulnerable child workers are in the rural and semi-urban areas, and to involve social actors in the implementation of the action plans.

The expected results from the various investigations, actions and surveys will certainly reveal situations of serious risk and the constraints to which child workers are exposed. This realization on the part of parents, communities and the children themselves will allow the number of children put to work before they are 15 years of age to be reduced. Technical and teaching support to prevent more children from working at an early age needs to be designed.

Direct input provided by the programme to children and their parents should answer their specific needs and preoccupations, so that they can obtain the additional revenue that will allow them to avoid using child labour for profitable ends. To do this the management of available resources needs to be monitored, to ensure that the expected results are obtained and that children can be oriented towards educational activities.

Until now there has been a real tendency for state partners and civil society to become involved in actions to strengthen their capacities and those of institutions to curb this scourge.

The weakness that needs to be addressed is to increase local involvement in strengthening these action plans.

Specific lessons that can be drawn in relation to specific priority groups of IPEC may be summarized as follows:

- the beginnings of a strengthening of competences and of the capacity of the social partners and priority target groups to define, identify and implement the appropriate actions;
- support for the qualitative and quantitative strengthening of state and community structures in order to ensure better protection of target groups;
- mobilization and sensitization of populations to reduce the vulnerability of young girls working in an urban environment;
- better targeting of information, education and communication based on the specific problems of target groups.

The following subregional programmes are envisaged:

- action against child labour through education;
- action against the trafficking of children.

These programmes have been designed and submitted to the donors, who replied favourably in terms of financing. [Reference is made to matters relating to the Worst Forms of Child Labour Convention, 1999 (No. 182), which will be covered only by the annual review starting in 2002.]

[Reference is also made to the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), which is not covered by the annual review for 2001.]

The Minimum Age Convention, 1973 (No. 138), will soon be submitted for ratification according to the workers' and employers' organizations.

The Government of Mali would welcome ILO technical support in order to continue the efforts already under way to implement better the provisions of Convention No. 182.

Representative employers' and workers' organizations to which copies of the report have been sent

- Union nationale des travailleurs du Mali (UNTM) (National Union of Workers of Mali);
- Confédération syndicale des travailleurs du Mali (CSTM) (Confederation of Workers' Unions of Mali) ;
- Fédération nationale des employeurs du Mali (FNEM) (National Federation of Empoyers of Mali).

Observations received from employers' and workers' organizations

No comments have been received from the abovementioned organizations.

Mauritania

Means of assessing the situation

Assessment of the institutional context

The principle of the effective abolition of child labour is recognized by the Mauritanian Constitution and applied through the Labour Code, section 1 (Volume II), of which states the following: "Children must not be employed in any undertaking, even as apprentices, before the age of 14 years, unless an exception is granted by order of the Ministry of Labour based on the opinion of the National Labour Council."

The age of admission to employment is eighteen (18) years. According to the provisions laid down in the legislation and regulations in force, there is no age at which children are authorized to perform dangerous work, nor is there a list of work that is considered to be dangerous. However, the implementation orders of current provisions list various fields of activities that are considered to be dangerous.

There are legislative provisions penalizing infringements (section 64, Volume V of the Labour Code). The labour inspectorate, which is responsible for applying such penalties, generally does so when the employer has refused to respond favourably to an injunction.

Furthermore, section 279 of the Merchant Navy Labour Code prohibits children under the age of 15 years from boarding ships in an occupational capacity. However, persons aged between 15 and 17 years may board ships as novices with a view to obtaining professional training.

In addition, only persons who fulfil the requirements laid down in section 268, which include the age requirement, may be registered as Mauritanian seafarer and issued with a seafarer's certificate (a copy of Volume IX is appended to the present report (not reproduced)).

Efforts made or envisaged to ensure respect, promotion and realization of these principles and rights

Although the phenomenon of child labour is not common in Mauritania, the Government has envisaged measures which consist of strengthening the existing legal framework. [Reference is also made to the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), which is not covered by the annual review for 2001.]

However, the labour inspectorate, which is responsible for monitoring the application of the relevant legal provisions, is at a disadvantage owing to the lack of adequate human and financial resources, and equipment.

Within this context, Mauritania is counting on technical assistance from the ILO in order to strengthen the capacities of its labour administration. Participation in the IPEC Programme will lead to a better definition of the nature of child labour and thus enable its effective abolition.

Representative employers' and workers' organizations to which copies of the report have been sent

A copy of the present report has been sent to the most representative organizations: UTM (Union of Mauritanian Workers) and CGEM (General Confederation of Mauritanian Employers).

Observations received from employers' and workers' organizations

No comments have been received to date.

Mexico

Means of assessing the situation

Assessment of the institutional context

There has been no change in the information provided in the report that was submitted for the annual review 2000. Therefore, there is nothing new to report as regards the institutional context.

Assessment of the factual situation

According to the available information, the following statistics illustrate the scope and incidence of child labour:

- The National Employment Survey 1998 estimated that just over 3.5 million persons aged 12-17 years were working.
- The agricultural sector absorbed 42 per cent of all girls and boys employed, and about half of those were below the legal age for admission to employment; 23 per cent and

17 per cent of girls and boys, respectively, worked in the commercial sector, while 14 per cent of girls and 4 per cent of boys worked in manufacturing and construction.

- Minors were found to work mainly in small establishments or family micro-enterprises, in sectors and occupations that are difficult to monitor. However, one point that stands out is that almost 1.5 million minors who work receive salaries, and of this number, approximately 450,000 work in enterprises with more than 15 workers and that a little more than 600,000 of them are in the manufacturing and construction sectors.

- About half of the minors who work receive no financial remuneration, due to the fact that the majority of boys and girls are engaged in family work, especially in the rural sector and traditional service activities. The number of minors who receive no income decreases as the age groups increase. More than half of working 16-17 year-olds received an income, although there was no formal employment relationship.

- In the 100 principal cities of the country, there are some 114,500 minors (boys and girls) in the informal sector, who work on the streets and in public places. The breakdown is as follows:

Guadalajara (metropolitan zone)	7,226
Monterrey	5,767
Tijuana	5,852
Acapulco	3,431

  Even when the figures are not known, child labour has been detected in Mexico City, Cancún, Veracruz, Tampico and Cuidad Juárez, among other cities.

- Of the 114,500 working minors, 100,565 are between 6 and 17 years of age. The average age is 13 years, and a little more than half have not attained the minimum age for admission to employment. Their working day is almost seven hours, and 74 per cent of these minors work more than five days a week.

The annexes (not reproduced) provide statistics on the following: the rates of economic participation, by age group, by level of schooling and age; female participation by age and parity (with or without children), and by number of children and age; access to occupational insurance, by age group; access to employment accident benefit, by age group; graduation from primary and secondary schools: mean annual growth rate of primary and secondary school graduates; rate of provision of places in primary and secondary schools; as well as federal expenditure per pupil in primary and secondary schools.

Efforts made or envisaged to ensure respect, promotion and realization of these principles and rights

With a view to abolishing child labour, the Government of Mexico has amended the Federal Penal Code which has provisions making it an offence to induce minors to engage in activities such as prostitution, production of pornography and drug trafficking.

Moreover, through the competent authorities, the Government has taken steps for the rehabilitation of children who have been the object of these illicit activities, as well as preventive, protective and social security measures.

Faced with the prevalence of child labour, which is driven by the need for access to income, the Government of Mexico has launched, through the National Programme of Action for Childhood 1995-2000, a comprehensive policy which encompasses the following: health; education; the fight against poverty; family integration; protection and defence of the rights of the child; and prosecution. The aim is to promote the well-being and development of boys and girls.

Between 1 November 1999 and 31 July 2000, there has been diffusion of information and promotion of the principles via the mass media – 30,950 copies of the Charter of the Labour Rights of Minors *(Carta de los Derechos Laborales del Menor)* were distributed in the federal states of the country.

The Mexican Government has worked together with groups in society, in substantive ways, to prevent the involvement of minors in activities which are harmful to their physical and emotional well-being, particularly against forms of exploitation such as prostitution, pornography and child bondage. Also, it has undertaken actions to:

- promote any action which discourages the participation of minors in activities which are carried out in an environment harmful to their health and safety, and in the informal sector of the economy;
- intensify efforts of surveillance and labour inspection regarding the work of minors, especially in activities that fall under local jurisdiction;
- boost programmes of family support which strengthen the values of tolerance, community, respect, family, as well as the rights of the child, so as to avoid social and community disintegration;
- strengthen actions for promoting health, through the national health system;
- put in place specialized activities for the prevention, sensitization and guidance of minors and adolescent workers, particularly when they are active in dangerous, hidden or informal work;
- offer educational options that are appropriate for the situation, activity and characteristics of the working minors, with a view to guaranteeing their access to, and remaining in school, avoiding falling behind in educational achievement and favouring their completion of basic education;
- promote legislative measures and adopt those of a social, administrative and labour nature, necessary for ensuring their implementation.

With regard to the objectives to ensure respect, promotion and realization of the effective abolition of child labour, the Government intends to adopt a long-term policy geared to resolving the problem. In the short and medium terms, measures and specific actions shall be adopted, particularly for situations involving the most serious risks.

The policy for dealing with child labour ought to be based on ethical principles which protect the rights of boys and girls, reaffirm the prohibition of work for minors less than 14 years of age, protect the admission to employment of those older than 14 but less than 16

This information, reproduced as received, does not represent the views of the ILO

years of age, and limit activities for those older than 16 but less than 18 years of age. In order to develop such a policy, the following four strategic lines of action are envisaged:

- discourage the admission to employment of new minors below the legal age for admission to employment, by providing compensatory support for the minor and the family;
- removal of minors engaged in diverse types of labour without having reached the legal age for engaging in such work, as well as those who, having reached the legal age, are engaged in work harmful to their health or safety, as well as those who are active in the urban informal sector;
- regulation, protection and labour inspection;
- prosecution and administration of justice to attack radically the worst forms of child exploitation, paying attention to the need for rehabilitation.

The policy of discouraging and eradicating child labour is characterized as being:

1. *Comprehensive*, in order to consider specific actions, in the formal and informal sectors, by age groups 0-5, 6-13, 14-16 and 17-18 years old.
2. *Concerted*, in order to specify commitments and coordination of competencies, efforts, capacities, resources and programmes of different sectors at the three levels of government.
3. *Participatory*, so as to include consultations with social organizations, NGOs, producer and commercial organizations, heads of families and universities, among others,
4. *Progressive*, so as to consider the putting in place of immediate and firm measures for the elimination of the worst forms of child labour, as well as short- and medium-term measures to discourage and eradicate illicit child labour.
5. *Consistent*, with ethical principles and in accordance with the rights of the child as provided for at the national and international levels.
6. *Integrated*, in order to consider intersectoral responses, of an economic, socio-developmental, legislative and labour nature, which would make it possible to overcome the root causes.

In order to abolish child labour, the federal Government, through the Ministry of Labour and Social Security, has, as an objective, active coordinated participation with public and private entities, to carry out programmes which discourage child labour. This will be effected through a study of the work relationship between the minor and the production plant, as well as the formulation of policies targeted in the short, medium and long terms to eliminate child labour, by designing, integrating, operating and following up on established programmes in this regard.

The same Ministry is responsible for developing the Subprogramme for Discouraging Child Labour, the principal functions of which are:

1. Analysing requests from the principal associations and proposing policies for general implementation.

2. Compiling information on all existing programmes relating to children in governmental units and institutions.

Moreover, the following activities are being undertaken:

- Compiling and analysing requests from organized groups involved with the question of child labour.
- Identifying specific supplementary and coordinating actions involving the Ministry of Labour and Social Security and the various governmental units and institutions, to strengthen institutional support for them, the objective being to discourage child labour.
- Inviting units, public and private institutions, private and emerging organizations to participate in the design of comprehensive programmes focusing on minors.
- Putting in place and implementing sectoral programmes.

Representative employers' and workers' organizations to which copies of the report have been sent

In keeping with article 23(2) of the ILO Constitution, copies of this report have been sent to the Mexican Confederation of Chambers of Industry (CONCAMIN), to the Mexican Employers' Confederation (COPARMEX), and to the Confederation of Mexican Workers (CTM).

Observations received from employers' and workers' organizations

The Mexican Employers' Confederation (COPARMEX) is of the view that Mexican legislation protects the rights of working children. In this regard, the Confederation alludes to article 123, paragraph A, section III, of the Mexican Constitution, the provisions of the Federal Labour Law, the General Education Law and the Federal Regulation on occupational safety and health and the work environment.

Neither the Mexican Confederation of Chambers of Industry (CONCAMIN) nor the Confederation of Mexican Workers (CTM) has submitted observations on the implementation of the Convention which was referred to, either directly or with reference to the report.

Annexes (not reproduced)

Statistics on rates of economic participation by sex and age groups.

Statistics on rates of economic participation by level of schooling, sex and age groups (no schooling or incomplete primary education; completed primary or incomplete secondary education; completed secondary education or higher).

Statistics on rates of female economic participation by parity (with or without children) and age group (females without children; females with children).

Statistics on rates of female economic participation by number of children and age groups.

Statistics on access to occupational insurance, by sex and age groups.

Statistics on access to employment accident benefit, by age group.

Statistics on graduation from primary and secondary schools, disaggregated by gender.

Statistics on the mean annual growth rate of primary and secondary school graduates, disaggregated by gender.

Statistics on the provision of places in primary and secondary schools.

Federal expenditure per pupil in primary and secondary schools.

Mozambique

Means of assessing the situation

Assessment of the institutional context

As a result of consultations, including the discussions that took place during an ILO-funded tripartite seminar in November 1999, the importance of ratifying the ILO Convention relating to the principle of the abolition of child labour has been recognized. This action would not be contrary to our national laws; rather, it would strengthen the relevant standards that apply at present.

One of the items on the agenda of the recently elected Government will be for the National Assembly to examine the question of ratifying the two fundamental Conventions relating to the abolition of child labour.

Myanmar

Means of assessing the situation

Assessment of the institutional context

We submitted the necessary information relating to this category of principles and rights in our report for the first annual review.

We are in touch with the relevant departments and organizations, and, if there are any changes in national law and practice that have a bearing on these principles and rights, we will be most willing to provide the ILO with further information to supplement or update that which was sent for the first annual review.

Namibia [5]

Means of assessing the situation

Assessment of the institutional context

The principle of the effective abolition of child labour is recognized in the Constitution of Namibia as well as in the Labour Act.

Article 15, sub-article 2, of the Constitution of Namibia states: "Children are entitled to be protected from economic exploitation and shall not be employed in or required to perform work that is likely to be hazardous or to interfere with their education, or to be harmful to their health or physical, mental, spiritual, moral or social development". Children referred to under this paragraph are persons under the age of 16.

The same article, sub-article 3, states "No children under the age of 14 years shall be employed to work in any factory or mine save under conditions and circumstances regulated by Act of Parliament".

Article 15, sub-article 4, maintains that "Any arrangement or scheme employed on any farm or other undertaking, the object or effect of which is to compel the minor children of an employee to work, or in the interest of the employer of such employee, shall for the purposes of article 9 hereof be deemed to constitute an arrangement or scheme to compel the performance of forced labour". Article 9 of the Constitution addresses slavery and forced labour.

Section 42 of the Labour Act of Namibia addresses child labour extensively: it is affirmed that no person shall "employ any child under the age of 14 years for any purpose whatsoever".

Children between the ages of 14 and 15 years may not be employed to work in or on mines or on any premises where articles are manufactured, processed, repaired, washed, cleaned, etc., where electricity is generated, transformed or distributed, where a dam, bridge, canal, etc. is built or where machinery is installed, erected or dismantled. No children between 15 and 16 years may be employed underground in any mine.

In the Labour Act, section 42(c), it is stated that no child between the ages of 15 and 16 may be employed underground in any mine.

Finally, no person shall require or permit any employee to do night work if the employee is under the age of 18 years. Night work refers to any work performed during any period between the hours of 20h00 and 07h00.

Child labour is defined. No person is allowed to employ any child under the age of 14 years for any purpose whatsoever. The minimum age for being employed would be over the age of 14 years, with an extensive list (defined in section 42(b) and (c) of the Labour Act) of restrictions relating to employment for children between the ages of 14 and 15. With reference to the relationship between minimum age and the end of compulsory schooling, the Namibian Constitution in article 20, sub-article 3, declares that children shall not be allowed to leave school until they have completed their primary education or have attained the age of 16 years, whichever comes first.

[5] The ratification of the Minimum Age Convention, 1973 (No. 138) was registered on 15 November 2000, i.e. after the cut-off date for including reports in the compilation.

The age limit for engaging in dangerous work is not higher than indicated above.

The police force and the defence force are excluded from the implementation of the principle and right relating to the effective abolition of child labour.

There are no exceptions to the implementation of the principle and right to the effective abolition of child labour.

The means of implementing the principle include the following:

– On the administrative side, the Ministry of Basic Education and Culture monitors educational programmes and practices and aims at obtaining full school participation by children. The Ministry of Labour, as the enforcing agency of the Labour Act, conducts labour inspections to monitor illegal labour practices. The Ministry of Women's Affairs and Child Welfare, which has recently been established, is responsible for developing policies and programmes to promote and ensure the welfare of the child.

– On the legal side, the Criminal Procedure Act (Act 52 of 1997), section 290, provides procedures for dealing with convicted juveniles.

– The bodies concerned with child labour are the Ministry of Labour, Ministry of Women Affairs and Child Welfare, the Labour Advisory Council and social partners.

Assessment of the factual situation

Indicators and statistics are available in the 1999 Report of Analysis on the Namibia Child Activities Survey carried out by the Ministry of Labour with the technical assistance of a private consultant and the support of the ILO.

The target group of the survey was children between the ages of 6 and 18 years. According to the results of the survey, working children make up 16.3 per cent of the total population of children aged 6-18 years in the NCAS data. Over 63 per cent of working children are engaged in elementary occupations. Over 95 per cent of those children engaged in elementary occupations reside in the rural areas of Namibia. In terms of industrial distribution of working children, 87.9 per cent of working children are engaged in agriculture, hunting and forestry.

No other information is available at this time.

Efforts made or envisaged to ensure respect, promotion and realization of these principles and rights

Namibia, through the Ministry of Basic Education and Culture, has a compulsory school system, which requires children to attend school until the age of 16.

The Ministry of Health and Social Services is running a Street Children Programme (SCP), which aims at taking homeless children off the street, by placing them in shelters until these children enter vocational training programmes or any other appropriate facility. Their parents or guardians are registered in income-generating programmes to assist them in supporting their children.

The Tripartite Labour Advisory Council has recommended to the Ministry of Labour the ratification of the Minimum Age Convention, 1973 (No. 138). [This has since occurred]. Should the Minister concur with the recommendations, the Convention will be tabled at Cabinet from where it will be considered by the Namibian Parliament.

[Reference is also made to the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), which is not covered by the annual review for 2001.]

The Ministry of Labour commissioned the Child Activity Survey during the first two quarters of 1999 to provide, amongst others, reliable data on the magnitude of child labour in Namibia for purposes of policy formulation at national level as well as for various economic sectors.

Furthermore, the Ministry conducts labour inspections whereby illegal practices of child labour are monitored. The labour inspection form, DL 1, also requests information on child labour activities, which might be occurring. The Ministry currently employs 24 labour inspectors but the Office of the Prime Minister recently approved a new structure for the Ministry of Labour, which allows for nine more labour inspectors to be appointed and would therefore provide for an improved monitoring of labour practices in Namibia.

The International Programme on the Elimination of Child Labour (IPEC) of the ILO funded the analysis of data and report writing of the Namibia Child Activities Survey.

UNICEF Namibia sponsored the data entry component of the Namibia Child Activities Survey.

The Labour Advisory Council debated and recommended the ratification of the Minimum Age Convention, 1973 (No. 138).

[Reference is made to matters relating to the Worst Forms of Child Labour Convention, 1999 (No. 182), which will be covered only by the annual review starting in 2002.]

The objective of the Government is the total and complete eradication of practices of child labour in Namibia as prohibited by the Namibian Constitution and Labour Act.

The condition necessary to achieve the objective of eradicating practices of child labour is the effective implementation of the Namibian Labour Act by the labour inspectors through efficient and regular labour inspections. With the analysis of the survey completed, the Government can assess the report and determine the policies and initiatives that are required to address the problem in the various economic sectors where child labour exists.

Representative employers' and workers' organizations to which copies of the report have been sent

The National Union of Namibian Workers (NUNW), the Public Service Union of Namibia (PSUN) and the Namibian Employers' Federation (NEF) have been sent copies of the report.

Observations received from employers' and workers' organizations

The organizations were advised to forward their comments to the ILO and a copy to Government, should they so wish.

New Zealand

Means of assessing the situation

This report notes changes with respect to national law and practice, relating them to the sections of the full follow-up report provided by New Zealand for the first annual review.

Since the full follow-up report was provided, a new Government has been elected. The Government continues to strongly support efforts by the international community to uphold children's rights.

Assessment of the institutional context

[Reference is made to matters relating to the Worst Forms of Child Labour Convention, 1999 (No. 182), which will be covered only by the annual review starting in 2002.]

The manner in which the principle is recognized (in the Constitution, laws, regulations, by virtue of a ratified international instrument, or in some other way) is as follows:

Employment Relations Bill

The Government has introduced the Employment Relations Bill, which will replace the Employment Contracts Act on 2 October 2000. The legislation addresses the inherent inequality in employment relationships, and promotes behaviour in good faith and collective bargaining, while protecting the integrity of individual choice.

Several provisions of the Bill may particularly assist young people. Employees have a right to join or form a union and thereby have access to collective bargaining. If they join a union, they will be covered by the collective agreement negotiated by the union in relation to their area of work. New employees who are not union members but whose work is covered by an existing collective agreement will be employed on the terms and conditions of that agreement, together with any individual terms that are not inconsistent with the collective agreement. This allows the employee time to decide whether to join the union.

If the work of a new employee is not covered by a collective agreement, an individual agreement will apply. The employee must be given a written statement of the proposed terms and conditions, as well as the opportunity to seek independent advice, before the agreement is finalized.

Protection is also provided for employees negotiating individual agreements, where the employee is unable to bargain fairly and freely because he or she is unable to understand the implications of what is being agreed, due to, inter alia, diminished capacity, reliance on the advice of the other party or lack of relevant information, being subject to oppressive means, undue influence or duress. If these situations cannot be resolved through

mediation or other suitable means, the Employment Relations Authority will be able to cancel or amend the terms of the agreement.

Procedures for resolving employment problems and enforcing employment rights will also help young people. The Bill promotes mediation as the primary mechanism for resolving employment disputes. Mediation services will be provided by the State. Services will range from the provision of information, targeted to the needs of particular groups (including young people), to the assistance of a specialist person to help the parties work through the problem and reach a settlement. The intention is to resolve problems as early as possible, with a view to supporting and maintaining successful employment relationships. The principle of fairness will prevail to ensure that employees and employers can participate fully in the process.

Problems not resolved at this level can be adjudicated in the Employment Relations Authority, which is the main forum for enforcing employment rights. The Authority will be required to promote behaviour in good faith, support successful employment relationships, and generally further the objectives of the Act. Consistent with the intention to ensure that employment problems are solved promptly and non-legalistically, the Authority is required to adopt an investigative approach and its procedures are not to be determined by the Employment Court. Applicants can be represented in the Authority's hearings, and its flexible approach would enable it to accommodate the particular needs of young people, for example in relation to representation.

Health and safety

The Government has announced a review of the Health and Safety in Employment Act to improve employee involvement in matters relating to health and safety, ensure consistent health and safety standards in the workplace, and examine the law to see whether it needs strengthening to enforce health and safety.

Assessment of the factual situation

The Government increased minimum wage rates in March 2000. The youth minimum wage, applicable to employees aged 16-19, is $4.55 per hour (or $182 for a forty-hour week). The adult minimum wage is $7.55 per hour (or $302 for a forty-hour week). Further review of the minimum code of employment conditions is to be undertaken in the coming year.

The Government has directed the Ministry of Youth Affairs and the Department of Labour, in consultation with other relevant agencies and the Office of the Commissioner for Children, to report to Cabinet by the end of August 2000, identifying options for improving information on the working patterns of children under the age of 16 years, with a view to undertaking further study of the position of these children in the labour market.

The Department of Labour is also developing a strategy for the dissemination of information about the employment relations legislation, once it comes into effect. This information will be targeted to specific groups, including young people, by using appropriate channels for dissemination, such as schools and the Internet.

The Human Rights Commission undertakes promotional activities in relation to discrimination, and is shortly to run a public education campaign on sexual harassment, which would include sexual harassment of young people in the workplace.

Efforts made or envisaged to ensure respect, promotion and realization of these principles and rights

Optional Protocols to the United Nations Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, and on the Sale of Children, Child Prostitution and Child Pornography

The Government welcomed the adoption and opening for signature of the two Optional Protocols. New Zealand considers that the Optional Protocols, once they enter into force, will significantly strengthen the international standards of legal protection for children, including those most vulnerable to exploitation and abuse.

The means of implementation of the principle (administrative, material, legal) are:

Labour inspection

Labour inspectors will have increased powers under the Employment Relations Bill. In particular, they will be able to issue demand notices in relation to the recovery of minimum wage and holiday entitlement. This will put the onus on employers to challenge the notice in the Employment Authority, and enable a more prompt recovery process, which may benefit young workers.

Representative employers' and workers' organizations to which copies of the report have been sent

A copy of this report was sent to the following:

– New Zealand Employers' Federation;

– New Zealand Council of Trade Unions.

Observations received from employers' and workers' organizations

Comments have been received from the New Zealand Employers' Federation. No observations have been received from the New Zealand Council of Trade Unions.

Additional information submitted to the Office by the Government of New Zealand

[Reference is made to matters relating to the Worst Forms of Child Labour Convention, 1999 (No. 182), which will be covered only by the annual review starting in 2002.]

With the current focus on issues relating to Conventions Nos. 87, 98 and 182, the Government has not yet been able to consider ratification of the Minimum Age Convention, 1973 (No. 138). This Convention addresses key issues of relevance to questions that the Government is to address within the context of New Zealand's obligations under the United Nations Conventions on the Rights of the Child. The work that is planned in relation to these obligations will help in determining whether New

Zealand will be able to ratify Convention No. 138. The Government will keep the ILO informed of all relevant developments.

New Zealand

Observations submitted to the Office by the New Zealand Employers' Federation (NZEF)

The Federation is in general agreement with the Government's report and would only note its reference, in the second paragraph under the heading "Employment Relations Bill", to the right the Bill provides to employees to form and join unions, thereby providing them with access to collective bargaining. The impression conveyed by this reference is that this is a right that New Zealand employees (young people among them) have not hitherto enjoyed. Nothing could be further from the truth. New Zealand legislation, in the form of the soon to be superseded Employment Contracts Act, provided the very same right, allowing employees to choose whether or not to join a union, including the right to decide whether or not to form (and join) a union which they themselves had established. That statute has also protected the right to bargain collectively, making the issue of whether collective or individual contracts should apply in a particular instance a matter for the parties – employers, employees and their representatives – to determine through negotiation. It would be unfortunate if the ILO were to gain from the Government's statement the impression that, in New Zealand, this has not been the case until recently.

Government observations on the comments by the New Zealand Employers' Federation (NZEF)

The New Zealand Government wishes to comment on the New Zealand Employers' Federation's comments on the Government's description of the Employment Relations Bill (now Employment Relations Act, due to take effect on 2 October 2000).

The Federation claims that the rights provided by the Employment Relations Act to join or form unions and to bargain collectively are equivalent to the rights previously provided for in the Employment Contracts Act. The issue of whether collective or individual contracts would apply was a matter for negotiation by the parties.

The Government wishes to stress that the Employment Relations Act does provide additional protection for the right to bargain collectively, which did not exist in the Employment Contracts Act.

Employees can choose whether or not they join a union. They also have the right to choose to form a union. The right of employees to bargain collectively is guaranteed by linking union membership with the choice to bargain collectively. The Government believes that this is consistent with the principle of promoting collective bargaining, which is central to Conventions Nos. 87 and 98. If employees choose not to join a union, they are free to negotiate individually and directly with their employer.

New Zealand

Observations submitted to the Office by the New Zealand Council of Trade Unions (NZCTU)

The NZCTU supports the actions being taken by the new government as outlined in the report. We therefore endorse the report. [Reference is made to matters relating to the the Worst Forms of Child Labour Convention, 1999 (No. 182), which will be covered only by the annual review starting in 2002.]

Oman

Means of assessing the situation

Assessment of the institutional context

The Sultanate of Oman does not know the problem of child labour as it does not exist in the social reality of the Sultanate. Free education is provided at all levels. Social and health care is also provided for children and their families. National laws guarantee the non-employment of children and provide legal protection for youths through a set of laws promulgated in this regard. This is in keeping with national development goals and international labour standards.

With regard to the means of assessing the situation in the country as it relates to the effective abolition of child labour, Omani Labour Law promulgated by the Sultan's Decree No. 34/73 (and its amendments in section 76) prohibits the employment of children under 13 years of age and does not allow them to enter workplaces. Furthermore, it was assured in the State's plans that the child is considered as an essential part of the family and the State provides childcare, through free education and health care, which are an essential part of development plans. The Law prohibits, in section 77, employment of children who are more than 13 years old but less than 16 years old, in the period between 6 p.m. and 6 a.m., or their employment in arduous work. It is not allowed to ask them to do overtime work unless an authorization is given by the Ministry of Social Affairs, Labour and Vocational Training.

The principle of the effective abolition of child labour is recognized in sections 75-79 of the Omani Labour Law.

Child labour is defined (minimum age for admission to employment or to work; relationship between this minimum age and the end of compulsory schooling) in section 75 of the Omani Labour Law and section 16 of the Civil Service Law.

Pakistan

Means of assessing the situation

Assessment of the institutional context

The principle of the effective abolition of child labour is applied.

Children cannot be engaged in hazardous occupations or employment, including in mines or factories.

Different labour laws, including the Factories Act, 1934, the Mines Act, 1923, the West Pakistan Shops and Establishments Ordinance, 1969, the Road Transport Workers Ordinance, 1961, and the Employment of Children Act, 1991, prohibit the employment of children in specified processes and occupations. Raising the age for employment, in various legislation, is under consideration.

Pakistan has ratified the UN Convention on the Rights of the Child and the Minimum Age (Industry) Convention (Revised), 1937 (No. 59). Pakistan is also a signatory to the Declaration of the South Asian Association for Regional Cooperation, signed in *Male*, 23 November 1990, that urges the member countries to eliminate hazardous forms of child labour by the year 2000 and all forms of child labour by the year 2010. Pakistan also participates in the ILO's International Programme for the Elimination of Child Labour (IPEC).

A "child" is defined as a person under 14 years of age. "Adolescent" is defined as a person who has attained the age of 14 years but has not attained 18 years of age.

No person below the age of 18 years is allowed to be employed in any road transport service. Similarly, a person of less than 18 years is not allowed to be employed in any part of a mine. "Dangerous work" is not defined. However, a list of occupations and processes wherein children cannot be employed has been prescribed in the Employment of Children Act, 1991. These include hazardous occupations and processes. "Adolescents", particularly skilled adolescents, are allowed to work, but under stringent conditions. [Reference is made to matters relating to the Worst Forms of Child Labour Convention, 1999 (No. 182), which will be covered only by the annual review starting in 2002.]

At present, under the Children Act, 1991, no adolescent is allowed to work in any factory unless:

(a) a certificate of fitness in the prescribed form, and granted to him by a qualified medical practitioner, is in the custody of the manager of the enterprise; and

(b) he carries, while at work, a token giving reference to such a certificate.

The law does not grant an exception, from application of the principle of effective abolition of child labour, to any specified category of work or economic sector. However, the Employment of Children Act, 1991, excludes from its purview, establishments wherein a process is carried on by the occupier with the help of his family, and schools established, assisted or recognized by the Government.

In the case of occupations and processes other than those specified by the Employment of Children Act, 1991, it regulates the employment of children. The Act specifies six different occupations and 14 processes wherein no child is allowed to be

employed or permitted to work. In the case of establishments wherein none of the occupations/processes specified in the Act are carried on, the Act provides certain safeguards for working children in respect of their hours of work, weekly holidays, safety and health, etc.

The implementation of the legislation prohibiting/regulating child labour rests with the provincial governments. The provincial Labour Departments have their own inspection services that are obliged to ensure the implementation of labour laws. The violators are prosecuted and penalized by the courts.

Assessment of the factual situation

In 1996 the Federal Bureau of Statistics carried out a nationwide survey on child labour in collaboration with ILO-IPEC. Prior to that survey no authentic statistical information on the nature and magnitude of child labour was available.

– The 1996 survey estimated that of the total 40 million children (5-14), about 3.3 million children were economically active.

– Of these, 73 per cent were boys, and 27 per cent girls. The majority of these working children (67 per cent) were engaged in the agriculture, forestry and fishing sector; a far smaller proportion (about 11 per cent) were in the manufacturing sector, and an even smaller number in the trade (8.7 per cent), social and personal services (8 per cent) and transport (3.7 per cent) sectors. Of the economically active children, 70 per cent worked as family helpers, 23 per cent as employees and 7 per cent were self-employed.

– There is a declining trend because of the various steps being taken to combat the problem and the resultant awareness shown by different segments of the community. More than 70 per cent of children involved in Sialkot's soccer ball industry have been withdrawn from workplaces. Pakistan Baitual Mal has established more than 30 rehabilitation centres throughout the country for the education of children withdrawn from work. CCF schools are also carrying out similar activities for children removed from carpet weaving. Despite the limited capacity of these schools/centres they are playing an important role in the withdrawal and rehabilitation of children engaged in child labour. In addition to these measures, the programmes of the Federal and Provincial Governments to increase the enrolment rate at the primary school level have helped to reduce child labour.

Efforts made or envisaged to ensure respect, promotion and realization of these principles and rights

The Government has taken several significant measures to abolish child labour.

In 1991, the Employment of Children Act was enacted to deal effectively with the problem of child labour.

In 1994, Pakistan joined the ILO's International Programme for the Elimination of Child Labour (IPEC).

In 1996, a nationwide survey was carried out to assess the magnitude and nature of child labour. Prior to the survey no authentic information was available. The survey was, therefore, useful for obtaining reliable information for effective planning.

A number of action programmes, in collaboration with ILO-IPEC, have been launched, aimed at: awareness raising; strengthening the capacity of various agencies involved in the child labour elimination programme; withdrawal of children from workplaces and their rehabilitation through non-formal education/training; training of labour inspection personnel, etc. A National Steering Committee has been constituted to evaluate, plan and monitor activities under the programme.

The Government has constituted a Task Force on Child Labour to formulate policy and strategies for the elimination of child labour and bonded labour.

The Government of Pakistan has made financial contributions to programmes dealing with the elimination of child labour.

A Cell has been established in the Ministry of Labour to coordinate the activities on child labour and to collect/disseminate relevant information. Similarly, the provincial Labour Departments have designated certain personnel to deal exclusively with activities relating to child labour. Pakistan Baitul Mal has taken on the responsibility for opening and running rehabilitation centres for children withdrawn from workplaces. The Open Tech Cell of Allama Iqbal Open University is also involved in the Pakistan Baitul Mal's Programme of technical training for ex-child workers. The Child Care Foundation is running schools for children withdrawn from the carpet weaving sector. The Directorate of Workers' Education is undertaking a training programme for labour inspection services as well as on child labour laws and issues.

In the private sector, the employers' organizations, e.g. Sialkot Chamber of Commerce and Industry, Pakistan Carpet Manufacturers' and Exporters' Association and Surgical Instruments Manufacturers' Association, are taking initiatives, with the help of donors, to launch programmes for eliminating child labour from their respective industries. Moreover, the employers' and workers' organizations and NGOs are involved in carrying out different activities under the IPEC Action Programme.

The Government is keen to create an environment free of exploitation, which is conducive to promoting the overall welfare and development of children and providing them with opportunities to enjoy their childhood and develop their potential fully.

Public awareness, higher literacy rates, improved economic conditions, job opportunities for adults and a social safety net for poor families, are the basic conditions necessary to meet the aforementioned objectives.

Pakistan

Observations submitted to the Office by the All Pakistan Trade Union Congress (APTUC)

The Government of Pakistan has taken the following measures for the elimination of child labour.

Pakistan and the ILO have signed a Memorandum of Understanding for the IPEC programme, which has as its aim the gradual elimination of child labour. A national steering committee has been set up to supervise this programme.

The Ministry of Labour has commissioned a survey under IPEC from the Federal Bureau of Statistics, to measure the magnitude of child labour in Pakistan, in order to be able to plan activities to deal with the issue.

The Government has planned a programme for the establishment of 35 rehabilitation centres in the areas where there is a concentration of child labour in order to impart informal/primary education and vocational training to those children who will be withdrawn from their workplaces. Those in the age group of 4 to 9 years will be provided with informal/primary education and those in the age group of 9 to 14 years will have facilities to learn industrial and other trades. The programme also envisages the provision of stipends, medical care and nutrition to the students.

The present National Commission for Child Welfare Development has been renamed the Pakistan Commission for the Welfare and Rights of Children. The institution has been activated to formulate an integrated plan for guaranteeing the welfare and rights of children.

The Government is committed to providing primary education for all children.

The Senate Committee on Human Rights is the main body that has given priority to child labour issues.

The National Committee on the Rights of the Child has been established under the Employment of Children Act, 1991, to perform the functions set out in article 43 of the United Nations Convention on the Rights of the Child.

A child labour unit has been established in the Ministry of Labour, Manpower and Overseas Pakistanis to monitor the administration of the IPEC programme.

The Government has set up a separate Ministry of Human Rights to address the issue of human rights abuses and safeguard specifically the rights of women and children.

The Government has stated that it believes that awareness of the menace of child labour is needed in order to generate societal pressure for its elimination.

Under the Constitution, children under the age of 14 years cannot be engaged in any factory, mine or other hazardous occupation or employment, and no law can be enacted to permit or facilitate the introduction of slavery in any form as well as any form of forced labour and traffic in human beings.

Under the Act the definitions of “child” and “adolescent” in the Factories Act, 1934, the Mines Act, 1923, and the West Pakistan Shops and Establishments’ Ordinance, 1969, have been amended. In all these laws “child” and “adolescent” have respectively been defined as follows:

“Child” means a person who has not completed his or her fourteenth year of age.

“Adolescent” means a person who has completed his or her fourteenth year but has not completed his eighteenth year.

Barring establishments, occupations and processes as specified in the law, no child shall be employed or permitted to work in any of the occupations and processes described in the schedule appended to the Act.

During the year ending on 31 December1995, 5,614 inspections were conducted in all the four provinces (Punjab, Sindh, North-West Frontier Province (NWFP) and Baluchistan) under the Employment of Children Act, 1991. They resulted in 1,984 prosecutions and 253 convictions.

On 16 February 1999, the Executive Director of UNICEF said that Pakistan was committed to eliminating hazardous and exploitative child labour from the country by 2010 along with its partners in SAARC (South Asian Association for Regional Cooperation).

She noted that, with at least 3.6 million working children under 14 years of age, it was an enormous challenge. She, however, commended Pakistan on the success of the partnership project involving the Sialkot Chamber of Commerce, the ILO and UNICEF, that dealt with child labour in the football industry. “The project there has already helped 5,400 children to withdraw from full-time labour and obtain formal education”, she said.

She stated that the best strategy for preventing child labour was universal primary education. “We have seen estimates indicating that as many as 11 million children of primary school age in Pakistan may be out of school. The country has a long way to go towards the goal of education for all.”

Pakistan has made progress towards eradicating the menace of child labour and creating awareness among the masses to root it out from society. A former Director of the ILO Office in Pakistan observed that “universal primary education and ratifying the Minimum Age Convention would constitute a real breakthrough”. He claimed that he did not see any child engaged even in floor cleaning at big industrial estates. He noted with appreciation the efforts by the Government to eliminate child labour from the country. He also mentioned the efforts of the soccer ball industry, Sialkot, and said that they have made “tremendous headway in the right direction”. He mentioned that the International Labour Organization has also finalized workers’ education programmes for promoting awareness among workers. He further said that the new manpower and labour policy attests to the will of the Government to make progress on the application of the ILO Conventions ratified by Pakistan. He appreciated the constitution of a commission for the consolidation, simplification and rationalization of labour laws. He stressed the need for full participation by all the social partners in the commission. (Source: *The Nation*, Saturday, 14 August 1999.)

There is a visible example of the elimination of child labour in Pakistan, i.e. soccer ball workers (especially child workers). Of the 54,990 regular soccer ball stitchers in Sialkot, 12,411 are children. Boys numbered 8,663, and girls are 3,748. In addition, there are 13,116 irregular soccer ball stitchers, of which 5,241 are children.

The study focused on a sample group of 185 child labourers, the family of each child labourer included in the sample group comprised six to seven members. The child worker’s contribution to each family’s income ranged between Rs.3,068 and Rs.3,162, representing 40 per cent of it. Only 53 per cent of parents knew that their children worked in a dangerous industry. The strategy adopted to eliminate child labour in the soccer ball industry included providing alternative sources of income to the families by having women replace children in soccer ball stitching. The 5,000 children who were laid off are now in school.

At governmental level, the problem is now under control and international agencies like the ILO, UNICEF, and an NGO based in another country have expressed their satisfaction over the elimination of child labour, especially from the football industry at Sialkot. It is encouraging to note the cooperation of employers in efforts by the ILO-IPEC

and the Government of Pakistan. They provide financial support and job opportunities for the mothers of child workers.

At the national level, the Government and the ILO are formulating a national plan to eliminate child labour. The Labour Directorate opened its first rehabilitation centre in Landhi, Karachi, providing primary education and vocational training to former child labourers.

Sixty boys between the ages of 10-14 years, performing hazardous work in factories and the non-formal sector, will be given primary level education as well as counselling for the next two years at the rehabilitation centre in Landhi labour colony, in a school formerly run by the Workers Welfare Board. The rehabilitation school in Karachi will have a curriculum that has been prepared by the Lahore based school. In addition, the children will be given free medical check-ups and encouraged to participate in extra-curricular activities. The European Commission is monitoring the ILO-IPEC programme to be undertaken nation wide by the Labour Directorate with the help of NGOs.

With the help of ILO-IPEC and the Government's work on the National Plan to Eliminate Child Labour under the Programme, a total of 1,800 children will be withdrawn from hazardous occupations nationwide. The aim is to make industrial belts and export-oriented industries "No Child Labour Zones".

There are to be four other schools at Hyderabad, Sukkur, Mirpurkhas and Shikarpur with the help of Bait-ul-Maal in the province, and 60 working children have been registered with each school. Children who were paid by the school Rs.5 per day and their parents received Rs.250 a month had been withdrawn from different hazardous trades, like in Karachi (tanneries, workshops); Hyderabad (bangle making and "biris" hand made cigarettes); Thatta (fish processing units and fishing boats); Mirpurkhas (carpet weaving); and Shikarpur (agro-based industry).

We are not aware of any consultation on the part of the Government with regard to the preparation of their report.

The elimination of child labour is the subject of discussion in a number of tripartite forums in the country.

Trade unions are persistently pressing the Government to ratify ILO Conventions relating to child labour.

The frequent changes in Government have affected the continuity of discussion and slowed down the process for possible implementation of change. The current political head of the Ministry of Labour is supportive of efforts to end child labour. This is due to his long involvement in past years as an activist with an NGO working on development issues. However, there are traditional barriers which sometimes hinder even positive efforts.

The Bonded Labour System (Abolition) Act, 1992, abolishes the debt-bondage and forced labour in all forms regardless of age, sex, colour and religion.

The issue of child labour is not new for those concerned. However, in recent years the West oppressed Pakistan and imposes different kind of restraints and rejects Pakistani goods for import. As mentioned earlier, the scenario is now changing and the West should consider withdrawing its conditionalities for the import of Pakistani goods.

Observations submitted to the Office by the World Confederation of Labour (WCL)

Presently, there is some controversy as to the extent of the child labour problem in Pakistan. Whereas some experts put this figure at 3.3 to 3.6 million, the Human Rights Commission of Pakistan puts its figures at around 12 million.

Pakistan has extensive legislation for combating child labour. At a recent seminar a summary of these instruments was made. However, the biggest challenge is that of effective law enforcement.

The All Pakistan Trade Union Congress (APTUC) through its Standards programme is making an effective contribution to efforts to eliminate child labour in the country. APTUC is strongly advocating the recommendation of the Pakistan Law Commission for raising the prescribed minimum age for employment from 14 to 15 years in the context of the national law as well as the ratification and effective application of international Conventions of the ILO. [Reference is made to matters relating to the Worst Forms of Child Labour Convention, 1999 (No. 182), which will be covered only by the annual review starting in 2002.]

Other activities include cooperating and networking with other NGOs, local and international organizations, public awareness campaigns, and seminars for trade union leaders on child labour.

One of the biggest challenges is to have effective labour inspection teams, consisting of both government officials and representatives of independent organizations to keep a regular check on the plight of the young employees, and penalize factory owners who do not comply with labour laws. The reinforcement of labour inspection in relation to child labour is an urgent priority. Other obstacles include the adjustment policies of the Bretton Woods institutions, the lack of and access to enough educational facilities, historical factors, and so on.

Government observations on the comments of the APTUC and the WCL

The Government of Pakistan wishes to reiterate that it is making concerted efforts to eliminate the menace of child labour. A lot of substantive work has been done in Pakistan with a view to eliminating child labour. Some of the important measures/activities are recapitulated hereunder:

(i) A Task Force on Child Labour was constituted in 1998 with the responsibility to formulate a national policy and draw up a plan of action for the elimination of child labour.

(ii) The National Policy and Plan of Action so formulated was approved by the Cabinet on 10 May 2000.

(iii) The Plan defines the policies, strategies, activities and responsibilities of different agencies as well as the time frame, delivery system, and funding resources for the elimination of child labour.

(iv) The strategies adopted in the Plan are:

– progressive elimination of child labour from all economic sectors;

- immediate withdrawal of children from the worst forms of child labour;
- preventing entry of young children into the labour market by promoting universal access to primary education and the empowerment of the family;
- rehabilitation of working children through non-formal education, pre-vocational training and skill development.

(v) A Fund for the education of working children and the rehabilitation of bonded labourers has also been constituted, in April 2000, with an initial amount of Rs.100 million.

(vi) The National Committee on the Rights of the Child has been set up under the Employment of Children Act, 1991. The Committee advises the Government on the addition of certain occupations and activities to the Schedule of the Employment of Children Act, 1991.

(vii) The Government encourages NGOs, as well as workers' and employers' organizations, to undertake different activities and projects that address the issue of child labour.

(viii) The withdrawal of children from hazardous work, their rehabilitation through informal education and the mainstreaming of these children into the regular education channel, constitute an important element of the programme for the elimination of child labour. Yet, such activities are limited due to financial constraints.

(ix) The National Steering Committee which has been established is the apex body responsible for monitoring progress for the implementation of IPEC action programmes and for suggesting measures for ensuring the viability and effectiveness of the programme.

(x) Successful bilateral projects in the private sector have been undertaken under the auspices of IPEC (e.g. the soccer ball project in Sialkot).

(xi) There is information-sharing through the publication of a newsletter "The Future".

(xii) Pakistan Baitul Mal (PBM), a financial institution under the Government of Pakistan, has established rehabilitation centres for child labourers in different cities.

(xiii) The Directorate of Workers' Education has undertaken a training programme for inspection staff of the provincial governments in order to improve the implementation of the laws relating to child labour.

As for the controversy over the figure of 3.3 million child labourers as referred to by the All Pakistan Trade Union Congress, there is no reason to doubt the estimates. These estimates have been arrived at as the result of a survey that was carried out on a scientific basis by the Federal Bureau of Statistics, which is a competent specialized government agency. Moreover, ILO experts were also consulted in the process, and they endorsed the findings of the survey.

The Federal Cabinet considered raising the minimum age limit from 14 to 15 years for the purpose of establishing a definition of a "child". However, it decided not to raise the age limit.

We wish that these facts be suitably reflected in the annual review for 2001.

Papua New Guinea [6]

Means of assessing the situation

Assessment of the institutional context

The principle of effective abolition of child labour is being recognized in the country. It is recognized through the Employment Act No. 54 of 1978 under Part VI, Division 2 "Employment of Young Persons" from section 103 to section 105.

(c) S*ection 103:* "Employment of Young Persons" stipulates that:

(1) Subject to subsections (2) and (3), no person under the age of 16 years shall be employed.

(2) Subject to subsection (3), a person over 11 years of age but under 16 years of age may be employed if the employer first obtains –

(a) at the employer's own expense, a certificate from a medical practitioner indicating that the person is fit for the type of employment proposed; and

(b) the written consent of his parent or guardian to the employment.

(3) Where the employment –

(a) is not prejudicial to school attendance;

(b) is outside the hours prescribed for school attendance; and

(c) the employer has complied with subsection (2);

a person –

(d) who is over 11 years of age but under 16 year of age may be employed in an undertaking in which only members of his family are employed; and

(e) of 14 or 15 years of age may be employed in any industry other than an industrial undertaking or the fishing industry.

(4) Notwithstanding subsection (3), a person of 14 or 15 years of age may be employed during the hours prescribed for school attendance where the employer is satisfied that the person no longer attends school.

Section 104: "Employment Under Injurious Conditions" stipulates:

(1) No person under 16 years of age shall be employed in any employment or in any place or under working conditions that are injurious or likely to be injurious to the health of the person.

[6] The declaration of a minimum age, required upon ratification of the Minimum Age Convention, 1973 (No. 138), arrived after the cut-off date for the 2001 annual review. The registration of ratification by Papua New Guinea of Convention No. 138 bears the date 2 June 2000, when the instrument of ratification was deposited.

(2) The certificate of a medical practitioner shall be conclusive evidence as to whether the employment, place of employment or working conditions is or are injurious or likely to be injurious to the health of the person.

(3) An employer who employs a person under 16 years of age in any employment –

(a) that is injurious to health, dangerous or unsuitable; or

(b) concerning which he has been notified by the Secretary that it is injurious to health, dangerous or unsuitable,

is guilty of an offence. There is a fine not exceeding K500.00.

Section 105: "Hours of Employment of Young Persons" states that:

(1) A person under 16 years of age shall not be employed between the hours of 6 p.m. and 6 a.m.

(2) A person of 16 or 17 years of age shall not be employed between the hours of 6 p.m. and 6 a.m. except in an undertaking in which only members of his family are employed.

As previously stated, the existing legislation addresses the question of child labour, to a certain extent. Although the current Act does not clearly define child labour, it has explicitly highlighted under sections 103(1) and 104(1) that no person under the age of 16 shall be employed in any place or under working conditions that are injurious or likely to be injurious to the health of that person.

The legislation, however, does not make any clear relationship between the minimum age for admission to employment and the end of compulsory schooling.

No persons under 16 years of age, as per section 104, may engage in dangerous work. Dangerous work, although not defined in the Act, is implicit in section 104 which describes dangerous work as: "working conditions that are injurious or likely to be injurious to the health of the person". However, no list of work considered as dangerous exists.

Certain categories of jobs or work are excluded and/or are exempted in the implementation of the principle. These are specifically covered under section 103(3) covering "family undertakings" and in "any industry, other than industrial undertaking or the fishing industry".

The Department of Labour and Employment, through its normal Inspectorate Services for enforcing and monitoring of all labour related legislation, is the administrative agency responsible for implementing the principle. Section 104 of the Act provides for the imposition of a fine not exceeding K500.00.

Assessment of the factual situation

Papua New Guinea is not seriously affected by, or faced with, the problems of child labour. Therefore, no assessment of the situation has been made. However, given the current situation and trends in the country, involving structural reforms and economic activities, an assessment would have to be made, in the very near future.

Efforts made or envisaged to ensure respect, promotion and realization of these principles and rights

Child Labour is not practised, therefore no measures have been taken to abolish it. However, preventive measures are currently being undertaken, through legislation, by ratification of ILO Conventions No. 138. [Reference is also made to the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), which is not covered by the annual review for 2001.]

The following means are currently deployed to promote the effective abolition of all forms of child labour, together with preventive measures:

- nationwide awareness campaign on the UN Convention on the Rights of the Child, jointly made by the Government and UNESCO, through national workshops and media coverage;
- the Department, with ILO technical cooperation, has undertaken a major exercise of law reform specifically covering industrial relations, occupational safety and health, workers' compensation and employment conditions. Under this reform exercise, the required amendments are being made to conform with both Conventions which are now in the process of ratification;
- the translation of the ILO Declaration together with the eight (8) fundamental Conventions into the two main languages spoken in the country (apart from English), currently being undertaken with ILO technical cooperation. A national consultant has been engaged by the ILO to do the exercise, and there are plans to print 5,000 copies for distribution.

The following is the objective of the Government to ensure observance, promotion or realisation of these principles and rights: all citizens are to be made aware that child labour is prohibited and that children must not be exploited. This will be done through programmes to sensitize people to the fact that children represent the most vulnerable segment of society and are bearers of hope, on condition that they are educated and trained.

Technical cooperation resources would help to achieve these objectives, specifically through the amendment of legislation, the development of relevant indicators or statistics and the promotion of the principle in practice.

Representative employers' and workers' organizations to which copies of the report have been sent

Copies of this report have been communicated to:

- Papua New Guinea Trade Union Congress;
- Employers' Federation of Papua New Guinea.

Observations received from employers' and workers' organizations

No observations have been received from these employers' and workers' organizations on the follow-up measures that have been taken, or need to be taken, with regard to the effective abolition of child labour.

Annexes (not reproduced)

- Statistics on characteristics of workers in major occupations in urban Papua New Guinea, 1990 (3 pages)
- Statistics about activity status of youth aged 10-24, by gender, urban and rural Papua New Guinea, 1990 (1 page)
- Statistics on a comparative presentation of population aged 15 years and over: Highest level of education completed, by age and sex, Papua New Guinea, 1990
- Statistics about the composition of the economically active population, 1990 (1 page)
- Statistics on participation in schooling by level and gender, 1994 (1 page)

Paraguay

Means of assessing the situation

Assessment of the institutional context

In the Republic of Paraguay, work by minors is subject to the limitations and labour standards ensuing from the Labour Code (Acts Nos. 213/93 and 496/95):

Section 199: "Minors under the age of fifteen (15) years may not work in public or private industrial enterprises or their subsidiaries, except in the circumstances addressed by the article below."

Section 120: "Minors under the age of fifteen (15) years but having turned twelve (12) may work in enterprises which give preference to the employment of the employer's family members, inasmuch as the nature or conditions of the work constitute no threat to the young person's life, health or morality. Work in public or private vocational training establishments shall also be excluded from the prohibition, inasmuch as it is carried out for vocational training purposes and is approved and supervised by the competent authority."

The protection of the labour rights of young persons is guaranteed by the Constitution. This ensues from the text of article 90 of the national Constitution of the Republic of Paraguay: "Work by minors: priority shall be given to the rights of juvenile workers with a view to guaranteeing their normal physical, intellectual and moral development."

The conditions under which young persons may work are also regulated by Acts Nos. 213/93 and 496/95 (Labour Code), sections 119 to 127, and Act No. 903 (Minors' Code), sections 177 to 218.

Mention should be made of the fact that the Republic of Paraguay has ratified, by Act No. 57 of 20 November 1990, the United Nations Convention on the Rights of the Child,

signed in New York on 4 April 1990. This convention is composed of standards addressing all aspects of the lives of children and adolescents.

The minimum age for employment or work is 15 years (section 119 of the Labour Code) – with the exceptions listed in section 120 of that text.

The national Constitution, in article 76, states the obligations incumbent upon the State with regard to education and culture. "School/basic education is compulsory. It shall be dispensed free of charge in public educational establishments …".

Article 77 continues: "In the initial stages of schooling, teaching shall take place in the pupil's official mother tongue. Similarly, instruction shall be given in the knowledge and use of both official languages of the Republic."

Section 185 of the Minors' Code stipulates that young persons between the ages of 12 and 15 may be employed in agriculture, inasmuch as they have completed their primary education or that the work does not prevent them from attending school. For young persons still attending school, work shall be limited to two hours daily and the combined number of daily hours of school attendance and work shall, under no circumstances, exceed seven; no work shall be performed on Sundays or public holidays.

In the Republic of Paraguay, the formal education system is organized into three levels:

1. Initial and basic education.

2. Intermediate/secondary education.

3. Higher education.

Basic education, in accordance with article 76 of the national Constitution and article 32 of Act No. 1264/98 (General Education Act), is dispensed free of charge in official public education establishments, including pre-school education. This level comprises pre-school plus nine grades which fall into three cycles; consequently, this level covers a total of ten years of compulsory education, in accordance with article 29 of the aforementioned Act. The Ministry of Education and Culture has set the minimum age for admission to the pre-school level at 5 years, and 6 years for the first grade – going up to the ninth grade at 14 years of age.

Section 125 of the Labour Code reads: "Minors under the age of eighteen (18) years shall not be employed in work such as:

– the sale of alcoholic beverages;

– tasks or services likely to impinge upon their morality or good conduct;

– travelling/itinerant services, unless by special authorization;

– hazardous or unhealthy work;

– work lasting longer than the established working day or exceeding their physical capacities or which might impinge upon, or retard, their normal physical development; and

– night work, during the periods addressed by section 122 and other periods as determined by law."

With regard to work considered as hazardous, Chapter V of the Labour Code (Acts Nos. 213/93 and 496/95) contains provisions regarding occupational safety, health and comfort (sections 272 to 282). Similarly, the General Technical Occupational Safety, Health and Medical Regulations which entered into force by virtue of Decree No. 14.390, 28 July 1992, set the general conditions applicable in buildings and premises and, more specifically in Chapter X, address work involving special risks: work at heights, excavation work and foundation-laying, handling explosives, as well as activities relating to the work environment (industrial hygiene), the use of chemicals in the industrial environment and pest control.

There are no categories of jobs or economic sectors that have been excluded from the application of the principles laid out in the Labour Code and the Minors' Code.

There are no exceptions to the principle and right regarding the effective abolition of child labour other than those already described.

The *application* of the legal texts is a matter for the administrative labour authority, i.e. the Ministry of Justice and Labour and its dependent bodies to which powers are delegated (section 407 of the Labour Code).

Section 408 of the Labour Code states that compliance with, and application of, the Labour Acts shall be supervised by the administrative authority through the competent inspectorate/supervisory body; its form of organization, powers and procedures shall be governed by special provisions in accordance with the Labour Code and, to the extent possible, with the relevant provisions of international labour standards.

With regard to the relevant *sanctions*, section 389 of the Labour Code reads:

"Employers obliging young persons aged eighteen (18) years to perform work in unhealthy or hazardous conditions, or industrial work at night, shall be subjected to the fine set in the above article (50 minimum wages in respect of each worker concerned, this amount being doubled in the event of a second offence).

Whosoever employs children under the age of twelve (12) shall be subjected to a fine of fifty (50) minimum wages in respect of each minor unlawfully employed, this amount being doubled in the event of a second offence.

The work authorization unlawfully given by the minors' representatives shall constitute grounds for the termination of a labour contract and the said legal representatives shall be liable to a fine of fifty (50) minimum wages in respect of each minor concerned, this amount being doubled in the event of a second offence."

For the purposes of the Minors' Register, section 124 of the Labour Code stipulates that: "Whosoever employs young persons or young apprentices shall keep a Register indicating the following data in their regard: surname and first name, age, date of birth, home address, work performed, working hours, date upon which the employment commenced, school status, medical insurance number, date upon which the employment ceased and date on which the work certificate was issued.

For the register to be valid, its pages shall be numbered, stamped and marked by the Directorate-General for the Protection of Minors; it shall contain no alterations, deletions

or annotations between the lines. The register shall be presented to the inspectors and other authorized officials upon request.

In January and July of each year, the employer shall present to the Directorate-General for the Protection of Minors a summary of the changes entered in the aforementioned register."

Supervision of work by young persons and of applicable labour laws is conducted by the Directorate-General for the Protection of Minors, which reports to the Deputy Minister of Justice, Ministry of Justice and Labour, in accordance with section 178 of the Minors' Code (Act No. 903/81).

Assessment of the factual situation

Annex D to this report (not reproduced) contains available data regarding employment according to level of instruction, as well as information on the main indicators and targets for pre-school-, basic- and intermediate/secondary-level education.

Efforts made or envisaged to ensure respect, promotion and realization of these principles and rights

The Government, through the Secretariat for Social Action, has been conducting a cross-cutting programme focusing on children and adolescents working in the streets; this comprises action to foster their education, health, nutrition, dental care, training, day-care centres, open institutions, etc.

Through the coordinated work of public agencies, non-governmental organizations and with UNICEF support, a draft Childhood and Adolescence Code has been elaborated and tabled in the national Parliament; this text comprises a broad range of rights enshrined in the United Nations Convention on the Rights of the Child.

A struggle is being waged at present by the three Powers of State of the Republic of Paraguay to defend the rights of the child. Exploitation of children by work is being controlled and punished. The national Parliament has before it the Childhood and Adolescence Code and, furthermore, at the request of the Executive, it is examining possible ratification of Convention No. 138.

The Directorate-General for the Protection of Minors, which reports to the Ministry of Justice and Labour, supervises compliance with the Labour Code and Minors' Code. These codes are also observed during workplace inspections by labour, occupational safety and health inspectors.

The judiciary and minors' attorneys are engaged in a constant process of monitoring and control in all of the judicial districts of the Republic.

It is deemed necessary to establish a statistical base with a view to the development of relevant indicators as well as the practical promotion of the related principles.

Representative employers' and workers' organizations to which copies of the report have been sent

A copy of this report has been forwarded to the following organizations:

Employers

FEPRINCO (Paraguayan Federation of Manufacturing, Industry and Trade)

Workers

CNT (National Central of Workers)

CPT (Paraguayan Central of Workers)

CUT (Unitary Central of Workers)

CESITEP (Trade Union Central of Workers of the State of Paraguay)

CGT (General Confederation of Workers)

Observations received from employers' and workers' organizations

To date, no observations have been received on the follow-up given to the Declaration.

Annexes (not reproduced)

Annex A: "The work of minors". Sections 119-127, section I, Chapter II of the Labour Code.

Annex B: "Labour rights". Articles 86-100, section I, Chapter VIII of the national Constitution.

Annex C: "General provisions relating to the work of minors". Sections 177-218, section I, Second Volume of the Minors' Code.

Annex D: "Data on secondary-level education and the main indicators and targets for pre-school-, basic- and intermediate-level education".

Annex E: National Congress. "Extracts of the general provisions relating to the protection of working adolescents", pages 12/45-15/45.

Peru

Means of assessing the situation

Assessment of the institutional context

The Minimum Age Convention, 1973 (No. 138), is a general instrument concerning the employment of children and adolescents with provisions that are consistent with the objective of the total elimination of child labour. States parties to the Convention are required to establish a minimum age for admission to employment, which, in general terms, is the same as the age for completing compulsory schooling, and in any case not less than 15 years.

The Convention is viewed favourably by the labour sector in the Congress of the Republic, and this reflects a particular concern about protecting children and adolescents. This is shown in practice by the policies and programmes that are being implemented in the country.

The Government of Peru is adopting sectoral policies on labour, social development, education, health, the advancement of women and human development (PROMUDEH), which are consistent with the principles of the Constitution (the *"Carta Magna"*), the United Nations Convention on the Rights of the Child, the Children's and Adolescents' Code, ILO Conventions, and other international instruments for the protection of children.

Political Constitution of Peru

Working minors enjoy protection under national law. Thus, article 23 of the *"Carta Magna"* (Constitution) specifies that:

> Work in its various forms is the object of priority attention on the part of the State, which provides particular protection for working mothers, *persons under the age of majority* and disabled persons who work.

The United Nations Convention on the Rights of the Child

The constitutional principle referred to above is consistent with the international instruments ratified by Peru. These include the United Nations Convention on the Rights of the Child, ratified by Legislative Decision No. 25278, which incorporated the basic principles of the new doctrine of comprehensive protection of children and adolescents into Peruvian law.

Article 32 of the Convention states that:

> States Parties recognize the right of the child to be protected from economic exploitation *and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development*.

Children's and Adolescents' Code

On 7 August 2000, this Code was published in *El Peruano*, the official bulletin, after being approved by Act No. 27337. Like the previous text of the Code (DS No. 004-99-JUS), the new Code recognizes the right of adolescents to work subject to the restrictions imposed by the Code, provided that the work involves no risk or danger to the young person's development, physical, mental or emotional health, and does not interfere with regular school attendance. To ensure regular attendance at school, the Code provides for special arrangements and school timetables to allow working children and adolescents to attend school regularly.

Both children who work out of economic necessity, and street children, enjoy such protection. Both categories enjoy the right to participate in educational programmes and programmes to promote their physical and mental development.

The current Children's and Adolescents' Code includes most of the fundamental protective principles of the old one – the right to life, food, care, education, a name, a nationality, the right to self-expression, social security, rest and recreation, and work arrangements suitable for adolescents, among others.

This information, reproduced as received, does not represent the views of the ILO

The Government of Peru protects adolescent workers; it does not tolerate harmful or dangerous work – i.e. any activity that violates the rights of the child, interferes with overall physical, psychological and social development or with school attendance and performance.

Scope of the Children's and Adolescents' Code

The Code applies to adolescents who work for an employer, those who are in a situation of dependency and to adolescents who are self-employed.

The Code covers domestic service and unpaid family work, but does not cover work done by trainees and apprentices, who are covered by separate regulations.

The Ministry for the Advancement of Women and Human Development, as the authority responsible for the protection of adolescent workers, establishes policy regarding working adolescents in coordination with the labour and social development, health and education sectors and with regional governments and municipal authorities.

Minimum ages for employment of adolescents

Under the terms of section 51 of the current Children's and Adolescents' Code, the Ministry of Labour and Social Development grants permits for dependent employment for adolescents between the ages of 15 and 17 years in the following types of activity:

1. Non-industrial agricultural work (from 15 years upwards).

2. Industrial work, commercial activities or mining (from 16 years upwards).

3. Large-scale commercial fishing (from 17 years upwards).

Work permits are currently also granted for some other forms of dependent employment for workers aged 12 years and upwards.

Adolescents aged between 12 and 14 years may not work for more than four hours in one day or for more than 24 hours in any one week. Adolescents between the ages of 15 and 17 years may not work for more than six hours in one day or more than 36 hours in one week.

Night work is defined as work done between 7 p.m. and 7 a.m. A judge may authorize employment of adolescents between the ages of 15 and 17 years to do night work, provided that it does not exceed four hours on any given day.

Adolescents employed in domestic service or performing unpaid work for family enterprises are entitled to a rest period of 12 consecutive hours each day, and employers or parents/guardians must ensure their regular school attendance.

In accordance with section 64 of Act No. 27337, adolescents doing any form of work covered by the Code are entitled to compulsory social security coverage at least with regard to health care benefits.

Adolescents are also able to exercise collective labour rights, establish and join trade unions in accordance with the needs of the production unit, branch or trade, and those trade unions may affiliate to higher level federations.

Changes in the current Code

One change has been the increase by one year in the minimum age for admission to employment in non-industrial agricultural work, industrial work, commercial or mining work, and large-scale commercial fishing (section 51).

In addition, the terms of the Code have been broadened; the previous Code referred to the competence to *authorize employment of adolescents*, while the new Code refers to the power to *register and supervise* the work (section 52).

At the same time, the data required for the records which must be kept by institutions responsible for issuing employment permits now include the *number of the medical certificate* required for the granting of such permits by the Ministry of Labour and Social Development (section 53).

As regards the medical examination itself, section 55 of the current Code includes a paragraph which specifies that it is *free of charge and paid for by the health authorities in the case of self-employed and domestic workers*.

Another category of prohibited work has been included on the existing list, namely, *work involving the handling of toxic substances*.

Under the previous Code, the Ministry for the Advancement of Women and Human Development (PROMUDEH), through its labour section, and in consultation with workers' and employers' organizations, was required to produce a list of activities considered hazardous and harmful for the physical or moral well-being of adolescents, and from which they were barred. In the new Code, the phrase "through its labour section" has been removed and it is the PROMUDEH itself which, in coordination with the labour authorities and in consultation with workers' and employers' organizations, periodically reviews the list of work and activities deemed to be hazardous (section 58).

As regards remuneration, it is no longer prohibited to base the remuneration of adolescents on piece-rates, *or on other forms of output-related pay* (section 59).

Similarly, there is no longer any reference to the employment of adolescents in street-vending activities; the right of young workers to social security benefits is maintained and the provision concerning the registration of adolescents working for an employer in the occupational accidents and illness scheme, has been removed. It should be noted that this provision was adopted when the Regulations on occupational accidents and illnesses were in force (Legislative Decree No. 18846). These were superseded in 1997 by the Regulations on supplementary insurance for hazardous work.

Registration of establishments employing adolescents

Under the terms of section 53 of the Children's and Adolescents' Code and in keeping with the principle of section 56 of the previous Code, institutions that are responsible for issuing employment permits for adolescents are required to keep a special register containing full particulars of the adolescents in question. These particulars include:

– full name;

– name of parents, guardians or other responsible adults

– date of birth;

- address/place of residence;
- work performed;
- wages received;
- work schedule;
- school attended and timetable of lessons;
- number of medical certificate.

Civil capacity

According to section 457 of the Civil Code, a minor capable of discernment may be permitted by his or her parents to engage in a job, occupation, industry or trade, and may undertake the tasks required in the regular pursuit of such activities, administer any property made available for that purpose, or which may be acquired as a result of such activities, and enjoy usufruct rights and dispose of them at his or her discretion. That permission may be revoked where there are valid reasons for doing so.

The Children's and Adolescents' Code recognizes the legal capacity of adolescents to undertake legal transactions and conclude contracts relating to their employment and economic activity and to their activities in the exercise of their right of association. They are also able to form civil associations or establish social organizations for the purpose of improving their living and working conditions.

The Code recognizes the legal capacity of adolescents to seek redress before the competent judicial body in defence of rights connected with their economic activity, for which they do not require a proxy.

With regard to the capacity recognized in the current Children's and Adolescents' Code, the original text of section 69 of the previous Code has been deleted, as it repeated section X of the Preliminary Title of the new Code. In the new Code, the wording of section IV of the Preliminary Title has been improved in that it now recognizes the capacity of adolescents to enter into legal transactions and enter into contracts, including civil and labour agreements. We consider that the text of the new Code reflects changes that were made, following the publication of the consolidated text *(Texto Unico Ordenado)* and especially with regard to the provisions relating to jurisdictional bodies, legal proceedings and special procedures.

Assessment of the factual situation

Statistics

The Office of Statistics and Computing of the Ministry of Labour and Social Development is responsible for publishing information on the number of employment permits registered annually by the Office for the Authorization of Employment of Minors, in accordance with the Children's and Adolescents' Code. In 1999, 2,670 such licences for adolescent workers were issued for the country as a whole. Of that number, 17-year olds accounted for the biggest share of the total number of licences (49.49 per cent), whereas 12-year olds obtained only 0.90 per cent of the total number of licences.

As in previous years, it is during the summer months that most job applications by young people are made, and this period accounts for more employment permits for young workers in contrast to other periods (1,122 or 42.02 per cent of the total).

In contrast to previous years, the economic activity in which most adolescents (572) are employed has become the transport, supply and communications sector. This is followed by the wholesale and retail sectors and vehicle repair (551); manufacturing (518); and the real estate sector. These four sectors account for 78.96 per cent of employment permits granted to adolescents.

Within these four major activities, adolescent males account for the majority of permits issued – 1,433 (53 per cent of the total), as opposed to 675 (25.28 per cent) for girls.

The reasons given by adolescents for obtaining employment permits include economic necessity, the wish to assist their family and to help with their education. A total of 1,172 permits were issued on economic grounds, followed by 884 to help families, and 614 authorizations were issued on educational grounds.

Efforts made or envisaged to ensure respect, promotion and realization of these principles and rights

Protection of the adolescent worker

Under the terms of section 48 of Act No. 27337, PROMUDEH is responsible for the full protection of adolescent workers, and it works in a coordinated and complementary manner with the labour and social promotion, health and education sectors, as well as regional governments and municipal authorities. Thus, various bodies within this Ministry deal, in some way or another, with the problem of child labour.

In this connection, it should be noted that the Ministry of Labour and Social Promotion continually monitors the application of labour standards and working conditions through regular and ad hoc inspections. The aim of these inspections is to verify the application of labour provisions, as well as provisions contained in Chapter IV of the Code which relate to regulations for adolescent workers. These regulations refer to: the minimum age for admission to employment; authorization and registration of adolescent workers; the minimum age for specific activities; responsibility for authorizing employment of adolescents; the registers and the data that should be recorded; the requirements for issuing authorizations for adolescent workers; the working day; night work; prohibited work; remuneration; the work permit for adolescent workers; facilities and benefits for adolescent workers; a register of enterprises which employ adolescents; social security; scope and application of collective workers' rights; community employment programmes; and training programmes.

Peru is constantly developing programmes in accordance with the principles and rights enshrined in the Constitution and the international instruments it has ratified.

In addition, Peru has various national programmes for children and adolescents, such as:

– the Programme on the Progressive Elimination of Child Labour in the Huachipa Brickworks;

– the Programme on the Progressive Elimination of Child Labour in the Mollehuaca Small-Scale Mining Community;

– the Programme on the Progressive Elimination of Child Labour in Santa Filomena Village;

– the Programme for Children in the Centre of Lima; and

– the Programme of Education versus Child Labour.

These programmes have been financed by the ILO with the main aim of progressively eliminating child labour. Peru believes it is very important to back these up with educational, health and nutrition programmes, aimed at improving the quality of life of adolescent workers and their families.

In this regard, the labour and social development sector, in accordance with ILO Recommendations, has prepared a project to carry out a specialized survey to assess the employment of children and adolescents, which will help in the design of policies targeting children and adolescents, and particularly, those who work in the most vulnerable conditions.

Technical assistance will be provided by the ILO to develop the capacity of the respective national institutions, in order to carry out this specialized survey. The implementation of a second specialized survey on the employment of children and adolescents depends on the availability of resources.

The National Institute of Statistics and Computing (INEI) and the Ministry for the Advancement of Women and Human Development (PROMUDEH) are jointly collaborating with the Ministry of Labour and Social Development on this project.

The methodology consists of including a section on the employment of children and adolescents in the National Household Survey which focuses on levels of employment. The survey takes place during the third quarter of the year, and the INEI is entrusted to implement it by the Ministry of Labour.

One aspect to consider when designing the survey is the need for a working definition of child labour, compatible with the existing definition in Peru. This definition will use as references, ILO concepts and definitions as well as Peruvian legislation.

Another aspect relates to developing a methodology for quantifying the employment of children and adolescents, which takes into account the problems caused by the concealment of such employment and by employers who refuse to admit its existence.

Therefore, a questionnaire will be drawn up which specifically relates to the situation in Peru, the economic and non-economic activities of children and/or adolescents, as well as current and typical economic activities.

The proposed beneficiaries of this programme would be children and adolescents between the ages of 5 and 17 years who work in the formal and informal sectors, in urban and rural areas, in economic or non-economic activities (including domestic chores at home).

Similarly, the training provided to develop and subsequently implement the project would be of benefit to staff in the Ministry of Labour and Social Development, the National Institute of Statistics and Computing (INEI) and the Ministry for the Advancement of Women and Human Development. Similarly, staff from other ministries and relevant national institutions, workers' and employers' organizations, NGOs, religious groups, teachers, administrators and employers will benefit from this training.

The general objective is to establish the magnitude and characteristics of child labour, to enable the responsible institutions to formulate and implement policies aimed at this occupational group.

Specific objectives include the determination of indicators that reflect the situation in Peru with regard to the employment of children and adolescents. This will allow the characteristics of such work to be assessed and relevant action to be monitored. In this way, information on the magnitude, causes and effects of employment of children and adolescents can be obtained, as well as details regarding the family environment of these children and adolescents. Useful information can then be disseminated to formulate policies which will improve action taken, and raise the awareness of various institutions and the general public about problems related to the employment of children and adolescents.

The main result is expected to be the survey on the employment of children and adolescents through a national statistical report which will show the character, nature and magnitude of the employment of children and adolescents, as well as the reasons behind it. This project was sent to the International Labour Office in Geneva for approval and financing in October 1999. To date, no answer has been given.

Information concerning the rights of minors is disseminated through different training programmes and information campaigns conducted mainly by PROMUDEH. In recent years, 1,132 ombudsmen for children and adolescents have been established at national level. They are responsible for disseminating information concerning the rights of children and adolescents, and for promoting programmes specifically aimed at vulnerable children and adolescents.

In order to assess the progress made with regard to the application of the Convention on the rights of the child, and other child-related goals, the Government proclaimed through Act No. 25669 from 24 to 30 September, the National Week of the Rights of the Child to encourage support for, and social dialogue on, this issue. Decentralized activities such as forums, marches and children's parliaments were scheduled to take place during that week. Centralized activities included the Annual Conference on the Rights of the Child and the presentation of the "State of Childhood, Adolescence and Women" report, written by the INEI and UNICEF.

In addition, there are three public institutions and 22 non-governmental institutions which develop programmes specifically for working children and adolescents. Among these 25 institutions, there are four (two public institutions, INABIF (National Institute for Family Well-being) and DIVIPOLNA (Division of the National Police for Matters concerning Children and Adolescents), and two non-governmental institutions, MANTHOC (Peruvian Partner of Street Kids International) and PRODEI (Programme for the Development of Initial Education)) which have subsidiaries or develop programmes, in other Peruvian cities, similar to those carried out in Lima. In order to do this, there are 61 national programmes which cover 34 provinces in 21 departments and the constitutional province of Callao.

Furthermore, the INABIF has been developing the National Programme for the Comprehensive Care of Working Children and Adolescents and Street Children. The aim of this programme is to bring attention to, and protect these children, reduce the risks threatening their development, strengthen family and social links, as well as their participation in the education system.

Peru has been developing these programmes with the aim of raising civil society's awareness so that the worst forms of child labour are rejected. The population supports the

governmental sectors, and actively participates in the earlier mentioned information campaigns on the rights of minors.

The Government endorses the commitment of the international community with regard to the prohibition and progressive elimination of the worst forms of child labour.

In report No. 066-98-TR/OAJ-OAI of 17 December 1998, our sector expressed support for ratification of the Minimum Age Convention, 1973 (No. 138).

ILO Convention No. 138 was referred to Congress through resolution No. 090-99-RE, which was published in the Official Bulletin *El Peruano* on 7 March 1999.

Representative employers' and workers' organizations to which copies of the report have been sent

As requested, this report has been sent to Peru's most representative employers' and workers' organizations, which are the following:

- the National Confederation of Traders (CONACO);
- the National Confederation of Private Entrepreneurial Institutions (CONFIEP);
- the Single Confederation of Workers of Peru (CUT); and
- the General Confederation of Workers of Peru (CGTP).

Qatar

Means of assessing the situation

Assessment of the institutional context

Since we submitted our initial report there have been no changes nor is there any additional information in this regard. [Reference is made to matters relating to the Worst Forms of Child Labour Convention, 1999 (No. 182), which will be covered only by the annual review starting in 2002.]

If there are any changes, or new measures taken with respect to the Declaration, the relevant information will be provided to the ILO.

[In a later communication, the Government of Qatar resubmitted the report that it provided for the first annual review (2000). The full text of the report may be found in GB.277/3/2, pp. 354-355.]

Saint Kitts and Nevis

Means of assessing the situation

Assessment of the institutional context

Saint Christopher and Nevis recognizes the principle of the effective abolition of child labour not only in terms of legal protection, but also through other effective courses of action, supported by a policy of compulsory education. In addition, protective and preventive mechanisms are promoted by the state agencies, such as the Youth Division, the Child Welfare Division and other non-governmental groups, such as the Committee for the Rights of the Child and UNICEF. The social partners in society are well informed and participate in efforts against the early entry of children in the labour market and all interest groups are involved to protect children and to guarantee their access and attendance at school.

The principle of the effective abolition of child labour is fully recognized in the country's legal system, and the standards protecting children against early entry into the labour market are reflected in the laws.

There are various laws which are clearly intended to prevent the employment of children and the elimination of children under the age of 14 years from the workforce. Although the National Constitution which came into effect in 1983 on the attainment of independence provides no age limit in its definition of "child", earlier legislative enactments have been supported by the relevant constitutional provision. In this regard therefore specific pre-independence legislation, which directly relates to the employment of children, still has the force of law.

In the Act pertaining to the employment of women, young persons and children CAP.290, 1939, and the Employment of Children (Restriction) Ordinance, 1966, the minimum age for admission to employment is contained in the definition of "child" and is stated as a person "under the age of 14 years". The Probation and Child Welfare Board Act, 1994, the most recent piece of legislation, provides for the health, safety and moral protection of children. It also recognizes the need for protection of children and in this regard has imposed the higher age limit of 18 years in its definition of "child". The Education Act No. 18 of 1975 further amended by Act No. 7 of 1976, further supports efforts leading to the effective abolition of child labour by enforcing compulsory attendance at school between the ages of 5 and 16 years.

The Probation and Child Welfare Board Act, 1994, protects the child from dangerous work and the worst forms of child labour.

Section 4 of the Employment of Women, Young Persons and Children Act, 1939, explicitly prohibits the employment or work of children "in any public or private industrial undertaking …" but includes an exception to allow work in an "undertaking in which members of the same family are employed". The section does not apply to "… the exercise of manual labour by any child under order of detention in a reformatory or industrial school, or by any child receiving instruction in manual labour in any school, provided that such work is approved and supervised by public authority".

The Act, in section 5, further prohibits the employment of children on ships but provides an exception for ships "upon which only members of the same family are employed".

Section 7 of the Act imposes further restrictions on the employment of "young persons" at night. Young persons having been defined as being under the age of 18 years (14-18). However, young persons over the age of 16 years "may be employed to work during the night in a defined industrial undertaking, i.e. "the manufacture of raw sugar" or "any other undertaking which may be declared to come under the exception created by this subsection by Order". Another proviso also excludes the application of the restriction on employment at night to persons over the age of 16 years in cases of emergencies "… which could not have been controlled or foreseen, which are not of a periodical character, and which interfere with the normal working of the industrial undertaking".

The Act in section 8 also requires that "Every employer in an industrial undertaking shall keep a register of all persons under the age of 16 years employed by him." The categories of information to be contained in this register are spelt out and supervisory responsibility for the scrutiny of this register is assigned to the Labour Inspectorate. Failure to comply with the provision carries a penalty which is minimal and in need of revision. The Act also makes it an offence for parents or guardians to make false declarations about the age of a child, for the purpose of engaging in employment.

The Employment of Children (Restriction) Act, 1966, contains other legislative provisions which implement the principle. Specific mention is made of light work and a restriction on the employment of the child is imposed "… so long as he is under the age of 12 years" thereby further reducing the minimum age. It also provides "… that such a child may be employed by his parents or guardian in domestic work at home or in light agricultural work or horticultural work on the land or garden".

In addition, the employment of children is restricted to:

– the hours before the close of school;

– before 6 a.m. and after 8 p.m.;

– no more than two hours on school days and Sundays;

– not being allowed to lift, carry, or move anything so heavy as to be likely to cause injury to him; or

– any occupation likely to be injurious to his life, limb, health or education, regard being had to his physical condition.

The Act does not apply to work done by children in technical schools.

Responsibility for the enforcement of these provisions lies with the Labour Commissioner or any other person whom he may authorize in writing. Non-compliance with the provisions of this Act constitutes an offence and a penalty may be imposed as prescribed.

In Saint Christopher and Nevis the principle is further supported by other agencies such as the Child Welfare Board and Truancy and Probation Officers. The Education Act which provides for one attendance officer per school, empowers the school attendance officers to "enter without a warranty, any place where children may be employed or congregated".

Assessment of the factual situation

No factual data are available as a result of any specific survey or structured data collection instruments for the specific purpose of noting trends or presenting baseline data on the situation. However, general census or other statistics related to the situation are available and inferences about the status of children in employment may be drawn from them.

The Saint Kitts and Nevis *Annual Digest of Statistics 1997* published by the Statistics Division of the Planning Unit of the Ministry of Finance and Planning provides data on the number of children between the ages of 5 and 19 years, who are in education at institutions, and offers some insight into the situation as it relates to children in employment.

Population by age group, sex, and highest level of education. 1991 Population Census.

Age group	Total	None	Primary	Secondary	Post secondary	Other	Not stated
5-9	4 803	121	3 804 (79%)		–	6	1
10-14	4 566	37	2 353 (52%)	2 153 (47%)	–	12	3
15-19	3 946	18	150	3 598 (91%)	145	19	14

Data extracted from table 24, p. 21, *Annual Digest of Statistics 1997*.

The data, which show that up to 91 per cent of the 15-19 age group still attend school, attest to the policy of the Government of Saint Kitts and Nevis to provide free education up to secondary-school level for all children. This policy, combined with the provisions in the Education Act, encourage attendance at school and reduces the likelihood of children seeking employment.

Other data relating specifically to employment, provide the statistics on persons in the 15-19 year-old age group, by work activity and occupation for which they were trained. Disaggregated data for that age group are not available to determine whether work activity in that age group is related to the school leavers in the 16-19 years age group. Statistics are not available for children below the age of 15 years and therefore employment below that age may not exist or if it does would not be significant.

Data on truancy available from reports of the social services, indicate irregular non-attendance at school and is not significant to the engagement of children in employment.

Efforts made or envisaged to ensure respect, promotion and realization of these principles and rights

There are preventive and protective measures to encourage the realization of the effective abolition of child labour in Saint Christopher and Nevis. These measures are implemented mainly through the social services and education sector. In addition, a Tripartite Committee, although not yet formalized by ratification of Convention No. 144, has been meeting since 1997 and has promoted and recommended the ratification of Convention No. 138. It is anticipated that this ratification will be formalized soon.

Saint Christopher and Nevis is party to the UN Convention on the Rights of the Child and has a national Committee on the Rights of the Child. A comprehensive review of all legislation relevant to children has been undertaken and areas for changes have been identified in order to conform with the relevant Conventions.

Representative employers' and workers' organizations to which copies of the report have been sent

Pursuant to the principles embodied in the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), a copy of the draft report has been forwarded to the following organizations of employers and workers:

– Chamber of Commerce;

– Saint Kitts and Nevis Trades and Labour Union;

– Teachers' Union.

Observations received from employers' and workers' organizations

Representatives of these organizations have been involved in a Tripartite Committee that has recommended the ratification of the Convention.

Saudi Arabia

Means of assessing the situation

Assessment of the institutional context

The Government would like to inform the ILO that the Shura Council (the Consultative Council) approved the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182).

Representative employers' and workers' organizations to which copies of the report have been sent

Copies of this report were sent to the representatives of employers and workers.

Observations received from employers' and workers' organizations

No observations have been received.

Singapore

Means of assessing the situation

Assessment of the institutional context

[Reference is made to the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), which is not covered by the annual review for 2001.]

We would also like to state that the Government will be introducing compulsory education in the year 2003. Education will be made compulsory up to primary 6 to ensure that our children have a common core of knowledge which will provide a strong foundation for further education and training to prepare them for a knowledge-based economy. The Compulsory Education Act will be enacted for this purpose and will include counselling, fines or jail for parents who repeatedly fail to send their children to mainstream or national schools. The duration of compulsory education defines the minimum period of education rather than the ideal duration of education.

Given the heavy emphasis on education, by the society, and Singapore's progressive educational policy, the majority of children are able to progress to the secondary and tertiary levels. Those who are not academically inclined are channelled into technical institutions where they pick up practical skills that will prepare them for jobs in the labour market.

Child labour is non-existent in Singapore.

Sudan

Means of assessing the situation

Assessment of the institutional context

Sudan ratified the UN Convention on the Rights of the Child in 1990.

Under the Constitution of Sudan, 1998, the State shall:

- prevent the exploitation of the enfeebled (article 11);
- care for children and youth and protect them against exploitation and physical and spiritual neglect; and
- direct policies of education, moral, national guidance and spiritual cleansing to build a good generation (article 14).

Furthermore, every human being shall have the right to life, freedom, personal safety and dignity, and be free of subjection to slavery, forced labour, humiliation or torture (article 20).

The Labour Act, 1997, provides a framework for the employment of juveniles (articles 21-27) who are defined as persons under the age of 16.

However, the Government is in the process of ratifying the Minimum Age Convention, 1973 (No. 138). Laws are therefore being revised accordingly.

[Reference is also made to the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), which is not covered by the annual review for 2001.]

The following means of enforcement of the principle are available in Sudan: labour and other judicial courts, penal sanctions, labour inspection and complaints' procedures, including by employers' and workers' organizations and other national organizations such as the Sudanese Organization for Human Rights Mutawinat Benevolent Association (a women's NGO). In addition, a Committee for the Eradication of Abduction of Women and Children (CEAWC) is operational.

Assessment of the factual situation

According to the 1993 census, which does not include the southern states, 1.43 million juveniles aged from 10 to 19 years participate in economic activities. They represent 21.6 per cent of the total active population. The highest percentage of the economically active juveniles was found in Darfour State (45.9 per cent), followed by Cordofan State (33.6 per cent).

Moreover, in 1996, the Directorate of Planning and Follow-up of the Ministry of Manpower collected statistics on employment. The data collection included: the distribution of labour force by economic sector and according to age, sex and type of residence, and the unemployment rate by age, sex and type of residence. The Directorate also published the 1999 Official Annual Report on Labour Market Information and Employment of Graduates.

The activities of the Committee for the Eradication of Abduction of Women and Children (CEAWC) are covering 1,500 abducted children and women out of about 14,000.

A 1996 survey conducted by the Ministry for Social Planning in 32 towns and cities estimated the number of street children at 36,900. Many of these children are victims of conflicts (former unaccompanied children, child soldiers, etc.). Another survey on street children in Khartoum is being prepared in cooperation with UNICEF and NGOs.

According to the UNICEF mid-term review report under the Government of Sudan/UNICEF Programme of Cooperation (1997-2001), children under 14 years of age constitute 45 per cent of the population (11.5 million) while school attendance is limited to 53 per cent of the boys and less for the girls. Children are exposed to the devastating effects of natural disasters, war and conflict situations, extreme poverty and exploitation.

Efforts made or envisaged to ensure respect, promotion and realization of these principles and rights

As indicated earlier, Sudan ratified the UN Convention on the Rights of the Child (CRC) in 1990. Existing laws on child labour, child soldiers and abducted children are being harmonized with the CRC.

The Government's policy and political will is expressed through the National Council for Child Welfare (NCCW). The Government also closely cooperates with UN agencies, local communities, NGOs and other donors.

The Sudan National Plan of Action (NPA) for child survival, development and protection (1992) commits Sudan to accelerate progress in basic education, protection of children in especially difficult circumstances, etc. This commitment is reflected in the

Sudan National Comprehensive Strategy (NCS) 1992-2002 which promotes the survival, development and protection of children. Development goals include poverty alleviation and reduction of disparities and social inequity. In this respect, a framework for cooperation was developed with UNICEF in keeping with the NCS and the NPA.

The ongoing survey on street children aims at preventing children from living in the street and at assisting them in obtaining the basic education for their future.

The Government also took a political commitment to eradicate the abduction of persons and is currently cooperating with the international community in this respect. The Committee for the Eradication of Abduction of Women and Children (CEAWC) is an independent body working through tribal communities at grass-root level. Every case is documented and identified, to reunify the abducted person with his/her family.

The Government's political commitment in promoting and applying the principle of the effective abolition of child labour is also expressed in the appointment of a presidential adviser on women and children issues.

The ratification process of ILO Convention No. 138 is under way. [Reference is also made to the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), which is not covered by the annual review for 2001.] The Council of Ministers is to meet soon for positive consideration and formal ratification is expected in the forthcoming months. Laws are being revised accordingly in consultation with the social partners.

Nevertheless, owing to budgetary and resource constraints, the national policy and action on the elimination of child labour, including in its worst forms, needs to be strengthened within the framework of a relevant and comprehensive programme. Thus, the actions of the National Commission for Child Welfare and of the CEAWC against child labour need to be supported technically and financially. This will generate more specific achievements in close cooperation with the social partners, NGOs, local communities and other actors of the civilian society.

In view of the forthcoming ratification, the application and promotion of the provisions of Convention No. 138 should be envisaged within a national programme which focuses primarily on the effective elimination of child labour. [Reference is also made to the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), which is not covered by the annual review for 2001.]

Therefore, the Government would welcome any technical assistance within the framework of the International Programme for the Elimination of Child Labour (IPEC).

Representative employers' and workers' organizations to which copies of the report have been sent

A copy of this report has been sent to:

– the Businessmen and Employers' Federation; and

– the Sudanese Workers' Trade Union.

Observations received from employers' and workers' organizations

Input has been received from employers' and workers' representatives during a tripartite meeting on the reporting exercise.

The Government will communicate to the ILO any further comments received from social partners.

Annexes (not reproduced)

- Official Annual Report on Labour Market Information and Employment of Graduates.
- CEAWC Activity Report: May 1999-June 2000.
- Draft CEAWC Press Release No. 13 (August 2000).
- UNICEF Report on the UNICEF/Government of Sudan Programme for the eradication of abducted children and women.
- Survey on street children.
- UNICEF mid-term review report under the Government of Sudan/UNICEF Programme of Cooperation.

Suriname

Means of assessing the situation

Assessment of the institutional context

The principle of the effective abolition of child labour is recognized in Suriname. It is guaranteed under the Labour Act (G.B. 1963, No. 163) and Suriname has also ratified the UN Convention on the Rights of the Child, 1989.

As stated in the Government's report for the first annual review, there is no definition of child labour. All forms of child labour are prohibited, paid or unpaid, with the exception of labour done by children who are above the age of completion of compulsory schooling. According to the information submitted for the annual review 2000, there is a minimum age for admission to employment. The Labour Act defines children as persons who have not yet reached the age of 14 years.

The principle of the effective abolition of child labour is implemented through enforcement of the Labour Act by the Labour Inspection Unit, as well as through penal sanctions mentioned in sections 29-34 of the Act.

Assessment of the factual situation

The report referred to the information submitted for the annual review 2000 which essentially indicated that although there was minimal child labour, there was evidence of an increase, especially in the mining sector as well as in the informal sector, where children work as street vendors.

Efforts made or envisaged to ensure respect, promotion and realization of these principles and rights

There is a compulsory educational system, the age limit for completion of compulsory schooling being 12 years. As regards the means deployed to promote the effective abolition of child labour, the report referred to information submitted for the annual review 2000, which outlined, inter alia, the role of the Labour Inspection Unit in enforcement of the law, and the intention of Suriname to ratify Convention No. 138.

Representative employers' and workers' organizations to which copies of the report have been sent

Copies of the present report have been sent to the following organizations:

Representative employers' organizations:

– Vereniging Surinaams Bedrijfsleven;

– Associatie van Surinaamse Fabrikanten.

Representative workers' organizations:

– Centrale van Landsdienaren Organisaties (CLO);

– Federatie van Agrariers en Landarbeiders (FAL);

– A.V.V.S. de Moederbond;

– Progressieve Werknemers Organisatie (PWO);

– Organisatie van Samenwerkende Autonome Vakbonden (OSAV);

– Progressieve Vakcentrale C-47.

Observations received from employers' and workers' organizations

No comments have been received from these employers' and workers' organizations.

Syrian Arab Republic

Means of assessing the situation

Assessment of the institutional context

A submission No. P/2/2856 dated 16 May 2000 was made to the Council of Ministers concerning six legislative decrees to amend the provisions of legislation in force in conformity with the international Conventions ratified by the Government of the Syrian Arab Republic. In conformity with a circular of the Council of Ministers No. 3511/1 dated 31 July 2000 on the preparation of legislative instruments in the form of a bill and/or a

draft legislative decree for enactment in one of the two formulations, in accordance with the Constitution, the following corresponding bills and draft legislative decrees were forwarded to the Council of Ministers, by letter No. P/2/5096 dated 12 September 2000:

1. Draft legislative decree to amend the provisions of Legislative Decree No. 84 of 1968 concerning trade union organizations, and the corresponding bill.

2. Draft legislative decree to amend the provisions of the Labour Code No. 91 of 1959 and amendments thereto, and the corresponding bill.

3. Draft legislative decree to amend the Agricultural Relations Act No. 143 of 1958 and amendments thereto, and the corresponding bill.

4. Draft legislative decree to amend the Peasants' Cooperatives Associations Act No. 21 of 1974, and the corresponding bill.

5. Draft legislative decree to amend certain provisions of the Legislative Decree No. 250 of 1969 concerning the organization of trades and reasons thereto, and the corresponding bill.

The enactment of each draft legislative decree or corresponding bill to amend the provisions of the Labour Code, and the draft legislative decree or bill to amend the Agricultural Relations Act, will allow the Syrian Arab Republic to ratify ILO Convention No. 138.

[Reference is made to matters relating to the Worst Forms of Child Labour Convention, 1999 (No. 182), which will be covered only by the annual review starting in 2002.]

The Syrian Arab Republic shall keep the ILO informed of developments in this respect and hopes to have all the above draft bills enacted soon to achieve the ratification of all ILO fundamental Conventions.

Representative employers' and workers' organizations to which copies of the report have been sent

This report was prepared in cooperation with employers' organizations (i.e. the Ministry of Industry and the Damascus Chamber of Industry) and workers' organizations (i.e. the Federation of Trade Unions).

A copy of this report was forwarded to these employers' and workers' organizations.

Observations received from employers' and workers' organizations

The Ministry would welcome any observations or suggestions by the abovementioned organizations which have the right to express their views at any time and to forward them to the ILO separately.

Thailand

Means of assessing the situation

Assessment of the institutional context

The Thai Government fully recognizes the principle of the effective abolition of child labour. Of the ILO Conventions relevant to child labour, Thailand has ratified the Forced Labour Convention, 1930 (No. 29), and the Minimum Age (Underground Work) Convention, 1965 (No. 123). The Thai Government's emerging overall strategy for combating child labour is reflected in its adherence to the Universal Declaration of Human Rights and various related international instruments, such as the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the UN Convention on the Rights of the Child, the World Declaration on the Survival, Protection and Development of Children and Plan of Action.

This genuine effort of the Thai Government is also reaffirmed by the Constitution of the Kingdom of Thailand of 1997, the Labour Protection Act of 1998, the National Education Act of 1999, Regulation No. 6 of the Ministry of Labour and Social Welfare of 1998, the Prevention and Suppression of Prostitution Act of 1996, the Measures in Prevention and Suppression of Trafficking in Women and Children Act of 1997, the Criminal Procedures Code Amendment Act (No. 20) of 1999, together with the 8th National Economic and Social Development Plan and the National Child Labour Prevention and Solution Plan 1997-2001.

As for the definition of child labour, under the Labour Protection Act of 1998, an employer must not employ a child under 15 years of age. In the case of employment of a child under 18 years of age, the employer must notify a labour inspector. At the same time, according to the Constitution of the Kingdom of Thailand of 1997 and the National Education Act of 1999, compulsory education is to be provided for nine years and basic education for 12 years without charge. Therefore, when students complete the compulsory nine years' education, their age will correspond with the minimum age for employment of 15 years which is set by the Labour Protection Act of 1998.

With regard to dangerous work, section 49 of the Labour Protection Act of 1998 sets the minimum age for engaging in dangerous work at 18 years. Dangerous work is classified into the following types of work: (1) work involving harmful levels of heat, cold, vibration and noise; (2) work involving hazardous chemicals, poisonous substances, explosives or inflammable material; (3) work involving toxic micro-organisms which may be viruses, bacteria, fungi or other germs; (4) driving or manipulating hoists or cranes operated by an engine or electricity, regardless of the methods for driving or manipulating them; and (5) any kind of work involving radioactivity.

Under section 50 of the same Act an employer must not require a child employee under 18 years of age to work in certain places, such as a slaughterhouse, a gambling place, a place for dancing, or a place for selling and serving food, liquor, tea or other drinks, where there is a person for serving customers, a place for relaxing, or massage services for customers. In addition, the Ministerial Regulation No. 6 of the Ministry of Labour and Social Welfare prohibits a young worker under 18 years of age from performing dangerous work.

As regards the scope of the application of the Labour Protection Act of 1998, the Act does not cover certain sectors and industries, such as agricultural work, home work and work by self-employed persons.

The principle is implemented through labour inspections and penal sanctions in the following ways:

Labour inspection

Legal actions taken by labour inspectors are the following:

- for ad hoc inspections as a result of the submission of a grievance or as directed by an authorized person, the case is dealt with in the following way: giving an order and assessing the case; forwarding the case to the relevant authority; and reporting;
- the process for general inspections is as follows: giving advice; giving an order and assessing the case; forwarding the case to the relevant authority; and reporting;
- for establishments where child labour (i.e. persons who are under 15 years of age) is found, those who are responsible are prosecuted.

The labour inspectors will submit the case to the inquiry officer when an abuse of child labour is found and penal sanctions will be imposed.

Penal sanctions

The legal remedies available to government agencies that enforce child labour include departmental orders, criminal penalties (fine or imprisonment or both), and court orders or judgements. At present, the maximum penalties under the Labour Protection Act of 1998 are imprisonment for not more than one year, or fines not exceeding 200,000 baht, or both. The fines imposed are considered adequate compared to the average national income.

Most cases of illegal use of child labour have been minor incidents. There had been no bodily harm, detainment or confinement of child workers. Thus, the maximum penalty for a convicted employer was a fine of 10,000 baht. In cases of offences involving the prostitution of a person under 18 years of age, the maximum fine was 80,000 baht and the maximum imprisonment, five years.

Involved agencies

There are many government agencies involved in the implementation and enforcement of child labour laws, as well as in the investigation of complaints relating to allegations of exploitation of children. Such agencies include the Royal Thai Police, the Office of the Attorney-General, the Ministry of Justice, and the Ministry of Labour and Social Welfare (MOLSW).

Moreover, the Child Labour Protection Committee, comprising representatives from employers' organizations, trade unions, government organizations and NGOs, as well as child labour experts, was set up to draw up policies that would lead to a national solution of the child labour situation.

Assessment of the factual situation

At present, the child labour situation in Thailand is improving. This is the result of progressive efforts by the Government to ensure all children's access to special protection. Employers and workers are informed of their obligations under the Labour Protection Act of 1998. Communities are also sensitized in order to remain alert about child labour problems and assist labour inspectors in preventing them.

In 1999, child labour was found mainly in manufacturing, wholesale establishments, the retail trade, restaurants, hotels, and community social and personal services.

The number of young workers (15-17 years of age) is on the decrease from 230,000 in March 1999 to 125,000 in December 1999 and 55,000 in July 2000 (Source: The Office of Social Security Fund, statistics of young workers in establishments, which have more than ten employees).

The statistics on child labour inspections in fiscal year 1999 show the following:

- out of 44,462 inspected establishments, 810 establishments were in breach of the law;
- 716 non-complying establishments were warned and given advice;
- 76 non-complying establishments were issued written orders; and
- four non-complying establishments were fined.

In the 1999 fiscal year, the promotion of educational opportunities for children resulted in a school enrolment of 910,017 children. Ninety-seven per cent (882,717 persons) of these children will complete their primary schooling.

Efforts made or envisaged to ensure respect, promotion and realization of these principles and rights

Measures for dealing with child labour problems include the following:

Preventive measures

The Prevention and Resolution of Child Labour Problems in the Region Project. This project is designed to reinforce the awareness of people in smaller communities and villages with regard to preventing and solving child labour problems. Skill training is also provided to children in rural areas to give them more job opportunities.

Information Dissemination to Prevent and Resolve Child Labour Project. This project aims at disseminating information about labour laws, the rights of children, and public and private services available to children, such as education services, skill training development and health promotion.

Protective measures

- the amendment of the Labour Protection Act of 1998;
- speeding-up child labour inspections;
- a child labour exploitation hot line (246-8006);
- child labour visits; and
- the expansion of the Pro-active Women and Child Labour Protection Inspection Project.

Promotional measures

- promoting normal education for child workers;
- promoting vocational training;
- providing medical examinations for child workers;
- providing study tours to various places;
- providing vacation camps;
- implementing a programme for the study of women and young workers in factories.

Networking

The Government's actions to prevent and solve child labour problems together with those of other agencies such as employers' organizations, trade unions, the public and private sectors, experts, and NGOs take place at three levels:

(1) at the national level: all relevant agencies join together to set up national policies on child labour;

(2) at the operational level: several projects to prevent and solve child labour problems are set up in the MOLSW to raise awareness. They include the training of persons in the relevant agencies to act as labour volunteers and to be part of this network;

(3) at the international level: Thailand joined the ILO/IPEC in 1992 and has received assistance in combating child labour problems. UNICEF is another international organization that Thailand has closely cooperated with, to improve the Thai children's quality of life. Key activities are:

- assistance from UNICEF for the development of a child labour information system and tools for implementing it effectively;
- joint collaboration with domestic and international NGOs for the Global March Against Child Labour;
- exchanging information with other international NGOs, such as Save the Children and Child Workers' Rights in Asia.

Educational measures

The Government supports programmes to promote children's access to primary schooling. Despite efforts to expand primary and lower secondary education to cover the target groups, there are still a certain number of children who have no access to basic education. The majority of these children are poor, and live in remote rural areas, in the streets or slums. They include the children of construction workers, child labourers, children without nationality, as well as young girls at risk of being exploited by the commercial sex industry.

In order to reach these groups, special attention and efforts are required. There have been many innovative actions in education for children in especially difficult circumstances. The following are some examples of such action.

Educational provision for street children

Concerned agencies, both public (the Department of Public Welfare) and private (including NGOs), have provided educational services and occupational training programmes for street children.

Sema life development project

This project was initiated by the Ministry of Education in 1994 to expand educational opportunities at secondary school level to young girls at risk of exploitation by the commercial sex industry. They have received scholarships for three years of study at the lower secondary education level.

A scholarship programme for students affected by the crisis

Due to the economic crisis, more Thais lose their jobs and are less able to send their children to school. This results in a large number of school dropouts. Therefore, the Ministry of Education launched a scholarship programme in mid-1998 to prevent primary and lower secondary-school children from dropping out of school if their unemployed parents are unable to send them.

The school lunch programme

The National Primary Education Commission (ONPEC) has been strongly campaigning for a school lunch programme in all primary schools. The Government has allocated a budget for the implementation of the programme.

Supplementary food (milk) project

This project aims to alleviate the problem of malnutrition of children. Therefore, it provides for children to be served milk, a perfect natural food with high nutrition, helping them to develop to their full potential. Since the 1992 fiscal year, the Ministry of Education has allocated successive budgets for purchasing supplementary food (milk) for students.

Cooperation with UNICEF to solve the dropout problem

The Ministry of Education, in cooperation with UNICEF, has also initiated a programme for skill development which allows students to earn money while they are studying and obtaining skills; 17,500 scholarships at 3,000 baht each, are provided to students who are in danger of dropping out of school, or who have already dropped out.

Training

The Government has provided the following awareness-raising and training for child labour inspectors.

(1) In 1996, key trainers on labour inspection, in particular child labour inspection, were trained by ILO specialists. Afterwards, all trained key trainers provided training to all child labour inspectors, using the ILO curriculum.

(2) In 1998, knowledge about the Labour Protection Act of 1998, which came into force on 19 August 1998, was imparted to labour inspectors.

(3) In 1999, a workshop was held to show labour inspectors the procedures for receiving complaints, assessing the relevant evidence, discovering the facts, and handling cases of offences.

Government

The Government has been mainstreaming child labour issues into socio-economic policies, programmes and budgets.

As for the Government's approach to child labour, we believe that when children begin to work early and do not attend school, they are likely to remain trapped in the cycle of poverty and disadvantage that brought them to the workplace at a young age, in the first place. Breaking this cycle is the main goal of our work. Our strategy for combating child labour is based on this multi-sectoral approach with a focus on prevention.

To reach our ultimate goal of free, universal, compulsory basic education, the Government, through the Ministry of Education, sponsors the costs of primary and secondary education including tuition and school fees.

Furthermore, the relevant legal and regulatory frameworks relating to child labour are also under review.

The Organization

Thailand is collaborating closely with ILO/IPEC. For the fiscal year 2000-01, ILO/IPEC has provided financial assistance amounting to US$500,000. Under the sponsorship of ILO/IPEC, the MOLSW has taken and plans to undertake several activities, including the following:

– eight projects such as the Thai Media in Fighting against Child Labour Exploitation Project, the Child's Rights Safeguarding in Payao Province Project, and the Movement to Prevent and Decrease the Use of Child Labour Project, etc.;

– dissemination of quarterly newsletters on child labour;

– improving the Child Labour Data Base Centre of the Ministry of Labour and Social Welfare;

– conducting the study on the worst forms of child labour;

– introducing the use of indicators on child labour by setting up a task force, organizing a workshop, and producing a report;

– hiring a consultant to review the lesson learned from IPEC activities during 1992-99;

– providing vocational training and education to children in slum areas.

Other bodies

All parts of civil society, i.e. employers' and workers' organizations, local and international NGOs, all charity foundations, communities and academics, including international organizations, (e.g. the United Nations Children's Fund (UNICEF) and the United Nations Development Programme (UNDP)), are encouraged to play greater roles in tackling the problem. In addition, the Government is developing and encouraging a broader alliance of partners to acknowledge the problem of child labour and act against it.

Objectives of the Government. The Government has expressed its will to observe, promote and realize these principles and rights, and we have been contributing our best efforts to eradicate child labour. In this regard, the MOLSW has set up a National Committee to Consider the Ratification of ILO Conventions concerning Child Labour. The Committee comprises key government agencies involved, workers' and employers' organizations, NGOs and academics. The MOLSW has compiled all existing relevant laws and practices, and is studying the likely effects of the ratification on our country. [Reference is also made to the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), which is not covered by the annual review for 2001.]

As regards the Minimum Age Convention, 1973 (No. 138), a National Workshop on this Convention was held by the MOLSW and the ILO on 23-24 December 1999, but there was no clear conclusion on whether Thailand should ratify this Convention. However, the MOLSW has furthered its actions by gathering views of agencies involved. Most are in favour of ratification. [Reference is also made to the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), which is not covered by the annual review for 2001.] Therefore, at a later stage, the MOLSW will take up Convention No. 138 and propose it to the National Committee to Consider the Ratification of ILO Conventions concerning Child Labour. The unanimous resolution of the Committee is required before the ratification of Convention No. 138 can be proposed to the Cabinet for final approval.

To meet these objectives, we need ILO technical assistance which should focus on the development of relevant indicators and statistics, on strengthening the cooperation between government agencies and private agencies, and on increasing social awareness of the principle.

Representative employers' and workers' organizations to which copies of the report have been sent

A copy of this report has been sent to the following most representative employers' and workers' organizations:

Employers' Confederation of Thailand

Employers' Confederation of Thai Trade and Industry

Labour Congress of Thailand

The National Congress of Thai Labour.

Observations received from employers' and workers' organizations

No observation has been received so far from any of these organizations.

Annexes (not reproduced)

Regulation No. 6 of the Ministry of Labour and Social Welfare, 1998.

Measures in Prevention and Suppression of Trafficking in Women and Children Act, 1997.

Criminal Procedures Code Amendment Act (No. 20), 1999.

Women and Child Labour Inspection in the Whole Kingdom, in 1999.

Trinidad and Tobago

Means of assessing the situation

Assessment of the institutional context

The 144 Tripartite Committee, the body responsible for recommending action to the Government, in 1999 recommended the ratification of the Minimum Age Convention, 1973 (No. 138). In seeking to ratify the Convention, however, Trinidad and Tobago omitted the declaration of a minimum age that should have accompanied such a ratification. As such, this country's ratification of the Convention was not completed.

As indicated to the ILO on previous occasions, Trinidad and Tobago is still in the process of carrying out the administrative procedures necessary for making the required declaration. The completion of these procedures is now being considered along with other related legislative developments that are being undertaken in the area of children and employment.

[Reference is made to matters relating to the Worst Forms of Child Labour Convention, 1999 (No. 182), which will be covered only by the annual review starting in 2002.]

Turkmenistan

Means of assessing the situation

Assessment of the institutional context

Under section 179 of the Labour Code of Turkmenistan, which was adopted on 28 June 1972, and amended and supplemented by the *Madzhlis* (legislature) on 1 October 1993, employment contracts may not, in general, be concluded with persons under 16 years of age. A contract of employment may, however, be concluded with persons who have reached the age of 14, subject to the written consent of one parent (or guardian).

A contract of employment with a worker under 18 years may be revoked at the request of the worker's parents or legal guardian, or the authorities responsible for monitoring the implementation of labour legislation, if continuation of the contract would jeopardize the health of the worker or be detrimental to his or her legal interests (section 190, Labour Code).

Under section 181 of the Labour Code, it is prohibited to employ young persons under the age of 18 to perform heavy work, any work under harmful or hazardous conditions, or underground work.

It is also prohibited for persons under 18 years of age to carry or move loads exceeding certain maximum permissible limits.

A list of tasks involving heavy work or harmful or dangerous types of work from which young persons under the age of 18 are barred, as well as the maximum permissible loads which they can move or carry, is established by the Cabinet of Ministers.

Young workers under 18 years of age enjoy the same statutory employment rights as adult workers. However, in terms of safety and health, working time arrangements, leave and certain other conditions, they enjoy special privileges under the terms of the Labour Code and other labour laws (cf. section 180 of the Labour Code).

Section 183 of the Labour Code prohibits the employment of young persons under the age of 18 to do night work, overtime or work on rest days or public holidays.

The dismissal of young workers who are under 18 years of age is allowed in accordance with the general procedure for dismissals, subject to the agreement of the Commission for Minors' Affairs. Dismissal on the grounds indicated in paragraphs 1, 2 and 6 of section 33 of the Labour Code may take place only if alternative employment is found.

Efforts made or envisaged to ensure respect, promotion and realization of these principles and rights

We would like to point out that an Act of 23 March 2000 confirmed the legislative programme of the President, Saparmurat Turkmenbashi.

In accordance with section 1 of this programme, work is now in progress on a new Labour Code, which will establish a modern legal basis for industrial relations. For the first time, problems relating to contract labour will be covered by legislation, and there will be new legislative provisions on wages, working time and rest periods.

The programme demonstrates that care of the younger generation is one of the main priorities of social policy in Turkmenistan. The legislation in force contains "an arsenal" of provisions to ensure that the rights of the child are strictly observed. In order to systematize and give effect in national law to the UN Convention on the Rights of the Child, which was ratified by the *Madzhlis* on 23 September 1994, there are plans to adopt a law defining the legal bases for the enforcement of children's rights.

In addition the Government of Turkmenistan wishes to inform the ILO that the question of adopting a new Labour Code and an Act concerning fundamental safeguards of the rights of the child has been included in the legislative programme of the second *Madzhlis*.

Uganda

Means of assessing the situation

Assessment of the institutional context

The principle of the effective abolition of child labour is recognized in Uganda.

Uganda has ratified the UN Convention on the Rights of the Child (1989) and the OAU Charter on the Rights and Welfare of the Child (1990). The Government is also committed to ratifying ILO Convention No. 138 concerning the minimum age for admission to employment. [Reference is also made to the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), which is not covered by the annual review for 2001.] The ratification process is at an advanced stage and is being complemented by ratification campaign activities.

Article 34(2)(4) of the National Constitution of the Republic of Uganda (1995) provides for basic education for children as a responsibility of the State and the parent and protection from social or economic exploitation and work that is likely to be hazardous or to interfere with their education or to be harmful to their health or physical, mental, spiritual, moral or social development.

The Employment Decree No. 4 of 1975 and Employment Regulations of 1977 (sections 49-54) prevent employment of children under the age of 12 and regulate employment of children under the age of 18. This law is however under review with the ILO/UNDP Support for Policy and Programme Development (SPPD) to take account of the principles of Convention No. 138. [Reference is made to matters relating to the Worst Forms of Child Labour Convention, 1999 (No. 182), which will be covered only by the annual review starting in 2002.]

The Children's Statute No. 6 of 1996 provides, among others, for the protection of children from work that is likely to be harmful to their development. The Statute also provides for the right to education and the responsibilities of parents and the communities for the protection of children.

The Government of the Republic of Uganda recognizes, concurs with, and is committed to implementing, the principles of the two key ILO Conventions on child labour.

In July 1999, the ILO/IPEC programme was launched in Uganda with the aim of supporting the Government's initiatives on the elimination of child labour. Under the programme, a National Steering Committee on Child Labour was established to oversee and guide the child labour programme activities. A Child Labour Unit has also been created in the Ministry of Gender, Labour and Social Development to coordinate the Government's initiatives on child labour and to become the future focal point for the Government on child labour matters.

Assessment of the factual situation

Accurate and comprehensive data and information on child labour are still limited. However, a child labour inquiry has been included in the Uganda Demographic and Health Survey 2000. This Survey will generate some general information on the situation of child labour. A more comprehensive survey is anticipated under the ILO Statistical Information and Monitoring Programme on Child Labour (SIMPOC) next year.

The Population and Housing Census (1991) reported that 23 per cent of children between the ages of 10 and 14 were engaged in economic activities. Other available statistics from the Uganda Demographic Survey 1991 showed that 1.7 million children were orphaned. Without parental care such children have become potential child labourers.

Efforts made or envisaged to ensure respect, promotion and realization of these principles and rights

The measures to bring about the elimination of child labour are articulated in the National Programme on the Elimination of Child Labour.

In particular, the Government will develop a national policy on child labour consistent with the key ILO Conventions on child labour, expand education to more

children and promote their retention in school under the Universal Primary Education Programme.

The Government will also put in place and enhance appropriate structures to integrate efforts of the various players and enforcement mechanisms to monitor the situation of child labour. This process has already started.

The Government plans to work in partnership with the employers' and workers' representatives, NGOs, the communities, parents, children and donors such as the World Food Programme, UNICEF, UNESCO, GTZ (Gesellschaft für Technische Zusammenarbeit – a German technical cooperation agency) and the Save the Children Fund.

The Government envisages to prevent and restrict child labour, particularly in its worst forms, through greater awareness raising about the dangers and the risks of child labour in order to mobilize public action against child labour.

The Government is already working towards the ratification of ILO Convention No. 138. [Reference is also made to the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), which is not covered by the annual review for 2001.] In addition, the labour legislation is under review to incorporate the principles of the above Convention. [Reference is made to matters relating to the Worst Forms of Child Labour Convention, 1999 (No. 182), which will be covered only by the annual review starting in 2002.]

Furthermore, the Government will regularly collect statistics and information and review the situation of child labour, to ensure that children who have been removed from hazardous work do not revert to it. With continued technical cooperation from the ILO/IPEC, increased capacity to handle child labour issues by the key players and the sharing of information and experiences from other countries, it is envisaged that the effective abolition of child labour will be realized.

Representative employers' and workers' organizations to which copies of the report have been sent

Copies of this report have been forwarded to:

- The Federation of Uganda Employers.
- The National Organization of Trade Unions.

Annexes (not reproduced)

– National programme on the elimination of child labour (May 1999- December 2001).

United States

Means of assessing the situation

Assessment of the institutional context

[Reference is made to matters relating to the Worst Forms of Child Labour Convention, 1999 (No. 182), which will be covered only by the annual review starting in 2002.]

[Reference is also made to the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), which is not covered by the annual review for 2001.]

During 2000, the Clinton Administration endorsed legislation, introduced in the United States Senate by Senator Tom Harkin. The Children's Act for Responsible Employment (S.3100) would amend the Fair Labor Standards Act with respect to children working in agriculture, including hazardous occupations, and in commercial street sales. It would also increase the penalties for egregious child labor violations. At the time of this report, the United States Congress had not yet acted on the legislation.

Representative employers' and workers' organizations to which copies of the report have been sent

The American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) and the United States Council for International Business (USCIB) had the opportunity to comment on the report as it was being drafted, and copies are being submitted to them as required under article 23 of the ILO Constitution.

Viet Nam

Means of assessing the situation

Assessment of the institutional context

In general, there have been no changes with regard to the implementation and observance of ILO Convention No. 138. However, as far as legislation is concerned, on 31 May 1999, the Prime Minister issued Decision No. 134/1999/QD-TTG which approves the Action Plan 1999-2002 on the protection of children exposed to difficult situations. The objectives of the programme are to significantly change the communities' perception and actions with regard to the protection of children. It aims at preventing and abolishing by 2002: situations in which children work under hazardous and difficult conditions and with toxic substances; situations involving children who suffer physical, emotional and psychological harm; and juvenile delinquency.

Representative employers' and workers' organizations to which copies of the report have been sent

Vietnam Chamber of Commerce and Industry (VCCI);

Vietnam Cooperatives Alliance (VCA);

Vietnam General Confederation of Labour (VGCL).

Observations received from employers' and workers' organizations

So far, no objections have been received from the organizations mentioned.